

**CITY OF INGLESIDE
REGULAR CITY COUNCIL MEETING
AGENDA
APRIL 8, 2025
6:30 PM**

Notice is hereby given that the Ingleside City Council will hold a Regular City Council Meeting on April 8, 2025, at 6:30 PM. The Meeting will be held in person at City Hall, 2671 San Angelo Street, Ingleside, Texas. Members of the public can view the meeting via live stream at <https://inglesidetx.gov/>.

With respect to any subject matter set forth below, the City Council may take action, unless otherwise expressly indicated with respect to any particular subject matter.

Opening Agenda

1. Call Meeting to Order.
2. Roll Call.
3. Invocation.
4. Pledge of Allegiance.

5. Citizen Comments and Reports.

Persons wishing to address the Council and who have registered using the Citizen Participation Form will have up to three minutes to speak. In accordance with the Open Meetings Act, Council may not discuss or take action on any item that has not been posted on the agenda. While civil public criticism is not prohibited; disorderly conduct or disturbance of the peace as prohibited by law shall be cause for the chair to terminate the offender's time to speak.

6. Staff Comments and Reports.

The Council may discuss any subject which is specifically listed under this item.

- a. Council Comments and Reports.
- b. Announcements of Community Interest and/or upcoming events.
- c. Report on the employment process for a City of Ingleside Police Department.
- d. Report on the Interlocal Cooperation Agreement between the Ingleside Independent School District and the City of Ingleside for two School Resource Officers.

Presentations

7. Presentation of the Ingleside Independent School District Bond for the May 3, 2025, election.

Consent Agenda

All consent agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of the items unless a Council Member so requests, in which event

the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

8. Deliberate and take appropriate action on the Regular Meeting Minutes of March 25, 2025.

Public Hearing

The City Council shall call a public hearing on each item below in this section. Any person wishing to address the City Council on these items should please come forward when that public hearing is called.

Regular Agenda

9. POSTPONED Deliberate and take appropriate action on first reading of an Ordinance granting a special use permit for the installation and operation of a solar farm on the following property and providing for effective date, reading, severance, and publication for real property generally located and bounded by SH 361 (Highland Ave.), on the South, Inglise city limits on the West and North, and SH 1069 (North Main St.) on the East and legally described as:

Property Tract 1, ID 60762, being 124.3789 acres out of a 524.80-acre tract of land. being part of a 6091.22-acre tract of land conveyed from W. G. McCampbell, et al to Mrs. Jean McCampbell Davis by Partition Deed filled November 4, 1933, recorded in Volume 103, Page 151 of the Deed Records of San Patricio County, Texas, Property Tract 2, ID, 60762 being 88.963 acre tract of land, being part of a 6091.22 acre tract of land conveyed from W. G. McCampbell, et al, to Mrs. Jean McCampbell Davis by Partition Deed dated November 4, 1933, recorded in Volume 103, Page 151 of the Deed Records of San Patricio County, Texas, Property Tract 3, ID, 67182, being 3.589 acre tract of land, being part of a 6091.22 acre tract of land conveyed from W. G. McCampbell, et al, to Mrs. Jean McCampbell Davis by Partition Deed dated November 4, 1933, recorded in Volume 103, Page 151 of the Deed Records of San Patricio County, Texas. Property Tract 4, ID 67158, 37.397-acre tract of land, being part of a 6091.22-acre tract of land conveyed from W. G. McCampbell, et al, to Mrs. Jean McCampbell Davis by Partition Deed dated November 4, 1933, recorded in Volume 103, Page 151 of the Deed Records of San Patricio County, Texas. Property Tract 5, 104.748-acre tract of land, being part of a 6091.22-acre tract of land conveyed from W. G. McCampbell, et al, to Mrs. Jean McCampbell Davis by Partition Deed dated November 4, 1933, recorded in Volume 103, Page 151 of the Deed Records of San Patricio County, Texas. Property Tract 6, ID 67177, 40.329-acre tract of land, being part of a 6091.22-acre tract of land conveyed from W. G. McCampbell, et al, to Mrs. Jean McCampbell Davis by Partition Deed dated November 4, 1933, recorded in Volume 103, Page 151 of the Deed Records of San Patricio County, Texas. Property Tract 7, ID 61476, 848 acres out of a 1181.095 tract of land, being part of a 6091.22-acre tract of land conveyed from W. G. McCampbell, et al, to Mrs. Jean McCampbell Davis by Partition Deed dated November 4, 1933, recorded in Volume 103, Page 151 of the Deed Records of San Patricio County, Texas. Property Tract 8, ID 67236, 112.818-acre tract of land, being part of a 6091.22-acre tract of land conveyed from W. G. McCampbell, et al, to Mrs. Jean McCampbell Davis by Partition Deed dated November 4, 1933, recorded in Volume 103, Page 151 of the Deed Records of San Patricio County, Texas. Property Tract 9, ID 114650, 45.5766 acres of a 150.13 acre tract of land out of the heirs of Rosa Teal Survey, Abstract 262, San Patricio County, Texas, the said 150.13 acre tract of land being the same as and all of tract II being 150.12 acres, more or less,

described in Special Warranty Deed dated November 1, 2013, recorded in document No. 632533, Official Public Records of San Patricio County, Texas. Property Tract 10, ID 103271, 145.0886 acres out of a 150.77 acre tract of land, being the same land described as 150.694 acres conveyed from Centex Homes. to EFO Land, L.P., by General Warranty Deed dated March 26, 1999, and recorded in Clerk's File No. 472035 of the Real Property Records of San Patricio County, Texas. Property Tract 11, ID 67168, Tract 12, 61499, 167.165 Acre Tract of Land, situated in the Heirs of Rosa Teal Survey A-262, Nicholas Fagan Survey A-124, being out a 6,091.22 Acre Tract of land described in a Partition Deed from W.G. (Will) McCampbell, et al., to John S. McCampbell, recorded in Volume 103, Page 156, Deed Records of San Patricio County Texas; said 167.165 Acre Tract being the same lands as a 166 Acre Tract of land described in a Deed from said W.G. McCampbell, et al. to Mrs. Jean McCampbell Davis, as recorded in Volume 103 Page 151. Property Tract 13, ID 67270, 13.287 acres out of 17.456 acres of land out of a called 34.9 acre tract of land out of the called East 100 acres out of the 200 acre Sahadi Tract, out of the Rosa Teal Survey, A-262, and the N. Fagin Survey, A-124, San Patricio County, Texas, with said 34.9 acres being called Tract "B" in a Partition Deed of called East 100 Acres, actual 99.72 acres, being described in a Deed recorded under Clerks file number 247749, Deed Records of San Patricio County, Texas, and said 200 acre Sahadi Tract described in a Deed of Record under Volume 81, Pages 597-598, Deed Records of San Patricio County, Texas. Property Tract 14, ID 67091, 12.4199 acres out of 17.456 acres of land out of a called 34.9 acre tract of land out of the called East 100 acres out of the 200 acre Sahadi Tract, out of the Rosa Teal Survey, A-262, and the N. Fagin Survey, A-124, San Patricio County, Texas, with said 34.9 acres being called Tract "B" in a Partition Deed of called East 100 Acres, actual 99.72 acres, being described in a Deed recorded under Clerks file number 247749, Deed Records of San Patricio County, Texas, and said 200 acre Sahadi Tract described in a Deed of Record under Volume 81, Pages 597-598, Deed Records of San Patricio County, Texas.

10. Deliberate and take appropriate action on a Resolution by the City Council of the City of Ingleside, Texas authorizing and approving publication of Notice of Intention to Issue Certificates of Obligation; complying with the requirements contained in Securities and Exchange Commission Rule 15c2-12; and providing an effective date.
11. Deliberate and take appropriate action on a Resolution relating to establishing the City's intention to reimburse itself for the prior lawful expenditure of funds relating to constructing various City improvements from the proceeds of tax-exempt obligations to be issued by the City for authorized purposes; authorizing other matters incident and related thereto; and providing an effective date.
12. Deliberate and take appropriate action on a letter to be issued to the Texas Water Development Board providing sufficiency of funds for the CWSRF 73782- Ingleside WWTP.
13. Deliberate and take appropriate action on the second and final reading of an Ordinance establishing the Ingleside Municipal Court as a Court of Record pursuant to Chapter 30, Municipal Courts of Record, of the Texas Government Code.
14. Deliberate and take appropriate action on the reappointment of the Municipal Court Associate Judge as set forth in the City Charter Section 4.02.C.

15. Deliberate and take appropriate action for the City Council to authorize the City Manager to negotiate with the respondents of the Requests for Qualifications (RFQ's) for General Engineering Services.
16. Deliberate and take appropriate action on the first amendment of water tower lease agreement with SystemSeven.

Executive Session

17. Closed Session
City Council will meet in Closed Session pursuant to the provisions of Chapter 551 of the Texas Government Code, in accordance with the authority contained in:
 - A. Pursuant to Section 551.071 Consultations with Attorney regarding Civil Action No. 2:24-CV-267 Port of Texas, LP. vs. City of Ingleside.
18. Open Session
City Council will meet in Closed Session pursuant to the provisions of Chapter 551 of the Texas Government Code, in accordance with the authority contained in:
 - A. Pursuant to Section 551.071 Consultations with Attorney regarding Civil Action No. 2:24-CV-267 Port of Texas, LP. vs. City of Ingleside.

Closing Agenda

19. Items to consider for placement on future agendas.
20. Adjourn.

Special Accommodations

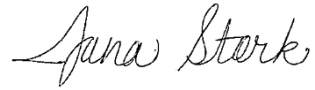
This facility is wheelchair accessible and there are special parking spaces near the main entrance. Request for accommodations or special services must be made 48 hours prior to this meeting. Please contact City Secretary's Office at (361) 776-2517 or Fax (361) 776-1027 or email citycouncilquestions@inglesidetx.gov for further information.

With respect to any subject matter listed on this agenda, the City Council may meet in Closed Executive Session, if and to the extent allowed by Chapter 551 of the Texas Government Code, including, but not limited to, any of the following sections of Chapter 551: Section 551.071 Consultations with Attorney, Section 551.072 Deliberation about Real Property, Section 551.073 Deliberation regarding Prospective Gift, Section 551.074 Personnel Matters, Section 551.087 Deliberation regarding Economic Development Negotiations, and Section 551.089 Deliberation regarding Security Devices Or Security Audits.

Certification

I, Jana Stork, certify that the above notice of this Regular Meeting of the City Council was posted on the City Hall

bulletin board at 2671 San Angelo Street, Ingleside, Texas on April 4, 2025 by 4:00 p.m.



Jana Stork, City Secretary

This public notice was removed from the official posting board at the Ingleside City Hall on the following:

Date: _____

Time: _____

By: _____

City Secretary's Office
City of Ingleside, Texas

CITY COUNCIL AGENDA
Regular Meeting: April 8, 2025

AGENDA ITEM: 6.a

Council Comments and Reports.

SUBMITTED BY:

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

FISCAL ANALYSIS:

RECOMMENDATION:

ATTACHMENTS:

None

CITY COUNCIL AGENDA
Regular Meeting: April 8, 2025

AGENDA ITEM: 6.b

Announcements of Community Interest and/or upcoming events.

SUBMITTED BY:

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

1. Ingleside Public Library, Various Dates
 2. Toddler Time, Various Dates
 3. 2025 State of the Port, Aransas Pass Civic Center, April 17, 2025
 4. Ingleside VFW Post 6386 & Ingleside VFD Easter Egg Hunt, April 19, 2025
 5. Ingleside Night at the Hooks, May 8, 2025
-

FISCAL ANALYSIS:

N/A

RECOMMENDATION:

Information purpose only.

ATTACHMENTS:

1. 2025, 04-08 Community Events

Ingleside Public Library

2775 Waco St.

Ingleside, TX 78362

WEBSITE: <https://inglesidetx.gov/226/Library>

Phone: 361-776-5355

After School Program

Tuesdays

3:45p - 5:00p

5 & Under

Arts and Crafts

Fridays

9:30a - 10:30a

Game Day

Wednesday's

4:00 - 5:30PM

Mr. Kippy Storytime

Thursday's

3:30p - 4:30p

Friday's

8:30a - 9:30a

One Page at a Time Book Club

**Every 3rd Tuesday
of the Month**

1:30p

612 N. Sandpiper, Ingleside on Bay

RSVP: Gelinda: 972-463-0310 or Library

Toddler Time

• JANUARY

16th
&
30th

• FEBRUARY

13th
&
27th

• MARCH

6th
&
27th

• APRIL

10th

• MAY

8th
&
22nd

• JUNE

SUMMER
BREAK

• JULY

SUMMER
BREAK

• AUGUST

28th

• SEPTEMBER

11th
&
25th

• OCTOBER

9th
&
16th

• NOVEMBER

13th

• DECEMBER

TBD

2025

STATE OF THE

PORT

THURSDAY
APRIL 17, 2025

11:30 AM - 1:00 PM
DOORS OPEN AT 11:00 AM
ARANSAS PASS CIVIC CENTER



SPEAKER
KENT BRITTON
PORT OF CORPUS CHRISTI
CHIEF EXECUTIVE OFFICER



PORT OF CORPUS CHRISTI



SPEAKER
WES HOSKINS
PORT OF CORPUS CHRISTI
COMMISSIONER



REGISTER AT
WWW.ARANSASPASS.ORG
OR CALL (361) 758-2750

INGLESIDE VFW POST 6386
& INGLESIDE VFD



Easter Egg Hunt

APRIL 19, 2025 | 11:00 AM

AGE GROUPS



0-4



5-7



8-10



INGLESIDE VFW - 1452 HWY 361

Ingleside ISD EDUCATION FOUNDATION



SAVE THE DATE

April 24, 2025

6 p.m. @ Northshore Country Club

All proceeds benefit IISD students and teachers. Sponsorships are tax deductible donations to our 501(c)(3) nonprofit organization.

LEARN MORE @ IISDEF.com/CasinoNight



INGLESIDE NIGHT



VS



MAY 8 | 6:35 PM

WHATABURGER FIELD

SCAN FOR TICKETS



361.561.HOOK



CCHOOKS.COM

CITY COUNCIL AGENDA

Regular Meeting: April 8, 2025

AGENDA ITEM: 6.c

Report on the employment process for a City of Ingleside Police Department.

SUBMITTED BY: Brenton Lewis, City Manager

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

City staff has been requested to provide the employment process that is required to employ a police officer in the City of Ingleside. This request was made because the City currently has six (6) openings in the department consisting of three (3) Patrol Officers, one (1) School Resource Officer, one (1) Community Service Officer, and one (1) Police Detective. Once a job is posted the following procedure is set into motion:

1st Step - Officer applicant applies online and submits a Personal History Statement.

2nd Step - Police Department personnel run an internal applicant background check investigation.

3rd Step - Applicant completes and passes Police Department Interview Board.

4th Step - Applicant completes and passes L-2 physical and drug screening.

5th Step - Applicant completes and passes L-3 Psychology Evaluation.

6th Step - Applicant completes and passes Polygraph Evaluation.

7th Step - Chief of Police finalizes submission to the Texas Commission on Law Enforcement, including L-2/L-3 acceptance.

The above steps are for a patrol officer. With regard to the School Resource Officer, the Chief of Police involves the Ingleside Independent School District personnel to determine if the proposed School Resource Officer is a good candidate. For the position of detective, the applicants are screened for investigative certification, etc.

Policy 1000 of the Ingleside Police Department Manual is attached.

The City staff is currently working with a consulting firm that is reviewing job descriptions, pay scale, and recruitment tools.

FISCAL ANALYSIS:

N/A

RECOMMENDATION:

Report only.

ATTACHMENTS:

1. Recruitment_and_Selection

Recruitment and Selection

1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Ingleside Police Department and that are promulgated and maintained by the Human Resources Department.

1000.2 POLICY

In accordance with applicable federal, state, and local law, the Ingleside Police Department provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.3 RECRUITMENT

The Administration Division Commander shall employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy shall include:

- (a) Establishment of a written recruitment plan.
 - 1. The plan shall include an outline of steps for recruiting candidates who are representative of the community. This should include candidates who live in or are from the community, if appropriate and consistent with applicable laws and memorandums of understanding or collective bargaining agreements.
- (b) Identification of racially and culturally diverse target markets.
- (c) Use of marketing strategies to target diverse applicant pools.
- (d) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.
- (e) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities, and the military.
- (f) Employee referral and recruitment incentive programs.
- (g) Consideration of shared or collaborative regional testing processes.

Recruitment and Selection

The Administration Division Commander shall avoid advertising, recruiting, and screening practices that tend to stereotype, focus on homogeneous applicant pools, or screen applicants in a discriminatory manner.

The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of their status in the recruiting process.

1000.4 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates that have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department shall employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
- (b) Driving record
- (c) Personal and professional reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites
 - 1. This review should include the identification of any activity that promotes or supports unlawful violence or unlawful bias against persons based on protected characteristics (e.g., race, ethnicity, national origin, religion, gender, gender identity, sexual orientation, disability).
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- (g) Local, state, and federal criminal history record checks
- (h) Polygraph or voice stress analyzer examination (when legally permissible)
- (i) Medical and psychological examination (may only be given after a conditional offer of employment)
- (j) Review board or selection committee assessment
- (k) Relevant national and state decertification records, if available, including the National Decertification Index
- (l) Any relevant information in the National Law Enforcement Accountability Database

Ingleside Police Department

Policy Manual

Recruitment and Selection

1000.4.1 ELIGIBILITY LIST

Before filling a beginning position for officer with the Department, the Administration Division Commander should request the eligibility list from the department civil service commission (Tex. Local Gov't Code § 143.026).

1000.4.2 VETERAN PREFERENCE

Any candidate who has an honorable discharge from the United States Armed Forces and passed the entrance examination will receive an additional five points added to the score (Tex. Local Gov't Code § 143.025; Tex. Local Gov't Code § 143.1041).

1000.4.3 SELECTION PROCESS FOR OFFICERS AND TELECOMMUNICATORSS

Before a potential candidate may be considered for an officer or telecommunicators position, the candidate shall (Tex. Occ. Code § 1701.4522):

- (a) Provide written consent for the Department to review information contained in the candidate's background investigation.
- (b) Submit a Personal History Statement (PHS).
- (c) Undergo a drug screen and medical examination by a qualified physician designated by the Department who is familiar with the job duties required for the applicable position.
 - 1. If the candidate passes the medical examination and drug screening, an L-2 form signed by the physician shall be included in the candidate's personnel file.
 - 2. If the candidate fails the medical examination or drug screening, the Department shall report the failure to Texas Commission on Law Enforcement (TCOLE) on the designated form.
- (d) Undergo a psychological examination by a qualified psychologist or psychiatrist designated by the Department who is familiar with the job duties required for the applicable position pursuant to Tex. Occ. Code § 1701.306.
 - 1. A copy of the candidate's PHS and background investigation report shall be provided to the psychologist or psychiatrist for review prior to the exam.
 - 2. The psychological examination must be conducted according to professional standards and include at least two scored instruments measuring personality traits and psychopathology followed by an interview.
 - 3. If the candidate passes the psychological examination, an L-3 form signed by the psychologist or psychiatrist shall be included in the candidate's personnel file.
 - 4. If the candidate fails the psychological examination, the Department shall report the failure to TCOLE on the designated form.
- (e) Complete a fingerprint check that searches local, state, and federal records and fingerprint files to disclose any criminal record. The fingerprint check return shall be included in the candidate's personnel file.
- (f) Complete a firearms qualification or, if the candidate is a current Texas peace officer, submit an official record of an annual firearms qualification within the past 12 months.

Recruitment and Selection

1000.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify their personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Ingleside Police Department.

1000.5.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA (15 USC § 1681d).

1000.5.2 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private or protected information, the Administration Division Commander should not require candidates to provide passwords, account information or access to password-protected social media accounts.

The Administration Division Commander should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches and/or review information from social media sites to ensure that:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate and validated.
- (c) The Department fully complies with applicable privacy protections and local, state and federal law.

Regardless of whether a third party is used, the Administration Division Commander should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1000.5.3 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file.

1000.5.4 RECORDS RETENTION

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

1000.5.5 BACKGROUND INVESTIGATION RECORDS

Background investigations for officers and telecommunicators shall, at a minimum, include a review of (Tex. Occ. Code § 1701.451):

Ingleside Police Department

Policy Manual

Recruitment and Selection

1. Personnel files, as described by Tex. Occ. Code § 1701.4535, and other employee records from each previous law enforcement agency employer, including the employment application submitted to the previous employer.
2. Employment termination reports and misconduct investigation reports maintained by TCOLE.
3. Service records maintained by TCOLE.
4. Proof that the person meets the minimum qualifications for enrollment in a training program under Tex. Occ. Code § 1701.251(a).
5. A military veteran's U.S. Department of Defense Form DD-214 or other military discharge record.
6. Criminal history record information.
7. Information on pending warrants as available through the Texas Crime Information Center and National Crime Information Center.
8. Evidence of financial responsibility as required by Tex. Transp. Code § 601.051.
9. A driving record from the Department of Public Safety.
10. Proof of United States citizenship or, if the person is an honorably discharged veteran of the armed forces of the United States with at least two years of service before discharge, proof of legal permanent residence, and proof that the person has applied for United States citizenship.
11. Information on the person's background from at least three personal references and at least two professional references.
12. Information on the person's law enforcement background as available through the National Decertification Index (NDI) maintained by the International Association of Directors of Law Enforcement Standards and Training (IADLEST) and obtaining and reviewing records with entry agencies if a matching record exists (Tex. Occ. Code § 1701.169; Tex. Occ. Code § 1701.303).
13. A file or record obtained by TCOLE for out-of-state license holders under Tex. Occ. Code § 1701.3035, if applicable.

1000.5.6 CONDUCTING BACKGROUND INVESTIGATIONS

The Chief of Police or the authorized designee should complete the appropriate background and appointment forms required by TCOLE. Such forms should document that all background investigation steps required by Tex. Occ. Code § 1701.451 were completed prior to appointment and how those steps were completed, consistent with the following (37 Tex. Admin. Code § 217.7):

- (a) Files and records should be reviewed electronically (e.g., through the secure electronic file sharing system provided by TCOLE) or in person if agreed to by the previous law enforcement agency. File review shall not be done by phone.
- (b) The background investigator shall provide the other agency with a copy of the candidate's signed release of information before obtaining and reviewing files and records.

Recruitment and Selection

- (c) If files from out-of-state and federal agencies cannot be reviewed in person, other reasonable efforts should be made to review the files electronically. If the files cannot be reviewed, the investigator should document the reason why and the efforts that were made in the background investigation report.
- (d) If an agency does not respond to a file sharing request for records within 10 business days after a release of information was provided, and the background investigator has made direct contact with the person from whom they are requesting files (e.g., by phone or email), the investigator should contact their TCOLE Field Service Agent for assistance.
- (e) An investigator must contact each agency to determine if records still exist regardless of records retention schedules. Some agencies retain records long past those schedules and all available records must be reviewed.
- (f) If an agency submits a letter to the file sharing system documenting a lack of records and the reason why, the letter should be added to the background investigation report.
- (g) If a previous agency no longer exists or is currently unmanned, the investigator should confirm and document the same in the background investigation report. The investigator should contact the governing body over a former or unstaffed agency to determine what records remain and how they can be accessed.

Upon hiring, a complete and accurate L-1 or L1-T shall be submitted to TCOLE. A copy of the L-1 or L1-T should be notarized and maintained in the member's personnel file.

1000.6 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

Recruitment and Selection

1000.7 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law. Candidates will be evaluated based on merit, ability, competence and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community.

Validated, job-related and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Human Resources Department should maintain validated standards for all positions.

1000.7.1 STANDARDS FOR OFFICERS AND TELECOMMUNICATORSS

Candidates shall meet the minimum standards established by Texas law, including:

- (a) The minimum standards for initial licensure by the TCOLE (37 Tex. Admin. Code § 217.1).
- (b) Must not have violated any TCOLE rule or provision that would disqualify their appointment (Tex. Occ. Code § 1701.301 et seq.).
- (c) Pass a pre-employment background investigation that meets or exceeds the TCOLE-developed questionnaire/history statement (37 Tex. Admin. Code § 217.7).

1000.8 PROBATIONARY PERIODS

The Administration Division Commander should coordinate with the Ingleside Human Resources Department to identify positions subject to probationary periods and procedures for:

- (a) Appraising performance during probation.
- (b) Assessing the level of performance required to complete probation.
- (c) Extending probation.
- (d) Documenting successful or unsuccessful completion of probation.

1000.8.1 PROBATIONARY PERIODS FOR PEACE OFFICERS

Officers hired by the Ingleside Police Department for a beginning position must serve a probationary period of one year, beginning on the officer's date of employment, unless otherwise extended by the civil service commission (Tex. Local Gov't Code § 143.027).

1000.8.2 PROVISIONAL HIRING PERIOD FOR CERTAIN OFFICERS AND TELECOMMUNICATORS

Officers and telecommunicatorss hired while the subject of a misconduct investigation by a previous employing agency should initially be hired on a provisional basis of 90 days. During that provisional period, this department should obtain and review the completed misconduct investigation report from the previous employing agency or TCOLE and may choose to terminate the provisional employment based on those findings. This provisional period is unrelated to the probationary periods addressed above.

CITY COUNCIL AGENDA

Regular Meeting: April 8, 2025

AGENDA ITEM: 6.d

Report on the Interlocal Cooperation Agreement between the Ingleside Independent School District and the City of Ingleside for two School Resource Officers.

SUBMITTED BY: Brenton Lewis, City Manager

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

The City of Ingleside and the Ingleside Independent School District (IISD) have been working under an Interlocal Agreement since April 2024 for the City to provide one School Resource Officer (SRO) at one hundred percent (100%) of the cost to the City and one (1) SRO at a cost sharing of twenty-five percent (25%) to the City and seventy-five percent (75%) to the IISD. The percentage is based on the school year is approximately nine months of the year, and the officer would be available to the City the other three months of the year. The agreement between the parties was entered into because the State of Texas House and Senate passed House Bill 3 that required each campus to have a school district police officer, school resource officer, or a commissioned peace officer that is employed as security personnel on campus during regular school hours. The City staff and IISD staff have met regarding the current agreement and have discussed the current agreement. After discussion, the old adage comes into play, "if it isn't broke, why fix it". As both entities approach their respective budgets, it is essential to have the respective entities understand that the agreement is in place and to continue as set forth in Article 4: Term Section 4.1 with the automatic renewal commencing on August 1, 2025 and thereafter unless terminated earlier in writing by either party.

FISCAL ANALYSIS:

The estimated City cost of 1.25 SRO's is \$135,000 and estimated IISD cost of .75 SRO is \$80,000.

RECOMMENDATION:

Report only

ATTACHMENTS:

1. 2024, IISD & City Contract

**INTERLOCAL COOPERATION AGREEMENT
BETWEEN INGLESIDE INDEPENDENT SCHOOL DISTRICT AND THE CITY OF
INGLESIDE**

This Interlocal Cooperation Agreement (Agreement) is made and entered into by and between Ingleside Independent School District (Ingleside ISD), a political subdivision acting through its Board of Trustees, and the City of Ingleside (City), a political subdivision acting through its City Council. Collectively Ingleside ISD and the City may be referred to as the "Parties."

PREMISES

WHEREAS, Chapter 791 of the Texas Government Code, as amended, entitled Interlocal Cooperation Contracts, authorizes contracts between political subdivisions for the performance of governmental functions and services;

WHEREAS, Ingleside ISD is a public school district with campuses located within the jurisdictional boundaries of the City of Ingleside where the City presently operates a Police Department; and

WHEREAS, Ingleside ISD and the City have each found that contracting for and with respect to the governmental services described herein will result in increased efficiency, economy, and enhanced public safety for the constituents of both Ingleside ISD and the City;

NOW THEREFORE, in consideration of the mutual covenants and agreements of the Parties, it is agreed as follows:

ARTICLE 1: SERVICES TO BE PROVIDED

- 1.1 The City hereby authorizes the Chief of Police (Chief) to appoint and assign two (2) appropriately licensed and commissioned law enforcement officers to be employed full-time by the City and called to duty by the Chief to provide enhanced law enforcement services as School Resource Officers (SROs) for Ingleside ISD during the active school year, which generally encompasses 187 days during each calendar year. Officers may also be requested to work at school events after hours and on off-days, as contract employees of the District, using the extra-curricular salary scale.
- 1.2 While school is in session, two (2) SROs will be assigned to Ingleside ISD on a full-time basis, forty (40) hours each work week, according to the daily schedule agreed upon by the Chief and the Ingleside ISD Superintendent, minus any scheduled vacation time, sick time, training time, court time, or any other police-related activity, including any emergencies such as civil disasters.
- 1.3 The Parties agree that every effort should be made to schedule and/or designate vacation days, compensatory time, and other days off at times when school is not in session or at other times when the SRO's absence will not otherwise create an unnecessary risk or hamper school operations. The SROs will also coordinate vacation hours with Ingleside ISD's Superintendent.

- 1.4 Should any officer assigned as an SRO during the active school year be absent for more than five consecutive school days, the Chief will assign a suitable replacement whose training is acceptable to both Parties.
- 1.5 The SROs will report to the Ingleside ISD Superintendent and other Ingleside ISD administrative staff in carrying out his/her day-to-day duties as an SRO. The Chief retains final authority over the SRO's law enforcement responsibilities.
- 1.6 The duties, schedule, and responsibilities of the SROs on days when school is not in session shall be determined solely at the discretion of the Chief.
- 1.7 The duties to be performed by the SROs include, but are not limited to, the following:
 - a. Patrolling areas within or in the vicinity of the geographical boundaries of Ingleside ISD to protect all students, personnel, and visitors. Patrol and other law enforcement duties of the SROs shall be performed with the use of City-owned police vehicles.
 - b. Being a visible presence during the school day in order to assist the Ingleside ISD administration with general public safety services during school hours.
 - c. Maintaining the peace and/or address any breaches of the peace as needed.
 - d. Engaging in all law enforcement activities arising from the enforcement of criminal laws, issuing citations, transporting arrested persons, completing follow-up activities, filing of affidavits and complaints, and participating in legal proceedings resulting from the law enforcement services provided in accordance with this Agreement.
 - e. Responding to Police calls for service during the course of the regular school day on campuses.
 - f. Assisting in providing security as needed for after-hour activities and events taking place at Ingleside ISD facilities as a contract employee of the District, utilizing the extra-curricular salary scale.
 - g. Mediating disputes on campus, including working with students to help solve disputes in a non-violent manner.
 - h. Preventing property loss due to theft or vandalism.
 - i. Providing traffic control as needed.
 - j. Assisting Ingleside ISD with its Emergency Operation Plan.
 - k. Assisting with school safety projects, participating in emergency drills, emergency response, and after-action reviews within Ingleside ISD.
 - l. Providing training for staff as agreed upon by the Ingleside ISD Superintendent and the City's Police Chief.

- m. Serving as a resource for law enforcement education at the request of school staff, such as speaking to classes on the law, search and seizure, drugs, or motor vehicle laws.
 - n. Maintaining the confidentiality of student records as required by the Family Educational Rights and Privacy Act.
 - o. Preparing any reports and documentation required by the Ingleside Police Department within the geographic boundaries of Ingleside ISD.
- 1.8 No assignment, task, or function shall be imposed on the SRO by Ingleside ISD that would violate or jeopardize the officer's sworn oath, conditions of licensure, or departmental regulations; however, each officer is responsible for disclosing to appropriate Ingleside ISD personnel his/her opinion that such assignment, task, or function would have such an effect.
- 1.9 Circumstances constituting an immediate threat to public safety may be dealt with by the SRO consistent with his/her training and responsibility as a peace officer.
- 1.10 The final disciplinary action or other dispensation of any matter or issue involving only a violation of a rule or regulation of Ingleside ISD or a "school offense" under Texas Education Code §37.143 shall be at the discretion of Ingleside ISD, provided that in the event the SRO observes any event, matter or action that appears to constitute a violation of any local, State or Federal penal or criminal law other than a school offense, then, in such event, the investigation of and decision to file charges on any such event shall be made by the SRO.
- 1.11 When the SRO takes a person into custody in the course of performing his/her duties on behalf of Ingleside ISD under this Agreement, Ingleside ISD shall receive notification of the incident from the City within the timeframe required by law and of the disposition of the individual to the extent allowed by law.
- 1.12 To the extent permitted by applicable law, the SRO shall report to Ingleside ISD all information obtained during the investigation of any reported incident involving a Ingleside ISD student or employee for the purposes of determining appropriate disciplinary actions and modifications of education programs as a result of the incident.
- 1.13 Changes in the total number of officers to be assigned hereunder or the total cumulative number of hours to be worked shall be determined by mutual consent of the Parties as part of the annual review of this Agreement or at any other time as mutually agreed between the City and Ingleside ISD.

ARTICLE 2: DUTIES & RESPONSIBILITIES OF THE PARTIES

- 2.1 The City agrees to perform any obligations required to maintain the SROs as commissioned police officers with the City of Ingleside Police Department with full Texas peace officer status; including but not limited to, providing the SRO with any and all continuing training necessary to maintain his/her TCOLE certification. Ingleside ISD will pay for any additional training it may require unrelated to TCOLE basic peace officer training requirements (including TCOLE active shooter response training) as agreed upon by both parties. Required additional training paid for by ISD shall include training and proficiency

certification for school resource officers required under Occupations Code §1701.263, and TEA-approved training on the use of a bleeding control station in event of traumatic injury.

- 2.2 The Parties agree to jointly interview and select personnel to fill the positions of SRO in accordance with the City policies and procedures. The SROs assigned to Ingleside ISD shall be subject to the approval of the Ingleside ISD Superintendent. Ingleside ISD understands that the Chief may rotate or change any officer assigned to serve as an SRO; provided, however, that Ingleside ISD may refuse any particular officer assigned as SRO and request assignment of a different officer.
- 2.3 Any properly licensed officer providing SRO services under this Agreement shall be vested with all powers, privileges, and immunities of a peace officer within all territory contained in the boundaries of the Ingleside ISD and while on property under the control and jurisdiction of Ingleside ISD or otherwise in the performance of his/her duties under the guidelines of Ingleside ISD policies and regulations.
- 2.4 The City will authorize the SRO to carry a weapon and act as a peace officer at all times, so long as the employee is acting under his/her official capacity. Likewise, Ingleside ISD specifically authorizes the SRO to carry a weapon in performing services at Ingleside ISD. When not on duty as an SRO, the officer's right to carry a firearm will fall back under provisions and rules set forth by TCOLE and the City of Ingleside.
- 2.5 As an employee of the City, any disciplinary action taken against the SRO shall be taken by the City and shall follow the policy and procedure set forth in the employee handbook of the City.
- 2.6 At its own cost, the City shall furnish the SROs with all equipment routinely assigned to law enforcement personnel who serve the City. The City will maintain and service all equipment used by the SROs in providing services to Ingleside ISD. City Equipment includes, but is not limited to, uniforms, computers and computer equipment, firearms, radios, and all other devices used by City law enforcement personnel in the performance of their duties.
- 2.7 The City will provide the SROs with a patrol unit appropriately marked designating law enforcement services being performed under authority of the City for use in his/her SRO duties, but not for personal use.
- 2.8 Ingleside ISD will provide the SROs with office space on school property and other office equipment to perform duties under this Agreement and as mutually agreed by the Parties. The City will provide the SROs with access to Ingleside Police Department facilities as needed to conduct police business regarding the securing of evidence in crimes and interviewing individuals in connection with a criminal investigation.
- 2.9 Subject to its obligations under the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g, Ingleside ISD agrees to provide the SROs with (a) unrestricted access to student and personnel records as necessary for the investigation of criminal offenses, to collect certain incident-based data, or to ensure the safety and security of school campuses or events, and (b) unrestricted access to technology installed at Ingleside ISD, including surveillance cameras, to provide for safety and security. SROs shall be designated as

“school officials” under Ingleside ISD Policy FL (local) for purposes of access to student records.

- 2.10 Ingleside ISD will include the Chief of Police or his/her designee as a member of the Ingleside ISD School Safety and Security Committee.
- 2.11 Except for Ingleside ISD payment for the cost of additional training of SROs required under Section 2.1, and for SRO overtime hours approved by the Ingleside ISD Superintendent, the City shall bear 100% of all costs for the first SRO assigned under this Agreement, including but not limited to the equipment, salary, benefits, and personnel services of the first SRO assigned under this Agreement. For the purpose of subsidizing a proportion of the costs and expenses incurred by the City in the employment and retention of two SROs, Ingleside ISD agrees to pay the City for each month on a quarterly basis during the active school year for 75% of all costs for the second SRO assigned under this Agreement, including but not limited to the uniforms, duty weapon, taser, body armor, radio, salary, benefits, overtime and personnel services of the second SRO assigned under this Agreement.
- a. The City shall provide the SROs with all wages, salaries, or other compensation, and benefits of similarly-situated and classified employees of the City. The City shall also be directly responsible for the payment of all payroll taxes, bond costs, retirement contributions, overtime, social security taxes, if any, and all other payroll expenses.
 - b. The City shall keep and maintain accurate records of dates of service and the hours served by the SROs. The City shall be responsible for calculating and documenting the charge for services rendered pursuant to this Agreement.
 - c. Overtime hours that relate to SRO duties must be authorized and approved by the Ingleside ISD Superintendent prior to the performance of the overtime work and will be paid in accordance with procedures established by the City’s personnel policy manual and reimbursed to City quarterly by Ingleside ISD.
 - d. During the active school year, the City will provide Ingleside ISD with a quarterly invoice for the salary, benefits, overtime, and personnel services of the two SROs due at least ten (10) business days prior to each payment date.
 - e. Ingleside ISD will pay all invoices within thirty days out of current revenue funds.
 - f. With 48-hour notice, the city is allowed two business days after notice, the City shall promptly provide Ingleside ISD with access to all time calculation records maintained by the City for any SRO services provided pursuant to this Agreement.
 - g. Ingleside ISD also agrees to pay to the City, as part of the consideration for the services provided under this Agreement, a reasonable annual fee to compensate the City for actual costs associated with the City’s purchase of any additional insurance or risk pool coverage required under the Agreement to meet the City’s obligation for coverage of the SROs which is not already included by the City’s current self-insurance liability coverage plan.

- 2.12 The Parties shall each monitor, review and provide oversight and supervision of the services as they are provided and each agree to notify the other as soon as reasonably possible in the event the level or quality of any scheduling, operating, service or performance issue becomes unsatisfactory.
- 2.13 The Parties recognize that the services to be provided by the City may be limited to the extent that said services conflict with or compromise the Chief's ability to provide effective law enforcement services to the City generally; and, should a conflict arise between the policies of Ingleside ISD and the City, City policy shall prevail.
- 2.14 The Parties agree that they will use their best reasonable efforts to coordinate media relations pertaining to law enforcement incidents and investigations occurring pursuant to this Agreement prior to the release of information whenever possible. It is understood that, depending on the nature of an incident, law enforcement personnel may be required to conduct on-scene interviews and/or briefings for the media without prior coordination among all Parties. Information will only be released by a Party in accordance with established law and its existing policies and procedures.
- 2.15 Nothing in this Agreement prevents Ingleside ISD from continuing its practice of hiring off-duty police officers to provide security at sporting events, after-hour activities, or other events. This Agreement shall not govern off-duty peace officers hired for these purposes.

ARTICLE 3: RELATIONSHIP BETWEEN THE PARTIES

- 3.1 Notwithstanding any provision to the contrary herein, this Agreement is a contract for and with respect to the performance of governmental functions by governmental entities. The relationship of Ingleside ISD and the City shall, with respect to that part of any service or function undertaken as a result of or pursuant to this Agreement, be that of independent contractors.
- 3.2 Nothing contained herein shall be deemed or construed by the Parties, or by any third party, as creating the relationship of principal and agent, partners, joint venturers, or any other similar such relationship.
- 3.3 Officers employed by the City and assigned by the Chief to serve as an SRO at Ingleside ISD are and will remain employed by the City.
- 3.4 The City shall have no liability whatsoever for or with respect to Ingleside ISD's use of any Ingleside ISD property or facility, or the actions of, or failure to act by, any employees, subcontractors, agents or assigns of Ingleside ISD. Ingleside ISD covenants and agrees that:
 - a. Ingleside ISD shall be solely responsible, as between Ingleside ISD and the City and the agents, officers and employees of the City, for and with respect to any claim or cause of action arising out of or with respect to any act, omission, or failure to act by Ingleside ISD or its agents, officers, employees, and subcontractors, while on Ingleside ISD property or while using any Ingleside ISD facility or performing any function or providing or delivering any service undertaken by Ingleside ISD pursuant to this Agreement.

- b. For and with respect to Ingleside ISD property or Ingleside ISD's use of any Ingleside ISD facility, Ingleside ISD hereby contracts, covenants, and agrees to obtain and maintain in full force and effect, during the term of this Agreement, a policy or policies of insurance, or risk pool coverage, in amounts sufficient to insure Ingleside ISD and its agents, officers, and employees from any and against any claim, cause of action or liability arising out of or from the action, omission, or failure to act by Ingleside ISD, its agents, officers, employees, and subcontractors in the course of their duties.
- 3.5 Ingleside ISD shall have no liability whatsoever for or with respect to the City's use of any City property or facility, or the actions of, or failure to act by, any employees, subcontractors, agents, or assigns of the City. The City covenants and agrees that:
- a. The City shall be solely responsible, as between the City and Ingleside ISD and the agents, officers, and employees of the Ingleside ISD, for and with respect to any claim or cause of action arising out of or with respect to any act, omission, or failure to act by the City or its agents, officers, employees, and subcontractors, while on City property or while using any City facility or performing any function or providing or delivering any service undertaken by the City pursuant to this Agreement.
 - b. For and with respect to the services to be provided by the City to Ingleside ISD pursuant to this Agreement, the City hereby contracts, covenants, and agrees to obtain and maintain in full force and effect, during the term of this Agreement, a policy or policies of insurance, or risk pool coverage, in the amounts sufficient to insure the City and its agents, officers, and employees from and against any claim, cause of action, or liability arising out of or from the action, omission, or failure to act by the City, its agents, officers, employees, and subcontractors in the course of their duties.
- 3.6 It is specifically agreed that, as between the Parties, each party to this Agreement shall be individually and respectively responsible for responding to, dealing with, insuring against, defending, and otherwise handling and managing liability and potential liability pursuant to this Agreement.
- 3.7 Each party hereto reserves and does not waive any immunity or defense available to it at law or in equity as to any claim or cause of action whatsoever that may arise or result from the services provided and/or any circumstance arising under the Agreement. Neither Ingleside ISD nor the City waives, modifies, or alters to any extent whatsoever the availability of the defense of governmental immunity under the laws of the State of Texas on behalf of itself, its trustees, council members, officers, employees, and agents.
- 3.8 No term or provision of this Agreement shall benefit or obligate any person or entity not a party to it. This Agreement shall not be interpreted nor construed to give to any third party the right to any claim or cause of action, and neither the City nor Ingleside ISD shall be held legally liable for any claim or cause of action arising pursuant to, or out of the services provided under, this Agreement except as specifically provided herein or by law. The Parties hereto shall cooperate fully in opposing any attempt by any third person or entity to claim any benefit, protection, release, or other consideration under this Agreement.

- 3.9 Nothing in this Agreement shall be deemed to extend, increase or limit the jurisdiction or authority of either the City or Ingleside ISD except as necessary to implement, perform and obtain the services and duties provided for in this Agreement. Save and except only as specifically provided in this Agreement, all governmental functions and services traditionally provided by Ingleside ISD, and all governmental and proprietary functions and services traditionally provided by the City, shall be and remain the sole responsibility of each such respective party.

ARTICLE 4: TERM

- 4.1 The initial term of this Agreement shall commence on August 1, 2024, and continue through July 31, 2025, and shall automatically renew for an annual term commencing on August 1st thereafter, unless terminated earlier in writing by either party.
- 4.2 This Agreement may be terminated at any time by either party, with or without cause, by giving the other party a minimum of thirty (30) days written notice of its intention to terminate, such notice to be delivered by hand or U.S. Certified Mail to the other party.

ARTICLE 5: NOTIFICATIONS

- 5.1 All correspondence and communications regarding this Agreement shall be directed to:

CITY: City of Ingleside
Attn: City Manager
2671 San Angelo Avenue
Ingleside, Texas 78362

INGLESIDE ISD: Ingleside Independent School District
Attn: Superintendent of Schools
2664 San Angelo
Ingleside, Texas 78362

- 5.2 Notices provided pursuant to this Agreement must be in writing and hand-delivered or sent by certified mail, return receipt requested.

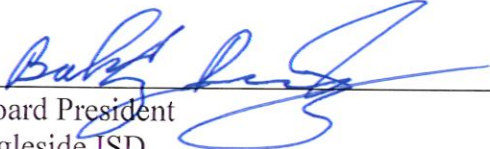
ARTICLE 6: MISCELLANEOUS PROVISIONS

- 6.1 If any portion of this Agreement shall be deemed void or invalid, the remaining portions of the Agreement shall continue in full force and effect.
- 6.2 This Agreement represents the entire Agreement between the Parties, and it supersedes any prior understanding or written or oral agreement relating to the subject matter herein. This Agreement may not be modified, altered, changed, or amended, except by written agreement of the Parties.
- 6.3 This Agreement shall be governed by and construed in accordance with the laws of the State of Texas, and venue shall live in Ingleside County, Texas unless otherwise mandated by law.

- 6.4 No party shall assign or otherwise transfer its interest in this Agreement without the express written permission of the other Party.
- 6.5 This Agreement may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall be considered fully executed when all parties have executed an identical counterpart, notwithstanding that all signatures may not appear on the same counterpart.
- 6.6 By the execution and delivery of this Agreement, the undersigned individuals warrant that they have been duly authorized by their governing body in order to enter into and perform the terms of this Agreement.

The Parties have executed and attested to this Agreement by their duly authorized officers effective as of April 09, 2024.

INGLESIDE ISD:

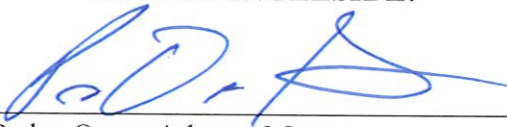


Board President
Ingleside ISD

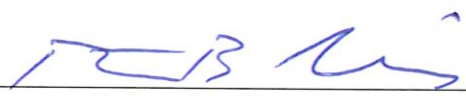


Superintendent
Ingleside ISD

CITY OF INGLESIDE:



Pedro Oscar Adame, Mayor
City of Ingleside



Brenton B. Lewis, City Manager
City of Ingleside

CITY COUNCIL AGENDA
Regular Meeting: April 8, 2025

AGENDA ITEM: 7

Presentation of the Ingleside Independent School District Bond for the May 3, 2025, election.

SUBMITTED BY:

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

The Ingleside ISD Board of Trustees recently voted unanimously to place a \$49.9 million bond on the ballot for the upcoming May election. If approved, the bond will fund district wide improvements including additional classrooms, renovations, security upgrades, parking, and physical education facility upgrades - such as a weight room, tennis courts, and a middle school gym - demolitions, new buses, power backup systems, and districtwide renovations.

FISCAL ANALYSIS:

N/A

RECOMMENDATION:

Informational purpose only.

ATTACHMENTS:

1. Ingleside ISD_City Council Presentation



INGLESIDE ISD 2025 BOND

Ingleside City Council: 4/8/25

ABOUT THE BOND



Welcome, Superintendent Mr. Kilgore

Thank you for being a part of Ingleside ISD's future.

- Update on exciting things happening in the district
- Information about the upcoming bond election



***GREAT THINGS ARE HAPPENING
AT INGLESIDE ISD***

ABOUT THE BOND



The Ingleside ISD Board of Trustees recently voted unanimously to place a \$49.9 million bond on the ballot for the upcoming May election. If approved, the bond will fund district wide improvements including additional classrooms, renovations, security upgrades, parking, and physical education facility upgrades – such as a weight room, tennis courts, and a middle school gym – demolitions, new buses, power backup systems, and districtwide renovations.

SCHOOL FINANCE



- The State dictates how much money we get for salaries, bus fuel, utilities, copy paper, and all the things it takes to operate a school district. A portion of that money is paid to us through the M&O rate, while the State makes up the rest.
- The I&S rate is used to borrow money for specific things like buildings, buses, major technology purchases, and items of that nature. I&S tax collections can only be used to make payments on a “bond.”
- The I&S rate **CAN NOT** be used for salaries, utilities, bonuses, or anything that is an ongoing expense.

SCHOOL FINANCE



- A “bond” is a loan that must be approved by the voters.
- The I&S tax rate is set by the Ingleside ISD Board of Trustees and the associated collections are used to make the payments for the “bond”.
- Think of the M&O rate and collections as your budget for groceries, gas, clothes, kid's expenses, etc. (day to day living expenses)
- Think of the I&S rate and collections as your mortgage payment.

GROWTH



This bond will impact every student in Ingleside ISD.



Current Enrollment at
GJM Elementary School:
478 Students

GJM elementary school's
functional building
capacity is
462 students.

**Planned Lots
in IISD**

Cape Bay

- 300 Homes

Hidden Valley

- 50 Homes

PROPOSED PROJECTS



Proposition A:

- 8 classroom addition at GJM with a 2-classroom addition alternate
- Campus-wide renovations and security improvements at GJM
- Security renovations and roof replacement at the Primary Campus
- Cafeteria restroom renovations, rehab of an existing generator, and a new physical education facility at the middle school
- Outdoor lighting and demolition of the two wing hallways at Blaschke Sheldon
- New physical education facility at the HS with renovations to the old weight room
- New physical education tennis courts and scoreboards for the gym and baseball field
- Resurfacing of the existing high school parking lot and addition of a new parking lot
- Demolition of Cook Elementary for security and efficiency
- Addition of weapons detection systems at each campus
- District transportation vehicles and buses
- Power back up at the administration building

PROPOSED PROJECTS



Proposition B:

- Refinance of maintenance tax notes

This is money that the district has borrowed from the M&O fund for projects that needed to be done such as HVAC, and other projects that couldn't wait. This money would refinance the district's M&O fund for this debt and monies that have already been spent. Again, the M&O rate provides funding that is used for district salaries and day to day operations.

TAX IMPACT



- For one example, if you live in a home with an appraised value of \$232,060K and claim your homestead on it, the tax impact would be \$31.56 per year or about \$2.63 per month.

[We have a tax calculator on the bond website:](#)



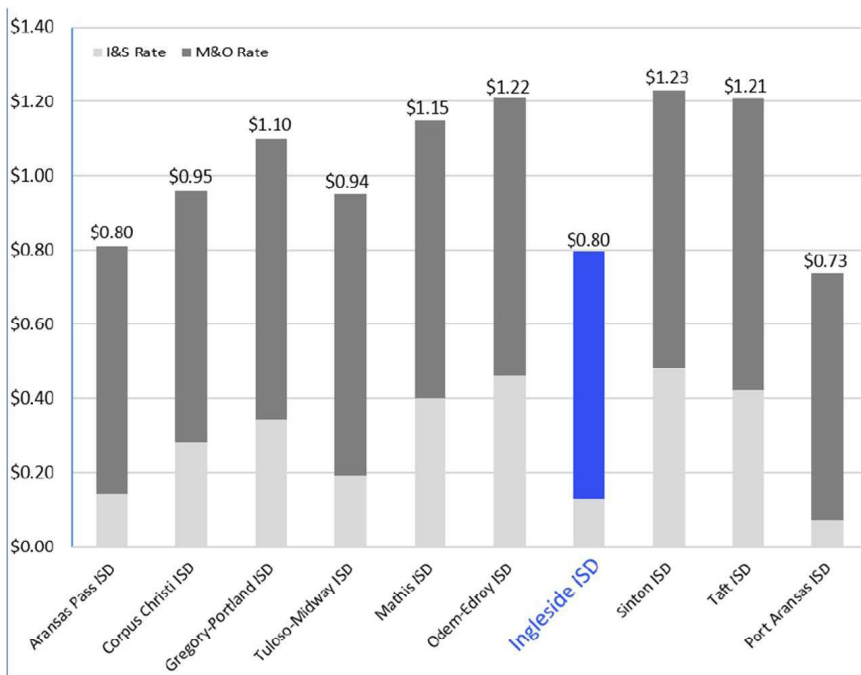
TAX IMPACT



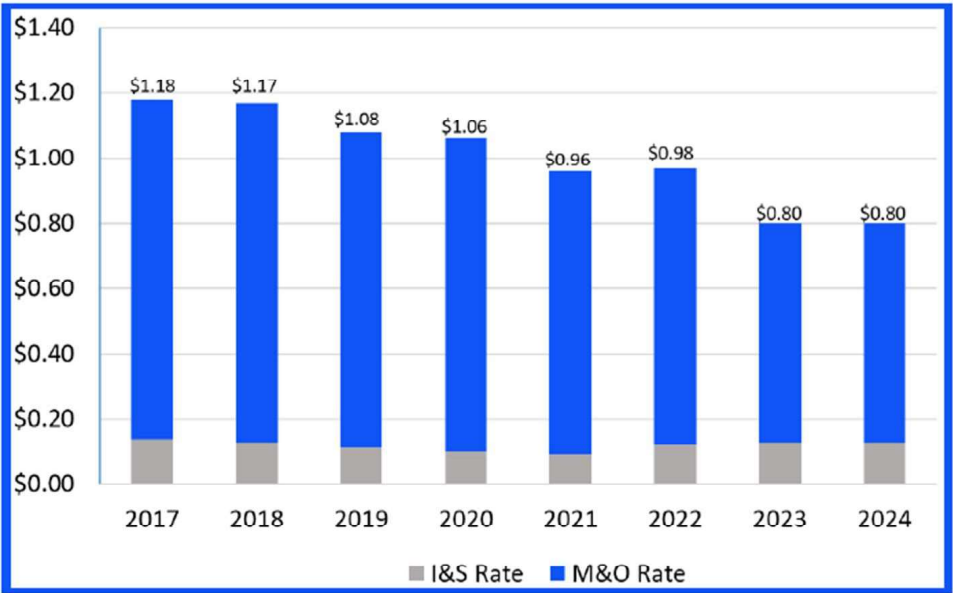
PROPOSED TAX IMPACT				
Taxable Home Value	\$100,000	\$132,060*	\$150,000	\$200,000
Yearly Impact:	\$23.90	\$31.56	\$35.85	\$47.80
Monthly Impact:	\$1.99	\$2.63	\$2.99	\$3.98

*Average taxable value of homestead in the District for 2025-2026. (Includes \$100,000 State Mandated Residential Homestead Exemption.)

LOCAL DISTRICT TAX RATE



HISTORICAL TAX RATE



BOND FAQ



What is a bond?

- A bond is like a home mortgage, a loan with interest to be paid back within a certain time. If voters approve of a bond sale, the bonds are sold to investors at a guaranteed interest rate. The school district uses that money for a specific purpose as stated in the ballot language and the district repays the loan with the Interest & Sinking (I&S) tax rate.

BOND FAQ



Why do school districts need to sell bonds?

- School districts in Texas use bonds to finance large capital improvements and purchases such as renovations and new construction as well as transportation, technology, and other equipment. Bonds are repaid by using the I&S tax rate. The M&O rate is used for salaries and other ongoing expenses. The state dictates both the M&O rate and the amount from that rate Ingleside ISD receives. Unlike the M&O rate, the I&S tax dollars go directly to Ingleside ISD.

BOND FAQ



How can bond funds be used?

- Bonds can be used for any equipment, transportation, land, or project(s) that has a finite term. It must be used for a specific purpose or item. It cannot be used for salaries or any ongoing operating expenses.

BOND FAQ



How is the District's tax rate configured?

- A school district's tax rate is comprised of two components: the Maintenance & Operations tax (M&O) and the Interest & Sinking tax (I&S). The M&O rate is established by the state and is based on the taxable value of the district and the weighted average daily attendance among other factors. The M&O rate is generally used to pay for salaries, food for students, fuel for buses, and other ongoing operating expenses.
- The I&S rate is used to pay bond indebtedness for a specific purpose. The bond sale must be approved by voters and the money received from the bond sale goes directly to the independent school district for that purpose.

BOND FAQ



How will this impact me if I am over 65?

- Ingleside ISD residents 65 and older, who have properly applied and qualified for the exemption, will have their tax bill frozen, unaffected by future appraisal or tax rate increases. However, significant improvements to your homestead may impact your bill. For information on how to apply, visit the San Patricio County CAD website at sanpatcad.org

2025 VOTING DATES



Last day to register to vote: April 3, 2025

Scan to Register
to Vote →



Early Voting: April 22, 2025 – April 29, 2025



Election Day: May 3, 2025

Voting Location
Humble Community Center
2821 Main Street
Ingleside, TX 78362



THANK YOU QUESTIONS?

Scan the QR code for more
information about the bond. →



CITY COUNCIL AGENDA
Regular Meeting: April 8, 2025

AGENDA ITEM: 8

Deliberate and take appropriate action on the Regular Meeting Minutes of March 25, 2025.

SUBMITTED BY:

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

Please see the accompanying Regular City Council Meeting Minutes of March 25, 2025.

FISCAL ANALYSIS:

N/A

RECOMMENDATION:

Staff recommends Council approve the Minutes, as presented.

ATTACHMENTS:

1. 2025, 03-25 Regular Council Meeting Minutes_DRAFT

**CITY OF INGLESIDE
REGULAR CITY COUNCIL MEETING
MINUTES
MARCH 25, 2025**

Opening Agenda

1. Call Meeting to Order.

The Regular City Council Meeting of the City of Ingleside was called to order by Mayor Adame at 6:30 p.m. on March 25, 2025, at City Hall 2671 San Angelo Ave., Ingleside, TX and live video streaming.

2. Roll Call.

With Council Members present, at roll call, a quorum was established.

Council Members Present: Steve Diehl, Stewart Wilson, David Pruitt, John Salinas, Mayor Pro-Tem Tracy Long, and Mayor Adame.

Council Members Absent: Julio Salinas.

3. Invocation.

Council Member Pruitt led the invocation.

4. Pledge of Allegiance.

Mayor Adame led the Pledge of Allegiance to the U.S. flag.

Council Member Julio Salinas arrived at the meeting at 6:32 p.m.

5. Citizen Comments and Reports.

Lucia Dailey, 619 E. Ave B, Port Aransas, addressed the Council about the Council's responsibility to the community, health and safety of the citizens, being against the Port of Corpus Christi's special use permit request, and stating that ammonia is toxic.

Sarah Crumbley, 2476 Henrietta, addressed the Council about having ongoing discussions about industrialization in the community, the Port of Corpus Christi being #1 in the nation for energy, and being in the energy sector requires specialized knowledge.

Vicky Cook, 3009 Lakeview West Dr., addressed the Council thanking the City for the Lone Oak tree sign, acknowledgement to Tree City USA, the Lone Oak tree being on the national register, and her gratitude towards the City Officials and staff for making everything happen.

Ashley Griffith, 2463 County Road 2010, Aransas Pass, addressed the Council about the Lone Oak tree recognition, the special use permit from a rancher's perspective, opposition to the solar farm project, wildlife growing and nature blooming in the area right now, and Price Ranch helping maintain the habitat with controlled burns.

Payton Campbell, 6214 Londonderry Dr., Corpus Christi, addressed the Council about being part of the Coastal Watch group, opposition to the special use permit, the U.S. Army Corp of Engineers denying the request, no economic benefit to the community, and ecological degradation. Mr. Campbell submitted a document stating it was a petition, but the document can not be accepted as a petition due to the requirements of Ingleside Charter Article VI – Section 6.02 Commencement of Proceedings; Petitioner's Committee; Affidavit.

Courtney Shane, 2181 Capeheart, addressed the Council about attending the Commissioner's meeting, and Ingleside needing representation on the board for the Port of Corpus Christi.

Sarah Polanco, 2078 Ridgewood Circle, addressed the Council about sending a PowerPoint presentation to Council Members a couple weeks ago, wanting a resolution towards development on her property, requesting to be placed on a future agenda, honesty and transparency, and receiving an email from the County Drainage District about resolutions to proceed.

Mayor Adame requested to postpone Item 6. f. from the Agenda to the next Regular City Council meeting. There were no objections by Council, and Mayor Adame stated that the item was postponed.

6. Staff Comments and Reports.

a. Council Comments and Reports.

Mayor Adame recognized elected City and County Officials being present during the Council Meeting.

b. Announcements of Community Interest and/or upcoming events.

No discussion was held on this matter.

c. Ingleside Garden Club Recognition for winning 1st place in ~~seven (7)~~ eight (8) different categories and Honorable Mention in one (1) category from the Texas Garden Club District VII.

Mayor Adame presented a Mayor's Achievement Award to the Ingleside Garden Club.

- d. **City of Ingleside expenditures paid over \$3,000.00 for the period of February 2025.**

No discussion was held on this matter.

- e. **City of Ingleside monthly financial report as of February 2025.**

No discussion was held on this matter.

- f. **Report on bids received and publicly opened for the construction of the proposed new Wastewater Treatment Plant.**

Item 6. F. was postponed to the next Regular City Council meeting.

Presentations

7. **Introduction of Detective Casey Gilliam as the new Police Lieutenant for the Ingleside Police Department.**

Chief of Police Molina introduced Detective Casey Gilliam as the new Police Lieutenant. Lieutenant Gilliam's wife and daughter completed the pinning ceremony attaching the new rank insignia to the Lieutenant's uniform.

Consent Agenda

8. **Deliberate and take appropriate action on the Regular Meeting Minutes of March 11, 2025.**

Motion: Council Member Diehl made a motion to approve the Consent Agenda as presented. Mayor Pro-Tem Long seconded the motion. Motion carried with all present voting in favor.

Public Hearing

No Public Hearing was presented for this meeting.

Regular Agenda

Mayor Adame requested the Item 10 and Item 15 be moved before Item 9. There were no objections by Council, and Mayor Adame stated that the items were moved before Item 9.

9. **Deliberate and take appropriate action for the City Council to authorize the City Manager to enter into an agreement with AGCM for Project Management Services.**

Discussion was held between Council Members and City Manager Lewis about the agreement with AGCM for Project Management Services, being the overseer of projects, working with City Attorney, not being able to combine General Engineering Services and

Project Management Services, looking over line items being presented in task orders, being boots on the ground, and overseeing the project from beginning to end.

Motion: Council Member John Salinas made a motion to authorize the City Manager to enter into an agreement with AGCM for Project Management Services. Council Member Pruitt seconded the motion. Motion carried with all present voting in favor.

10. Deliberate and take appropriate action on the acceptance of the Ingleside Volunteer Fire Department's new tanker.

Discussion was held between the Council Members, City Manager Lewis, and Fire Chief Miller about the new Tanker, being able to travel to Florida for final inspection before it came to Siddons-Martin in Corpus Christi; mentioning the cost savings of not purchasing an extended cab, the fire department was able to purchase the equipment that will go on the truck; still receiving all the equipment that was purchased due to shipping times; and the tanker playing a big role in supporting surrounding communities.

Motion: Mayor Adame made a motion to accept the new Ingleside Volunteer Fire Department tanker. Council Member John Salinas seconded the motion. Motion carried with all present voting in favor.

11. Deliberate and take appropriate action on approval of a floating dock at Cove Park.

Discussion was held between the Council Members, City Manager Lewis, and Director of Infrastructure Services Paredes about maintenance money coming from the Hotel Motel Tax funds, specifications presented to Council, the dock staying the same elevation even with the tide levels changing, can be removed from the water when storms come in, quotes received through BuyBoard, and can proceed with Council approval with an end time of no more than 180 days.

Motion: Council Member John Salinas made a motion to approve the floating dock at Cove Park. Council Member Julio Salinas seconded the motion. Motion carried with all present voting in favor.

12. Deliberate and take appropriate action on a Resolution of the City Council of Ingleside, San Patricio County, Texas, approving the waiver of pet adoption fees and microchipping fees at the Ingleside Pet Adoption Event occurring on April 05, 2025.

Proposed Resolution 2025-08.

Discussion was held between Council Members and City Manager Lewis about the Resolution being the same as previous requests, and having to come back to Council since the Ordinance mentions fees.

Motion: Mayor Adame made a motion to approve Resolution 2025-08, a Resolution of the City Council of Ingleside, San Patricio County, Texas, approving the waiver of pet adoption fees and microchipping fees at the Ingleside Pet Adoption Event occurring on April 05, 2025. Council Member Diehl seconded the motion. Motion carried with all present voting in favor.

13. Deliberate and take appropriate action on a Resolution to declare Tanker 140 as surplus property and authorize staff to sell Tanker 140 to the City of Odem's Volunteer Fire Department.

Proposed Resolution 2025-09.

Discussion was held between Council Members, City Manager Lewis and Fire Chief Miller about Tanker 140 be sold to Odem's Volunteer Fire Department, not letting Tanker 140 go until Tanker 141 is fully equipped and members are comfortable driving the apparatus, and the sale being a helping hand to another community.

Motion: Mayor Adame made a motion to approve Resolution 2025-09, a Resolution to declare Tanker 140 as surplus property and authorize staff to sell Tanker 140 to the City of Odem's Volunteer Fire Department. Council Member Pruitt seconded the motion. Motion carried with all present voting in favor.

14. Deliberate and take appropriate action on an Ordinance amending the fiscal year 2024-2025 budget for the City of Ingleside, Texas, General Fund and Capital Improvement Fund for the appropriation of funds for the cost of roofs at various City buildings.

Proposed Ordinance 2025-12.

Discussion was held between Council Members and City Manager Lewis about the funds being approved in last Fiscal Year's budget but not carrying over to this year because of projected end time of September 30th, and the cost coming from the unincumbered balance in Fund 10.

Motion: Council Member John Salinas made a motion to approve Ordinance 2025-12, an Ordinance amending the fiscal year 2024-2025 budget for the City of Ingleside, Texas, General Fund and Capital Improvement Fund for the appropriation of funds for the cost of roofs at various City buildings. Mayor Pro-Tem Long seconded the motion. Motion carried with all present voting in favor.

15. Deliberate and take appropriate action on a Resolution of Support for a Unified Commitment to Secure the Coastal Bend's Water Future.

Proposed Resolution 2025-07.

Discussion was held between Council Members, City Manager Lewis, San Patricio County Commissioner Gillispie, and San Patricio County Judge Krebbs about House Bill (HB) 2120; no contact with County officials; informing the Commissioner who put the Resolution together that it would not work; needing to be a united front; represent what the area needs; water issues; the County needing more representation, one on the east side and one on the west side of the County; support the Resolution with consent to HB 2120; and making amendments to the Resolution.

Amendment Motion: Council Member Diehl made a motion to amend the Resolution as follows: on page one (1), strike appointees; on page two (2), strike Section 6, but add in the verbiage from the San Patricio County Resolution and insert City of Ingleside. Mayor Adame seconded the motion. Motion carried with all present voting in favor.

No further discussion was held on this matter.

Motion: Council Member Diehl made a motion to approve Resolution 2025-07, with the amendments, a Resolution of Support for a Unified Commitment to Secure the Coastal Bend's Water Future. Council Member John Salinas seconded the motion. Motion carried with all present voting in favor.

16. Deliberate and take appropriate action on a Non-Exclusive License Agreement between the City of Ingleside and Ingleside Chamber of Commerce.

Discussion was held between Council Members and City Manager Lewis about staff working with the Chamber of Commerce, the Chamber currently having a rental unit, the purchase of a Conex container, assisting the Chamber (for money to tourism), providing security, placement being in the City Yard where the old hose reel was located, and being seen on camera.

Motion: Council Member Julio Salinas made a motion to approve a Non-Exclusive License Agreement between the City of Ingleside and Ingleside Chamber of Commerce. Council Member Diehl seconded the motion. Motion carried with all present voting in favor.

17. Deliberate and take appropriate action on an Ordinance establishing the Ingleside Municipal Court as a Court of Record pursuant to Chapter 30, Municipal Courts of Record, of the Texas Government Code.

City Attorney Michael McCann presented a PowerPoint presentation regarding Municipal Courts as Court of Records.

Discussion was held between Council Members, City Manager Lewis, and City Attorney McCann about requirements needed when Municipal Court is converted into a Court of

Record, ordinance changes to follow after conversion, record keeping, administrative costs for record keeping, quicker disposition process as an advantage to citizens, more in house control, and being a contract position.

Municipal Court Judge Glover addressed the Council Members about the lack of communication, presented survey statistics, Code Compliance not filing as much as what people think, and not recommending the change because it is not worth the expense.

Further discussion was held between Council Members, City Manager Lewis, and City Attorney McCann about criminal citations for nuisances, Code Compliance can enforce but won't push the issue if they know that the citation will not pass the Court, fines to be assessed unless taken to a higher court, and Code Compliance staff taking the necessary steps for a process without the Court.

Director of Development Services Rodriguez addressed the Council about Code Compliance have a current running list of violations, most violations to date are bulk and brush violations, and staff working with property owners.

Cindy Wilson, 2635 San Angelo, made a citizen comment about receiving a letter from Code Compliance for a rental property, and taking care of what needed to be done as the property owner.

Municipal Court Judge Glover addressed the Council about the Municipal Court keeping records, especially for other requesting agencies, and not seeing the benefits of the change due to possible cost increases.

Further discussion was held between Council Members, City Manager Lewis, and City Attorney McCann about cleaning up the community, change needing to happen, better way to control what is happening in the community, and Council requesting more information on Court of Records.

Motion: Council Member Pruitt made a motion to approve the first reading of an Ordinance establishing the Ingleside Municipal Court as a Court of Record pursuant to Chapter 30, Municipal Courts of Record, of the Texas Government Code. Council Member John Salinas seconded the motion. Motion carried 5:2.

For Motion: Council Member Diehl, Council Member Pruitt, Council Member John Salinas, Mayor Pro-Tem Long, and Council Member Julio Salinas.

Against Motion: Council Member Wilson and Mayor Adame.

Executive Session

18. Closed Session

City Council will meet in Closed Session pursuant to the provisions of Chapter 551 of the Texas Government Code, in accordance with the authority contained in:

- A. Deliberations pursuant to Sections 551.074 (Personnel Matters) and Section 551.071 (Consultation with Attorney) regarding the evaluation and appointment of the Municipal Court Judge.**
- B. Deliberation pursuant to Section 551.071 (Consultations with Attorney) regarding Port of Corpus Christi pending special use permit.**

At 9:26 p.m. Mayor Adame convened the Ingleside City Council into a closed session pursuant to provision of Chapter 551 of the Texas Government Code, in accordance with the authority contained in Deliberations pursuant to Sections 551.074 (Personnel Matters) and Section 551.071 (Consultation with Attorney) regarding the evaluation and appointment of the Municipal Court Judge and Deliberation pursuant to Section 551.071 (Consultations with Attorney) regarding Port of Corpus Christi pending special use permit.

19. Open Session

City council will reconvene in Open Session at which time action on the matter(s) discussed in Closed Session may be considered.

- A. Deliberations pursuant to Sections 551.074 (Personnel Matters) and Section 551.071 (Consultation with Attorney) regarding the evaluation and appointment of the Municipal Court Judge.**
- B. Deliberation pursuant to Section 551.071 (Consultations with Attorney) regarding Port of Corpus Christi pending special use permit.**

At 11:02 p.m. Mayor Adame reconvened the Ingleside City Council into an open session pursuant to provision of Chapter 551 of the Texas Government Code to take any action necessary related to the executive session noted herein, or regular agenda items, noted above, and/or related items.

Item A: No Action Taken.

Item B: No Action Taken.

20. Deliberate and take appropriate action on the reappointment of the Municipal Court Judge for a term of two years as set forth in the City Charter Section 4.02.B.

No discussion was held on this matter.

Motion: Mayor Pro-Tem Long made a motion to not reappoint the Municipal Court Judge for a term of two years as set forth in the City Charter Section 4.02.B. effective April 11,

2025. Council Member John Salinas seconded the motion. Motion carried with all present voting in favor.

21. Deliberate and take appropriate action on the reappointment of the Municipal Court Associate Judge as set forth in the City Charter Section 4.02.C.

No discussion was held on this matter.

Motion: Mayor Adame made a motion to table the reappointment of the Municipal Court Associate Judge as set forth in the City Charter Section 4.02.C. to the next Regular City Council meeting on April 08, 2025. Council Member Diehl seconded the motion. Motion carried with all present voting in favor.

Closing Agenda

22. Items to consider for placement on future agendas.

Council Member Diehl requested that staff work alongside the San Patricio County Judge in regards to going to legislature for a Unified Commitment to Secure the Coastal Bend's Water Future.

Council Member Julio mentioned the incoming inclement weather and had asked about Emergency Management being activated.

23. Adjourn.

Mayor Adame adjourned the regular meeting of the City of Ingleside at 11:08 p.m.

APPROVED:

Pedro Oscar Adame, Mayor

ATTEST:

Jana Stork, City Secretary

CITY COUNCIL AGENDA

Regular Meeting: April 8, 2025

AGENDA ITEM: 9

POSTPONED Deliberate and take appropriate action on first reading of an Ordinance granting a special use permit for the installation and operation of a solar farm on the following property and providing for effective date, reading, severance, and publication for real property generally located and bounded by SH 361 (Highland Ave.), on the South, Ingleside city limits on the West and North, and SH 1069 (North Main St.) on the East and legally described as:

Property Tract 1, ID 60762, being 124.3789 acres out of a 524.80-acre tract of land. being part of a 6091.22-acre tract of land conveyed from W. G. McCampbell, et al to Mrs. Jean McCampbell Davis by Partition Deed filled November 4, 1933, recorded in Volume 103, Page 151 of the Deed Records of San Patricio County, Texas, Property Tract 2, ID, 60762 being 88.963 acre tract of land, being part of a 6091.22 acre tract of land conveyed from W. G. McCampbell, et al, to Mrs. Jean McCampbell Davis by Partition Deed dated November 4, 1933, recorded in Volume 103, Page 151 of the Deed Records of San Patricio County, Texas, Property Tract 3, ID, 67182, being 3.589 acre tract of land, being part of a 6091.22 acre tract of land conveyed from W. G. McCampbell, et al, to Mrs. Jean McCampbell Davis by Partition Deed dated November 4, 1933, recorded in Volume 103, Page 151 of the Deed Records of San Patricio County, Texas. Property Tract 4, ID 67158, 37.397-acre tract of land, being part of a 6091.22-acre tract of land conveyed from W. G. McCampbell, et al, to Mrs. Jean McCampbell Davis by Partition Deed dated November 4, 1933, recorded in Volume 103, Page 151 of the Deed Records of San Patricio County, Texas. Property Tract 5, 104.748-acre tract of land, being part of a 6091.22-acre tract of land conveyed from W. G. McCampbell, et al, to Mrs. Jean McCampbell Davis by Partition Deed dated November 4, 1933, recorded in Volume 103, Page 151 of the Deed Records of San Patricio County, Texas. Property Tract 6, ID 67177, 40.329-acre tract of land, being part of a 6091.22-acre tract of land conveyed from W. G. McCampbell, et al, to Mrs. Jean McCampbell Davis by Partition Deed dated November 4, 1933, recorded in Volume 103, Page 151 of the Deed Records of San Patricio County, Texas. Property Tract 7, ID 61476, 848 acres out of a 1181.095 tract of land, being part of a 6091.22-acre tract of land conveyed from W. G. McCampbell, et al, to Mrs. Jean McCampbell Davis by Partition Deed dated November 4, 1933, recorded in Volume 103, Page 151 of the Deed Records of San Patricio County, Texas. Property Tract 8, ID 67236, 112.818-acre tract of land, being part of a 6091.22-acre tract of land conveyed from W. G. McCampbell, et al, to Mrs. Jean McCampbell Davis by Partition Deed dated November 4, 1933, recorded in Volume 103, Page 151 of the Deed Records of San Patricio County, Texas. Property Tract 9, ID 114650, 45.5766 acres of a 150.13 acre tract of land out of the heirs of Rosa Teal Survey, Abstract 262, San Patricio County, Texas, the said 150.13 acre tract of land being the same as and all of tract II being 150.12 acres, more or less, described in Special Warranty Deed dated November 1, 2013, recorded in document No. 632533, Official Public Records of San Patricio County, Texas. Property Tract 10, ID 103271, 145.0886 acres out of a 150.77 acre tract of land, being the same land described as 150.694 acres conveyed from Centex Homes. to EFO Land, L.P., by General Warranty Deed dated March 26, 1999, and recorded in Clerk's File No. 472035 of the Real Property Records of San Patricio County, Texas. Property Tract 11, ID 67168, Tract 12, 61499,

167.165 Acre Tract of Land, situated in the Heirs of Rosa Teal Survey A-262, Nicholas Fagan Survey A-124, being out a 6,091.22 Acre Tract of land described in a Partition Deed from W.G. (Will) McCampbell, et al., to John S. McCampbell, recorded in Volume 103, Page 156, Deed Records of San Patricio County Texas; said 167.165 Acre Tract being the same lands as a 166 Acre Tract of land described in a Deed from said W.G. McCampbell, et al. to Mrs. Jean McCampbell Davis, as recorded in Volume 103 Page 151. Property Tract 13, ID 67270, 13.287 acres out of 17.456 acres of land out of a called 34.9 acre tract of land out of the called East 100 acres out of the 200 acre Sahadi Tract, out of the Rosa Teal Survey, A-262, and the N. Fagin Survey, A-124, San Patricio County, Texas, with said 34.9 acres being called Tract "B" in a Partition Deed of called East 100 Acres, actual 99.72 acres, being described in a Deed recorded under Clerks file number 247749, Deed Records of San Patricio County, Texas, and said 200 acre Sahadi Tract described in a Deed of Record under Volume 81, Pages 597-598, Deed Records of San Patricio County, Texas. Property Tract 14, ID 67091, 12.4199 acres out of 17.456 acres of land out of a called 34.9 acre tract of land out of the called East 100 acres out of the 200 acre Sahadi Tract, out of the Rosa Teal Survey, A-262, and the N. Fagin Survey, A-124, San Patricio County, Texas, with said 34.9 acres being called Tract "B" in a Partition Deed of called East 100 Acres, actual 99.72 acres, being described in a Deed recorded under Clerks file number 247749, Deed Records of San Patricio County, Texas, and said 200 acre Sahadi Tract described in a Deed of Record under Volume 81, Pages 597-598, Deed Records of San Patricio County, Texas.

SUBMITTED BY: Brenton Lewis, City Manager

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

The applicant, the Port of Corpus Christi Authority, (POCCA), is requesting a special use permit for intensive use on portions of the McCampbell land tracts which were annexed by the City of Ingleside in 1993 and in 2009. The POCCA is the owner of all the land tracts within the property and tentatively proposes to lease the property to a potential developer to construct and operate a 600-megawatt solar photovoltaic production facility to generate new, non-carbon (renewable) electricity and include two electrical substations to distribute the power.

The City of Ingleside Special Use Permit - Intensive Uses provides that the applicant submit for review and approval the following:

1. A description of the proposed uses, approval of which is sought; a description of hazards, such as fire, explosion, noise, vibration, dust, or the emission of smoke, odor, or toxic substances, accompanying the proposed use.
2. A description of all safeguards proposed to protect the surrounding property and persons from hazards accompanying the proposed use.
3. A site plan showing the location of all improvements, landscaping, yard areas, sight and/or noise barriers, existing and planned, on the subject property.

Furthermore, the review process shall take into consideration that the project site is currently

undeveloped and has multiple development challenges, including designated wetlands, FEMA special flood zone hazard areas and floodway designations, and proximity to the McCampbell airport.

As such, the POCCA and potential future developer shall submit all documents, studies, site plans, safeguards and comply with any and all city ordinance and state regulatory requirements to ensure compliance. At such a time, the city council shall consider and not permit such buildings, structures, or uses unless they find that the public health, safety, morals, and general welfare of the city will be properly protected, and that necessary safeguards will be provided for the protection of surrounding property and persons from hazards, such as fire, explosion, noise, vibration, dust, or the emission of smoke, odor, or toxic substances, accompanying the proposed use. The city council may, as part of its decision, impose such conditions and safeguards as are reasonable or necessary in its opinion to protect surrounding property and persons from such hazards, including, by way of illustration and not limitation, the creation of transitional zoning district areas between the subject property and the surrounding properties, setback and yard area requirements exceeding the minimum requirements otherwise applicable, structure height restrictions more restrictive than the requirements otherwise applicable, noise, sound and sight barriers and landscape treatments.

The property is identified in the Ingleside Comprehensive Master Plan – Future Land Use – Land Use Designations as I - Industrial, LI - Light Industrial and GC - General Commercial. The area of east Ingleside designated on the Future Land Use map for light industrial uses includes several properties that, on the City’s official zoning map, have previously been zoned I - Industrial relative to L-1 - Light Industrial.” Airport sites and operations also are intensive, which is why McCampbell- Porter Airport is indicated as an industrial use on the Future Land Use map.

The City Council requested City staff to meet with representatives of the POCC to address concerns brought forth during the discussion of the Agenda Item that was held on February 10, 2025. Several meetings and discussions have transpired and the draft SUP Ordinance addresses the concerns.

FISCAL ANALYSIS:

None.

RECOMMENDATION:

Staff recommends approval of the Special Use Permit contingent on the review and approval of development site submittals per ordinance. If approved, the applicant will need to comply with all requirements during the permitting process.

ATTACHMENTS:

1. Special Use Application
2. Special Use Supporting Documents v2
3. Additional Port of CC Authority Documents
4. #660B - Voting Record
5. DOCS1-#350652-v1-Revsied_POCC_Solar_Farm_SUP3_31_2025-revised



PO Drawer 400 • 2665 San Angelo • Ingleside, TX 78362
Phone: 361-776-3815 - building@inglesidetx.gov

SPECIAL USE: SECTION 78-267
OBJECTIONABLE USES

Date Filed: July 23, 2024

In accordance with the Planning and Zoning Subdivision Ordinance, Chapter 78, Article IV, application for special use Section 78-267 is requested on the property below:

Applicant:

Name: Port of Corpus Christi Authority

Address: 400 Harbor Dr. Corpus Christi, TX. 78401

Phone #: 361-885-6140

Email Address: sam@pocca.com

Property Owner (If different):

Name: _____

Address: _____

Phone #: _____

Email Address: _____

Legal Description of Property:

Multiple Tracts – See attached list.

Description of proposed uses, approval for which the property is sought:

The McCampbell property is located near Ingleside, in San Patricio County, Texas and contains approximately 2,850 acres. Assuming that three acres of optimal solar panel configuration can support 1MW of panels and generate approximately 2,146MWh per year, the proposed site will accommodate 1,866 acres of solar panels to generate approximately 600MW of renewable energy, equivalent to 1,296,184MWh per year.

The purpose of this project is to construct an approximate 600 megawatt (MW) (0.6 gigawatt (GW)) solar photovoltaic (PV) production facility to help meet the emerging demand (need) for over 2,685 MW

(2.685GW) of new, no-carbon (renewable) electricity in the immediate Port of Corpus Christi region by 2030. Two electrical substations are proposed as part of the project for power distribution.

Description of hazards, such as fire, explosion, noise vibration, dust, or the emission of smoke, odor, or toxic substances, accompanying the proposed use:

There are no fire, explosion, noise, vibration, dust, smoke, or odor hazards as part of this project.

Description of all safeguards proposed to protect the surrounding property and persons from hazards accompanying the proposed use:

A site plan showing the location of all improvements, landscaping, yard areas, sight and/or noise barriers, existing and planned, on the subject property:

See Attached

Signature: Kent G. Sutton Date: July 23, 2024

Zone: _____ Reviewed By: _____ Date: _____



NOTICE OF PUBLIC HEARINGS

In accordance with the provisions of the City of Ingleside code and the laws of the state of Texas, all interested parties are hereby notified that the Planning & Zoning Commission will hold public hearings at 6:00 p.m. on Monday, December 2, 2024 at City Hall, 2671 San Angelo Street, Ingleside, Texas.

The Public Hearings will solicit comments from citizens and other interested parties concerning the following:

1. An application filed by the Port of Corpus Christi Authority, requesting to rezone, from R-1 – Single Family Residential to I – Industrial, approximately 1,743.76 ACRES, bearing the legal description of:

Property Tract 1, ID 60762, being 124.3789 acres out of a 524.80-acre tract of land, being part of a 6091.22-acre tract of land conveyed from W. G. McCampbell, et al to Mrs. Jean McCampbell Davis by Partition Deed filled November 4, 1933, recorded in Volume 103, Page 151 of the Deed Records of San Patricio County, Texas, **Property Tract 2, ID, 60762** being 88.963 acre tract of land, being part of a 6091.22 acre tract of land conveyed from W. G. McCampbell, et al, to Mrs. Jean McCampbell Davis by Partition Deed dated November 4, 1933, recorded in Volume 103, Page 151 of the Deed Records of San Patricio County, Texas, **Property Tract 3, ID, 67182**, being 3.589 acre tract of land, being part of a 6091.22 acre tract of land conveyed from W. G. McCampbell, et al, to Mrs. Jean McCampbell Davis by Partition Deed dated November 4, 1933, recorded in Volume 103, Page 151 of the Deed Records of San Patricio County, Texas. **Property Tract 4, ID 67158**, 37.397-acre tract of land, being part of a 6091.22-acre tract of land conveyed from W. G. McCampbell, et al, to Mrs. Jean McCampbell Davis by Partition Deed dated November 4, 1933, recorded in Volume 103, Page 151 of the Deed Records of San Patricio County, Texas. **Property Tract 5**, 104.748-acre tract of land, being part of a 6091.22-acre tract of land conveyed from W. G. McCampbell, et al, to Mrs. Jean McCampbell Davis by Partition Deed dated November 4, 1933, recorded in Volume 103, Page 151 of the Deed Records of San Patricio County, Texas. **Property Tract 6, ID 67177**, 40.329-acre tract of land, being part of a 6091.22-acre tract of land conveyed from W. G. McCampbell, et al, to Mrs. Jean McCampbell Davis by Partition Deed dated November 4, 1933, recorded in Volume 103, Page 151 of the Deed Records of San Patricio County, Texas. **Property Tract 7, ID 61476**, 848 acres out of a 1181.095 tract of land, being part of a 6091.22-acre tract of land conveyed from W. G. McCampbell, et al, to Mrs. Jean McCampbell Davis by Partition Deed dated November 4, 1933, recorded in Volume 103, Page 151 of the Deed Records of San Patricio County, Texas. **Property Tract 8, ID 67236**, 112.818-acre tract of land, being part of a 6091.22-acre tract of land conveyed from W. G. McCampbell, et al, to Mrs. Jean McCampbell Davis by Partition Deed dated November 4, 1933, recorded in Volume 103, Page 151 of the Deed Records of San Patricio County, Texas. **Property Tract 9, ID 114650**, 45.5766 acres of a 150.13 acre tract of land out of the heirs of Rosa Teal Survey, Abstract 262, San Patricio County, Texas, the said 150.13 acre tract of land being the same as and all of tract II being 150.12 acres, more or less, described in Special Warranty Deed dated November 1, 2013, recorded in document No. 632533, Official Public Records of San Patricio County, Texas. **Property Tract 10, ID 103271**, 145.0886 acres out of a 150.77 acre tract of land, being the same land described as

150.694 acres conveyed from Centex Homes. to EFO Land, L.P., by General Warranty Deed dated March 26, 1999, and recorded in Clerk's File No. 472035 of the Real Property Records of San Patricio County, Texas. **Property Tract 11, ID 67168, Tract 12, 61499**, 167.165 Acre Tract of Land, situated in the Heirs of Rosa Teal Survey A-262, Nicholas Fagan Survey A-124, being out a 6,091.22 Acre Tract of land described in a Partition Deed from W.G. (Will) McCampbell, et al., to John S. McCampbell, recorded in Volume 103, Page 156, Deed Records of San Patricio County Texas; said 167.165 Acre Tract being the same lands as a 166 Acre Tract of land described in a Deed from said W.G. McCampbell, et al. to Mrs. Jean McCampbell Davis, as recorded in Volume 103 Page 151. **Property Tract 13, ID 67270**, 13.287 acres out of 17.456 acres of land out of a called 34.9 acre tract of land out of the called East 100 acres out of the 200 acre Sahadi Tract, out of the Rosa Teal Survey, A-262, and the N. Fagin Survey, A-124, San Patricio County, Texas, with said 34.9 acres being called Tract "B" in a Partition Deed of called East 100 Acres, actual 99.72 acres, being described in a Deed recorded under Clerks file number 247749, Deed Records of San Patricio County, Texas, and said 200 acre Sahadi Tract described in a Deed of Record under Volume 81, Pages 597-598, Deed Records of San Patricio County, Texas. **Property Tract 14, ID 67091**, 12.4199 acres out of 17.456 acres of land out of a called 34.9 acre tract of land out of the called East 100 acres out of the 200 acre Sahadi Tract, out of the Rosa Teal Survey, A-262, and the N. Fagin Survey, A-124, San Patricio County, Texas, with said 34.9 acres being called Tract "B" in a Partition Deed of called East 100 Acres, actual 99.72 acres, being described in a Deed recorded under Clerks file number 247749, Deed Records of San Patricio County, Texas, and said 200 acre Sahadi Tract described in a Deed of Record under Volume 81, Pages 597-598, Deed Records of San Patricio County, Texas.

2. An application filed by the Port of Corpus Christi Authority, requesting to rezone, from R-1 – Single Family Residential to I – Industrial, approximately 374.31 ACRES, bearing a legal description of:

Property Tract 16, ID 69004, Tract 17, ID 65073, Tract 19, ID 69200, Tract 21, Tract 22, Tract 23, Tract 24, A 336.36 acre tract of land out of the T.T. Williamson Survey, Abstract 292, the T.T. Williamson Survey, Abstract 293, the Heirs of Rosa Teal Survey, Abstract 262, the William McDonough Survey, Abstract 184, Day Land and Cattle Company Survey, Abstract 387, San Patricio County, Texas and a portion of the State of Texas Submerged Tract No. 3 in Corpus Christi Bay, Nueces County, Texas. **Property Tract 20**, A 37.95-acre tract out of the William McDonough Survey, Abstract A-184 and the Day Land and Cattle Company Survey, Abstract A-387, being the same tract called 38.06 acres recorded in Document No. 534924, Deed Records, San Patricio County, Texas, Save and Except a 2.5 acre drill site recorded in Document No. 379019, Deed Records, San Patricio County, Texas.

3. An application filed by the Port of Corpus Christi Authority, requesting to rezone, from R-1 – Single Family Residential to C-2 – General Commercial, bearing a legal description of:

82.30 Acres, being 125.00 foot, 200.00 foot and 300.00 foot wide commercial buffer area lying within the Jean McCampbell Davis Tract 6,091.22 Acres, Volume 103, Page 151 Deed Records San Patricio County, Texas, and a 31.96 acre, 300.00 foot wide commercial buffer area lying within the Jean McCampbell Davis Tract 6,091.22 Acres, Volume 103, Page 151 Deed Records San Patricio County, Texas

4. An application filed by the Port of Corpus Christi Authority for a special permit to allow a solar panel farm on the following property bearing a legal description of:

Property Tract 1, ID 60762, being 124.3789 acres out of a 524.80-acre tract of land. being part of a 6091.22-acre tract of land conveyed from W. G. McCampbell, et al to Mrs. Jean McCampbell

Davis by Partition Deed filled November 4, 1933, recorded in Volume 103, Page I 51 of the Deed Records of San Patricio County, Texas, **Property Tract 2, ID, 60762** being 88.963 acre tract of land, being part of a 6091.22 acre tract of land conveyed from W. G. McCampbell, et al, to Mrs. Jean McCampbell Davis by Partition Deed dated November 4, 1933, recorded in Volume 103, Page 151 of the Deed Records of San Patricio County, Texas, **Property Tract 3, ID, 67182**, being 3.589 acre tract of land, being part of a 6091.22 acre tract of land conveyed from W. G. McCampbell, et al, to Mrs. Jean McCampbell Davis by Partition Deed dated November 4, 1933, recorded in Volume 103, Page 151 of the Deed Records of San Patricio County, Texas.

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Information regarding the application is on file at the Development Services Department

and is available for your inspection any time during normal office hours. If you have any questions, please contact our office at (361) 776-3815.

Bernard Rodriguez, Director
Development Services

Published one time in the Ingleside Index on November 14, 2024



NOTICE OF PUBLIC HEARINGS

In accordance with the provisions of the **City of Ingleside** code and the laws of the State of Texas, all interested parties are hereby notified that the Planning & Zoning Commission will hold public hearings at 6:00 p.m. Monday, December 2, 2024, at City Hall, 2671 San Angelo Street, Ingleside, Texas.

PUBLIC HEARING – REZONING REQUEST: A PUBLIC HEARING TO SOLICIT COMMENTS FROM CITIZENS AND OTHER INTERESTED PARTIES CONCERNING A REQUEST FROM THE PORT OF CORPUS CHRISTI AUTHORITY TO REZONE APPROXIMATELY 1,743.76 ACRES, FROM R-1 – SINGLE FAMILY RESIDENTIAL TO I – INDUSTRIAL, GENERALLY BOUNDED BY SH 361 (HIGHLAND AVE.), ON THE SOUTH, INGLESIDE CITY LIMITS ON THE EAST AND NORTH, AND SH 1069 (NORTH MAIN ST.) ON THE EAST, BEARING A LEGAL DESCRIPTION AS FOLLOWS:

Property Tract 1, ID 60762, being 124.3789 acres out of a 524.80-acre tract of land, being part of a 6091.22-acre tract of land conveyed from W. G. McCampbell, et al to Mrs. Jean McCampbell Davis by Partition Deed filed November 4, 1933, recorded in Volume 103, Page 151 of the Deed Records of San Patricio County, Texas, Property Tract 2, ID 60762, being 88.963 acre tract of land, being part of a 6091.22 acre tract of land conveyed from W. G. McCampbell, et al to Mrs. Jean McCampbell Davis by Partition Deed dated November 4, 1933, recorded in Volume 103, Page 151 of the Deed Records of San Patricio County, Texas, Property Tract 3, ID 67182, being 3.589 acre tract of land, being part of a 6091.22 acre tract of land conveyed from W. G. McCampbell, et al to Mrs. Jean McCampbell Davis by Partition Deed dated November 4, 1933, recorded in Volume 103, Page 151 of the Deed Records of San Patricio County, Texas, Property Tract 4, ID 67158, 37.397-acre tract of land, being part of a 6091.22-acre tract of land conveyed from W. G. McCampbell, et al to Mrs. Jean McCampbell Davis by Partition Deed dated November 4, 1933, recorded in Volume 103, Page 151 of the Deed Records of San Patricio County, Texas, Property Tract 5, 104.748-acre tract of land, being part of a 6091.22-acre tract of land conveyed from W. G. McCampbell, et al to Mrs. Jean McCampbell Davis by Partition Deed dated November 4, 1933, recorded in Volume 103, Page 151 of the Deed Records of San Patricio County, Texas, Property Tract 6, ID 67177, 40.329-acre tract of land, being part of a 6091.22-acre tract of land conveyed from W. G. McCampbell, et al to Mrs. Jean McCampbell Davis by Partition Deed dated November 4, 1933, recorded in Volume 103, Page 151 of the Deed Records of San Patricio County, Texas, Property Tract 7, ID 61476, 848 acres out of a 1181.095 tract of land, being part of a 6091.22-acre tract of land conveyed from W. G. McCampbell, et al to Mrs. Jean McCampbell Davis by Partition Deed dated November 4, 1933, recorded in Volume 103, Page 151 of the Deed Records of San Patricio County, Texas, Property Tract 8, ID 67236, 112.818-acre tract of land, being part of a 6091.22-acre tract of land conveyed from W. G. McCampbell, et al to Mrs. Jean McCampbell Davis by Partition Deed dated November 4, 1933, recorded in Volume 103, Page 151 of the Deed Records of San Patricio County, Texas, Property Tract 9, ID 114650, 45.5766 acres of a 150.13 acre tract of land out of the heirs of Rosa Teal Survey, Abstract 262, San Patricio County, Texas, the said 150.13 acre tract of land being the same as and all of tract I being 150.12 acres, more or less, described in Special Warranty Deed dated November 1, 2013, recorded in document No. 632533, Official Public Records of San Patricio County, Texas, Property Tract 10, ID 103271, 145.0886 acres out of a 150.77 acre tract of land, being the same land described as 150.694 acres conveyed from Centex Homes, to EFO Land, L.P. by General Warranty Deed dated March 26, 1999, and recorded in Clerk's File No. 472035 of the Real Property Records of San Patricio County, Texas, Property Tract 11, ID 67168, Tract 12, 61499, 167.165 Acre Tract of Land, situated in the Heirs of Rosa Teal Survey A-262, Nicholas Fagan Survey A-124, being out a 6,091.22 Acre Tract of land described in a Partition Deed from W.G. (Will) McCampbell, et al, to John S. McCampbell, recorded in Volume 103, Page 156, Deed Records of San Patricio County Texas; said 167.165 Acre Tract being the same lands as a 166 Acre Tract of land described in a Deed from said W.G. McCampbell, et al to Mrs. Jean McCampbell Davis, as recorded in Volume 103, Page 151, Property Tract 13, ID 67270, 13.287 acres out of a called 34.9 acre tract of land out of the called East 100 acres out of the 200 acre Sahadi Tract, out of the Rosa Teal Survey, A-262, and the N. Fagin Survey, A-124, San Patricio County, Texas, with said 34.9 acres being called Tract "B" in a Partition Deed of called East 100 Acres, actual 99.72 acres, being described in a Deed recorded under Clerks file number 247749, Deed Records of San Patricio County, Texas, and said 200 acre Sahadi Tract described in a Deed of Record under Volume 81, Pages 597-598, Deed Records of San Patricio County, Texas, said 200 acre Sahadi Tract described in a Deed of Record under Volume 81, Pages 597-598, Deed Records of San Patricio County, Texas.

PUBLIC HEARING – REZONING REQUEST: A PUBLIC HEARING TO SOLICIT COMMENTS FROM CITIZENS AND OTHER INTERESTED PARTIES CONCERNING A REQUEST FROM THE PORT OF CORPUS CHRISTI AUTHORITY TO REZONE APPROXIMATELY 374.31 ACRES, FROM R-1 – SINGLE FAMILY RESIDENTIAL TO I – INDUSTRIAL, GENERALLY LOCATED SOUTH OF SH 361 (HIGHLAND AVE.) WEST OF THE INGLESIDE CITY LIMITS, AND NORTH OF THE SUBSEA 7 FACILITY, BEARING A LEGAL DESCRIPTION AS FOLLOWS:

Property Tract 16, ID 69004, Tract 17, ID 65073, Tract 19, ID 69200, Tract 21, Tract 22, Tract 23, Tract 24, A 336.36 acre tract of land out of the T.T. Williamson Survey, Abstract 292, the T.T. Williamson Survey, Abstract 293, the Heirs of Rosa Teal Survey, Abstract 262, the William McDonough Survey, Abstract 184, Day Land and Cattle Company Survey, Abstract 387, San Patricio County, Texas and a portion of the State of Texas Submerged Tract No. 3 in Corpus Christi Bay, Nueces County, Texas, Property Tract 20, A 37.95-acre tract out of the William McDonough Survey, Abstract A-184 and the Day Land and Cattle Company Survey, Abstract A-387, being the same tract called 38.06 acres recorded in Document No. 534924, Deed Records, San Patricio County, Texas, Save and Except a 2.5 acre drill site recorded in Document No. 379019, Deed Records, San Patricio County, Texas.

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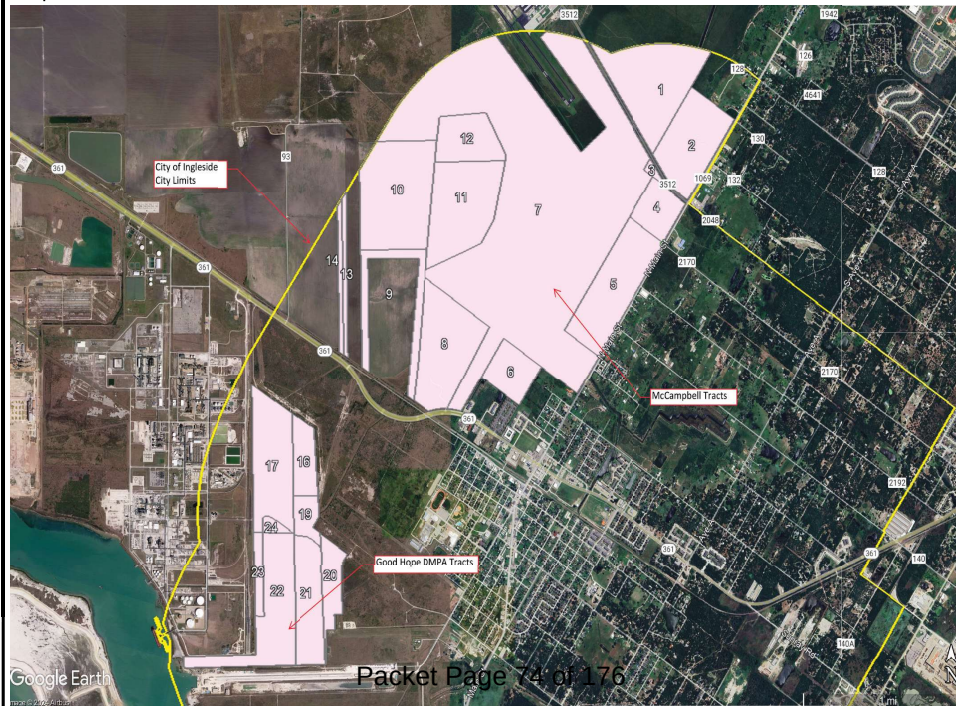
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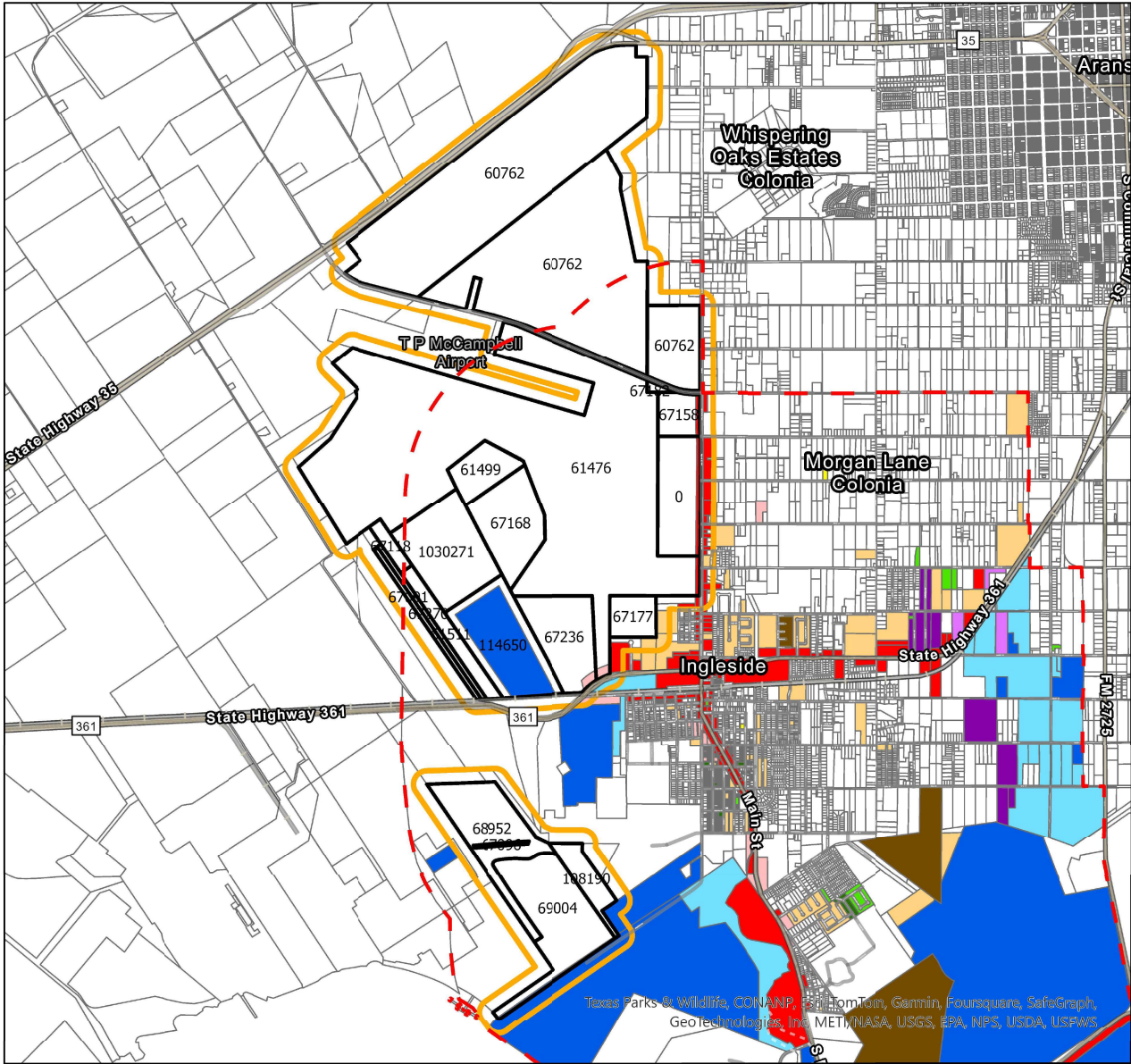
PUBLIC HEARING – SPECIAL USE PERMIT: A PUBLIC HEARING TO SOLICIT COMMENTS FROM CITIZENS AND OTHER INTERESTED PARTIES CONCERNING A REQUEST FROM THE PORT OF CORPUS CHRISTI AUTHORITY FOR A SPECIAL USE PERMIT TO ALLOW A SOLAR PANEL FARM ON APPROXIMATELY 1,743.76 ACRES, GENERALLY BOUNDED BY SH 361 (HIGHLAND AVE.), ON THE SOUTH, INGLESIDE CITY LIMITS ON THE EAST AND NORTH, AND SH 1069 (NORTH MAIN ST.) ON THE EAST, BEARING A LEGAL DESCRIPTION AS FOLLOWS:

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Bernard Rodriguez
Director
Development Services

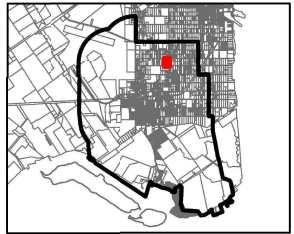




660 Rezoning
 McCampbell Tract & Good Hope DMPA
 File Date: 07/23/2024
 P&Z Date: 08/19/24
 Council Date: 10/22/2024

- Legend**
- COI City Limits
 - RoadCenterLine_20190827
 - Subject Parcels
 - 400 ft Buffer
 - General Commercial
 - Industrial
 - Light Industrial
 - Single Family Residential

This product is for informational purposes only and may not have been prepared for or be suitable for use in legal, engineering, or surveying products. It does not represent an on-the-ground survey and only represents the relative location of property boundaries.



0 2,000 4,000
 Feet

SCHWENKE ERIC
4407 S FM 1069
ARANSAS PASS, TX 78336

SCHWENKE ERIC & DIANE
SCHWENKE
2665 W HIGHLAND
INGLESIDE, TX 78362

GRANADOS ALEJANDRO & ELISA
1591 4TH STREET
INGLESIDE, TX 78362

SMITH RONALD GENE
3821 FM 1069
ARANSAS PASS, TX 78336

WALTON SILVIA
3933 FM 1069
ARANSAS PASS, TX 78336

GONZALES JENNY
HRISSIKOPOULOS
4055 JOHNSTONVILLE
SUSANVILLE, CA 96130

HRISSIKOPOULOS PAUL
7428 HOLLYWOOD BLVD APT 309
LOS ANGELES, CA 90046

HRISSIKOPOULOS CHARLES P
PALADIN TAX CONSULTANTS LLC
405 CHASE DRIVE
CORPUS CHRISTI, TX 78412

POOL HELEN HRISSIKOPOULOS
PALADIN TAX CONSULTANTS LLC
301 CAPE ARON DRIVE
CORPUS CHRISTI, TX 78412

HRISSIKOPOULOS HOMER P JAMES
PALADIN TAX CONSULTANTS LLC
310 BAYCLIFF DRIVE
CORPUS CHRISTI, TX 78412

HRISSIKOPOULOS PAT K FAMILY
TRUST GUARDIAN PROPERTY TAX
CONSULTANTS LLC
301 CAPE ARON DRIVE
CORPUS CHRISTI, TX 78412

RODRIGUEZ NOE & LUISA PRO
2587 CR 1996
ARANSAS PASS, TX 78336

AYON ENRIQUE AND LUZ M
DIOSDADO
3934 FM 1069
ARANSAS PASS, TX 78336

RUGGIERO LUISE & RAYMOND
2574 CR 2010
ARANSAS PASS, TX 78336

DIOSDADO JUAN R & LUIZ M
3924 FM 1069
ARANSAS PASS, TX 78336

DAVIDSON JOHN MASON
PO BOX 4639
CORPUS CHRISTI, TX 78469

J M DAVIDSON INC
2564 CR 1960
ARANSAS PASS, TX 78336

DAVIDSON JOHN
PO BOX 1304
PORTLAND, TX 78374

REYNOLDS PEARL E & JAMES LEE
3844 FM 1069
ARANSAS PASS, TX 78336

LIBERT DAVID
2570 CR 2028
ARANSAS PASS, TX 78336

TUGGLE GARRY & BONNIE
PO BOX 738
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NESTOR ANGEL REAL ESTATE LLC
2532 WILLIAMS
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PRITCHETT ROGER D & GLINDA A
3780 FM 1069 UNIT 8
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MR W FIREWORKS INC
PO BOX 114
SOMERSET, TX 78069

ARANSAS WW R LLC
5924 BEAR CREEK DR E
FT WORTH, TX 76126

EDWARDS GARY ARTHUR KAREN
GAY E WO AND LEAH REE
EDWARDS LOCKHART
253 CARMEL DR
SANDIA, TX 78383

NORTH BAY FELLOWSHIP
3530 MAIN ST
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SNP HOLDINGS LLC
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CORPUS CHRISTI, TX 78427

GULF SOUTH PIPELINE COMPANY
ATTN: PROPERTY TAX DEPT
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MORGAN MICHAEL A
2378 MORGAN LANE
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SMALLEY CLAUDETTE & MICHAEL
SMALLEY
2923 LOVERS LANE
INGLESIDE, TX 78362

LATTIERE MACKESON K & NICOLE
R
2372 KENNEY LN
INGLESIDE, TX 78362

HERNANDEZ JESSICA BARRON
2019 KENNEY LN
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COBERN JOSHUA S & JANETZY
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REXBURG, ID 83440

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FULTON
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SAN ANTONIO, TX 78237

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ORTIZ
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COOK DENISE TRUST
DENISE TRUST COOK TRUSTEE
3352 MAIN ST
INGLESIDE, TX 78362

FRAKICH CONNIE
3346 N MAIN ST
INGLESIDE, TX 78362

ADAME MINERVA
407 N WHITNEY ST
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SHUGART MONTE
2396 KENNEY LN
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ENGLEMAN JESSE LEE
2412 KENNEY LN
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CHAVEZ JIM
314 LONG POINTE DR
PORTLAND, TX 78374

JAMES JOHNSON LLC
410 LANG ROAD
PORTLAND, TX 78374

BARRON RODOLFO
2019 KENNY LANE
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TINE M
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SHIRLEY ELIZABETH
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BURKE CHRISTOPHER & VERONICA
3241 SUSAN CIRCLE
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MARIE
2816 YORKTOWN CRTS
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ROCKY J NAVARRO
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SPICEWOOD, TX 78669

PDRAP INC
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INGLESIDE HOSPITALITY LLC
2810 STATE HWY 361
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DAY INVESTMENTS INC
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TAFT, TX 78390

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JENKS, OK 74037

ADAME JESUS A & YANETH
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HARI ANSH LLC
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VISHAL RAJU BHAGAT
FOUNDATION
11217 IH 37
CORPUS CHRISTI, TX 78410

CORNERSTONE NUMBER THREE
ACRE TRUST
812 CRESTMONT WAY
GREENVILLE, SC 29615

GALLAGHER RAYMOND E
141 SEA BREEZE
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OHM SURFACE LLC
26935 HUFSMITH CONROE RD
MAGNOLIA, TX 77354

EXPANSION PROPERTIES INC
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AARON MATERIALS INC
PO BOX 26750
AUSTIN, TX 78755

SCHWENKE VIRGENE
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ROLAND SHARON
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ARANSAS PASS, TX 78336

AKSHARDHARM LLC
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CORNERSTONE NUMBER TWO
ACRE TRUST
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GREENVILLE, SC 29615

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OCCIDENTAL PERTROLEUM
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LEE DOYLE E JR & FRANCISCA L
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POCCA
Rezone to I-Industrial / C-2 General Commercial
Notice of Objection to Rezone Request
October 2024

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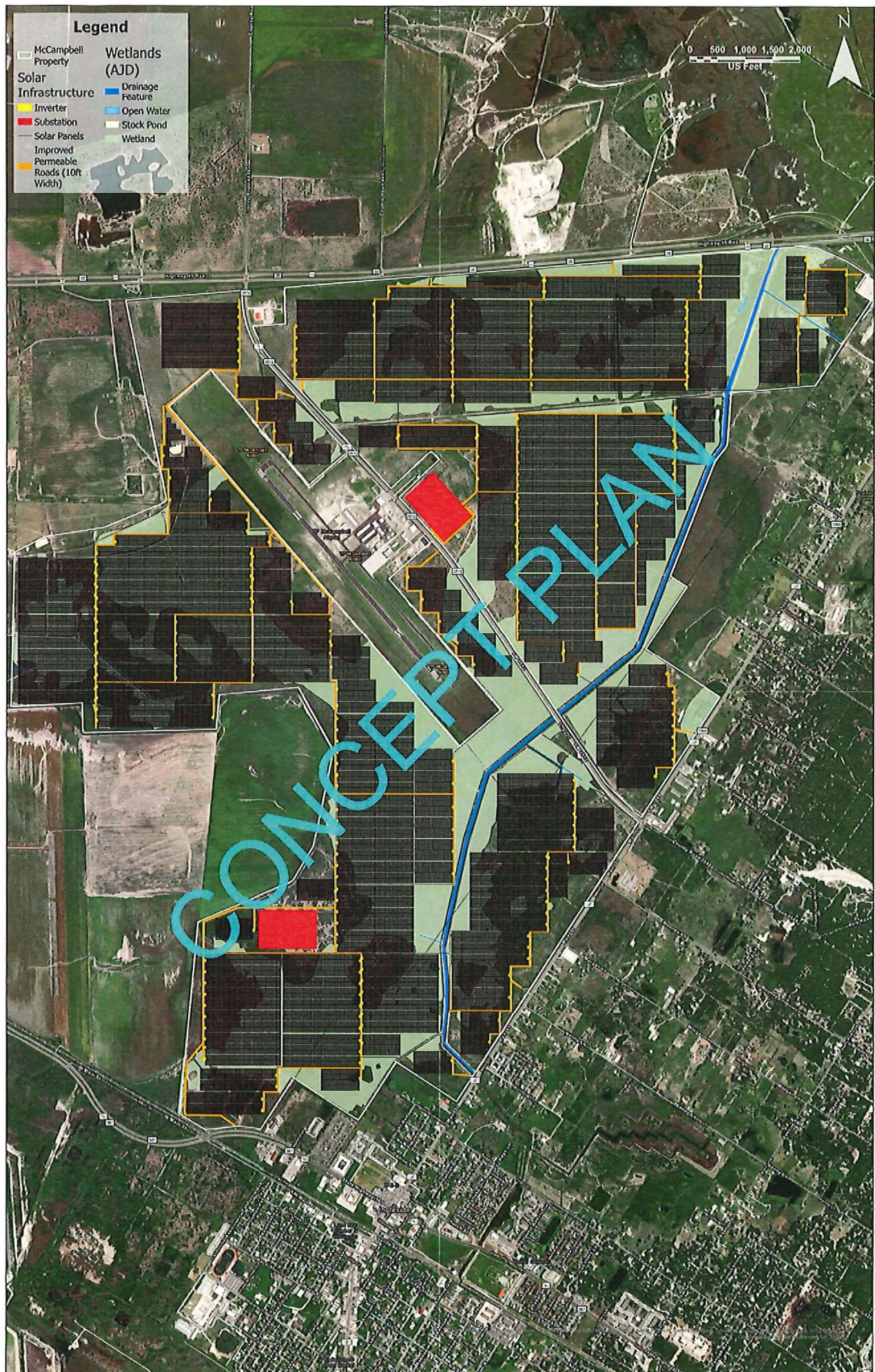
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Map ID	Property ID	Size (Acres)	Existing Zoning	Proposed Zoning	Special Permit	Legal Descriptions
McC Campbell Tracts						
1	60762	124.3789	R-1 Single Family	I- Industrial	Yes	124.3789 acres out of a 524.80 acre tract of land. being part of a 6091.22 acre tract of land conveyed from W. G. McC Campbell, et al to Mrs. Jean McC Campbell Davis by Partition Deed filled November 4, 1933, recorded in Volume 103, Page 151 of the Deed Records of San Patricio County, Texas.
2	60762	88.963	R-1 Single Family	I-Industrial	Yes	88.963 acre tract of land, being part of a 6091.22 acre tract of land conveyed from W. G. McC Campbell, et al, to Mrs. Jean McC Campbell Davis by Partition Deed dated November 4, 1933, recorded in Volume 103, Page 151 of the Deed Records of San Patricio County, Texas.
3	67182	3.589	R-1 Single Family	I-Industrial	Yes	3.589 acre tract of land, being part of a 6091.22 acre tract of land conveyed from W. G. McC Campbell, et al, to Mrs. Jean McC Campbell Davis by Partition Deed dated November 4, 1933, recorded in Volume 103, Page 151 of the Deed Records of San Patricio County, Texas
4	67158	37.397	R-1 Single Family	I-Industrial	Yes	37.397 acre tract of land, being part of a 6091.22 acre tract of land conveyed from W. G. McC Campbell, et al, to Mrs. Jean McC Campbell Davis by Partition Deed dated November 4, 1933, recorded in Volume 103, Page 151 of the Deed Records of San Patricio County, Texas
5		104.748	R-1 Single Family	I-Industrial	Yes	104.748 acre tract of land, being part of a 6091.22 acre tract of land conveyed from W. G. McC Campbell, et al, to Mrs. Jean McC Campbell Davis by Partition Deed dated November 4, 1933, recorded in Volume 103, Page 151 of the Deed Records of San Patricio County, Texas
6	67177	40.329	R-1 Single Family	I-Industrial	Yes	40.329 acre tract of land, being part of a 6091.22 acre tract of land conveyed from W. G. McC Campbell, et al, to Mrs. Jean McC Campbell Davis by Partition Deed dated November 4, 1933, recorded in Volume 103, Page 151 of the Deed Records of San Patricio County, Texas
7	61476	848	R-1 Single Family	I- Industrial	Yes	848 acres out of a 1181.095 tract of land, being part of a 6091.22 acre tract of land conveyed from W. G. McC Campbell, et al, to Mrs. Jean McC Campbell Davis by Partition Deed dated November 4, 1933, recorded in Volume 103, Page 151 of the Deed Records of San Patricio County, Texas
8	67236	112.818	R-1 Single Family	I-Industrial	Yes	112.818 acre tract of land, being part of a 6091.22 acre tract of land conveyed from W. G. McC Campbell, et al, to Mrs. Jean McC Campbell Davis by Partition Deed dated November 4, 1933, recorded in Volume 103, Page 151 of the Deed Records of San Patricio County, Texas
9	114650	45.5766	ustrial & R-1 Single F	I-Industrial	No	45.5766 acres of a 150.13 acre tract of land out of the heirs of Rosa Teal Survey, Abstract 262, San Patricio County, Texas, the said 150.13 acre tract of land being the same as and all of tract II being 150.12 acres, more or less, described in Special Warrenty Deed dated November 1, 2013, recorded in document No. 632533, Official Public Recrods of San Patricio County, Texas.
10	1030271	145.0886	R-1 Single Family	I- Industrial	No	145.0886 acres out of a 150.77 acre tract of land, being the same land described as 150.694 acres conveyed from Centex Homes. to EFO Land, L.P., by General Warranty Deed dated March 26, 1999, and recordtlo in Clerk's File No. 472035 of the Real Property Rec.ords of San Patricio County, Texas
11	67168	167.165	R-1 Single Family	I-Industrial	No	167.165 Acre Tract of Land, situated in the Heirs of Rosa Teal Survey A-262, Nicholas Fagan Survey A-124, being out a 6,091.22 Acre Tract of land described in a Partition Deed from W.G. (Will) McC Campbell, et al., to John S. McC Campbell, recorded in Volume 103, Page 156, Deed Records of San Patricio County Texas; said 167.165 Acre Tract being the same lands as a 166 Acre Tract of land described in a Deed from said W.G. McC Campbell, et al. to Mrs. Jean McC Campbell Davis, as recorded in Volume 103 Page 151.
12	61499			I-Industrial	No	
13	67270	13.287	R-1 Single Family	I- Industrial	No	13.287 acres out of 17.456 acres of land out of a called 34.9 acre tract of land out of the called East 100 acres out of the 200 acre Sahadi Tract, out of the Rosa Teal Survey, A-262, and the N. Fagin Survey, A-124, San Patricio County, Texas, with said 34.9 acres being called Tract "B" in a Partition Deed of called East 100 Acres, actual 99.72 acres, being described in a Deed recorded under Clerks file number 247749, Deed Records of San Patricio County, Texas, and said 200 acre Sahadi Tract described in a Deed of Record under Volume 81, Pages 597-598, Deed Records of San Patricio County, Texas.

14	67091	12.4199	R-1 Single Family	I-Industrial	No	12.4199 acres out of 17.456 acres of land out of a called 34.9 acre tract of land out of the called East 100 acres out of the 200 acre Sahadi Tract, out of the Rosa Teal Survey, A-262, and the N. Fagin Survey, A-124, San Patricio County, Texas, with said 34.9 acres being called Tract "B" in a Partition Deed of called East 100 Acres, actual 99.72 acres, being described in a Deed recorded under Clerks file number 247749, Deed Records of San Patricio County, Texas, and said 200 acre Sahadi Tract described in a Deed of Record under Volume 81, Pages 597-598, Deed Records of San Patricio County, Texas.
1,743.76 Total Needing Rezoning - McCampbell						
1,360.22 Total Acres Needing Special Permit						
Good Hope Tracts						
16	69004	336.36	R-1 Single Family	I-Industrial	No	*** A 336.36 acre tract of land out of the T.T. Williamson Survey, Abstract 292, the T.T. Williamson Survey, Abstract 293, the Heirs of Rosa Teal Survey, Abstract 262, the William McDonough Survey, Abstract 184, Day Land and Cattle Company Survey, Abstract 387, San Patricio County, Texas and a portion of the State of Texas Submerged Tract No. 3 in Corpus Christi Bay, Nueces County, Texas.
17	65073		R-1 Single Family	I-Industrial	No	A 336.36 acre tract of land out of the T.T. Williamson Survey, Abstract 292, the T.T. Williamson Survey, Abstract 293, the Heirs of Rosa Teal Survey, Abstract 262, the William McDonough Survey, Abstract 184, Day Land and Cattle Company Survey, Abstract 387, San Patricio County, Texas and a portion of the State of Texas Submerged Tract No. 3 in Corpus Christi Bay, Nueces County, Texas.
19	69200		R-1 Single Family	I-Industrial	No	A 336.36 acre tract of land out of the T.T. Williamson Survey, Abstract 292, the T.T. Williamson Survey, Abstract 293, the Heirs of Rosa Teal Survey, Abstract 262, the William McDonough Survey, Abstract 184, Day Land and Cattle Company Survey, Abstract 387, San Patricio County, Texas and a portion of the State of Texas Submerged Tract No. 3 in Corpus Christi Bay, Nueces County, Texas.
20		37.95	R-1 Single Family	I-Industrial	No	*** A 37.95 acre tract out of the William McDonough Survey, Abstract A-184 and the Day Land and Cattle Company Survey, Abstract A-387, being the same tract called 38.06 acres recorded in Document No. 534924, Deed Records, San Patricio County, Texas, Save and Except a 2.5 acre drill site recorded in Document No. 379019, Deed Records, San Patricio County, Texas.
21			R-1 Single Family	I-Industrial	No	A 336.36 acre tract of land out of the T.T. Williamson Survey, Abstract 292, the T.T. Williamson Survey, Abstract 293, the Heirs of Rosa Teal Survey, Abstract 262, the William McDonough Survey, Abstract 184, Day Land and Cattle Company Survey, Abstract 387, San Patricio County, Texas and a portion of the State of Texas Submerged Tract No. 3 in Corpus Christi Bay, Nueces County, Texas.
22			R-1 Single Family	I-Industrial	No	A 336.36 acre tract of land out of the T.T. Williamson Survey, Abstract 292, the T.T. Williamson Survey, Abstract 293, the Heirs of Rosa Teal Survey, Abstract 262, the William McDonough Survey, Abstract 184, Day Land and Cattle Company Survey, Abstract 387, San Patricio County, Texas and a portion of the State of Texas Submerged Tract No. 3 in Corpus Christi Bay, Nueces County, Texas.
23			R-1 Single Family	I-Industrial	No	A 336.36 acre tract of land out of the T.T. Williamson Survey, Abstract 292, the T.T. Williamson Survey, Abstract 293, the Heirs of Rosa Teal Survey, Abstract 262, the William McDonough Survey, Abstract 184, Day Land and Cattle Company Survey, Abstract 387, San Patricio County, Texas and a portion of the State of Texas Submerged Tract No. 3 in Corpus Christi Bay, Nueces County, Texas.
24			R-1 Single Family	I-Industrial	No	A 336.36 acre tract of land out of the T.T. Williamson Survey, Abstract 292, the T.T. Williamson Survey, Abstract 293, the Heirs of Rosa Teal Survey, Abstract 262, the William McDonough Survey, Abstract 184, Day Land and Cattle Company Survey, Abstract 387, San Patricio County, Texas and a portion of the State of Texas Submerged Tract No. 3 in Corpus Christi Bay, Nueces County, Texas.
374.31 Total Needing Rezoning - Good Hope						
*** Only these two legal descriptions are needed for the Good Hope Property						
2,118.07 Total Rezoning						

No.	Comment	Comment Type	Response	Action Item
USACE				
1.1	The stated purpose is 600 megawatt (MW) solar facility construction and the rationale used references residential power demands. However, the need references existing and new regional industrial off-takers. What are the current and anticipated industrial power needs?	Power Needs	The proposed project is expected to generate renewable electrons for the grid, adding to the existing mix of renewable energy with the potential to serve both residential and industrial demands, including meeting the demands for low-carbon electrons associated with electrolytic hydrogen production. Based on Port Corpus Christi's Hydrogen Hub Application to the Department of Energy, we estimate a potential demand of multiple gigawatts (GW) of demand for renewable energy in phases over the next 10 years.	
1.2	The alternatives analysis incorrectly states that all alternatives have no impacts to special aquatic sites (including wetlands). However, all alternative except for offsite alternative 5 have wetland impacts.	Alternatives Analysis	Port Corpus Christi revised the Alternative Analysis to reflect the correct impacts. See Attachment A.	Updated Alternative Analysis for Wetlands Impacts
1.3	What are the estimated distance related energy transmission efficiency losses? How do they compare based on the alternative sites considered?	Site Selection	The U.S. Energy Information Administration (EIA) estimates approximately 5% of generated electricity is lost through transmission and distribution. Due to the proximity to existing transmission infrastructure, none of the sites evaluated in Port Corpus Christi's alternatives analysis were eliminated based on distance. However, transmission infrastructure currently exists within the McCampbell property, which is fundamentally preferable to offsite transmission, regardless of proximity.	
1.4	The March 31, 2008, wetlands compensatory mitigation rule created a mitigation bank preference to meet mitigation requirements. If the proposed project does not lie within a bank service area please make note of this within the proposed mitigation plan.	Mitigation Banks	No mitigation banks exist within the same watershed as the McCampbell Property. Therefore, Port Corpus Christi developed a Compensatory Mitigation Plan for on-site, in-kind compensatory mitigation to offset unavoidable project impacts as a favorable alternative to offsite mitigation. The mitigation plan has been updated to reflect the absence of a mitigation bank, see Attachment B.	Updated mitigation plan to state lack of mitigation banks
1.5	Compensatory mitigation for unavoidable wetland impacts is based on aquatic resource functional loss. Has the Port conducted a wetland functional assessment pursuant to the Galveston District interim hydrogeomorphic (iHGM) function model? This is the standard procedure to ensure sufficient compensatory mitigation. Additionally, despite the proposed use of timber mats and smaller construction vehicles what consideration has been given to temporal wetland functional loss during project construction? An estimated project construction timeline would facilitate the temporal functional impact assessment.	Mitigation Credits	Port Corpus Christi developed the proposed mitigation plan based on the observed impacts occurring on-site at the time the property was purchased. The proposed restoration will conservatively mitigate unavoidable project impacts on a ratio of approximately 3 to 1. Port Corpus Christi updated this ratio following a detailed classification of the proposed restoration types, which required a more thorough analysis of the potential mitigation potential on-site. The 2.8 to 1 ratio is a more accurate estimate than the originally provided 2.2 to 1. However, the ratio did not incorporate a functional assessment such as the hydrogeomorphic (HGM) model because the methodology is not accepted by the USACE Corpus Christi Regulatory Field Office because it only currently includes the upper Texas Coast. Port Corpus Christi estimates 36 months for total construction, 12 months for road installation, and 24 months for panel installation. Roads will be constructed first to allow panel installation utilizing existing roads, reducing wetland impacts.	Updated for new mitigation ratio

No.	Comment	Comment Type	Response	Action Item
1.6	The permit application references a literature review to determine solar panel wetland shading impacts. What existing benchmark solar facility data was used to make a no wetland effect determination?	Shading	Scientific research regarding the effects of photovoltaic (PV) panel shading on plant species is mixed, primarily as a function of geography. While some studies demonstrate increased biomass (Bousselot et al., 2017) and document increased biodiversity (Uldrian et al, 2021), others note less biomass under panels (Armstrong et al, 2016). These papers and others reviewed by Port Corpus Christi are based on research conducted in differing climate regimes (mainly Europe) and focus only on upland plant communities. The studies in which a decrease in biomass was documented were conducted in regions with vastly different climatic regimes in terms of daily temperature variability and duration of the growing season. Comparatively, the Coastal Bend Region's year-round growing season and lower daily temperature variability represent considerably more favorable growing conditions than in these reference studies. Likewise, the proposed panel height, and thus the distance between the panels and the ground, is 5ft higher greater in the Port's proposed design than the industry standard. These studies that document decreases biomass, do not consider increasing panel height, which will inherently translate into increased sunlight penetration/reduced shading. Within the U.S. however, ongoing research conducted by the National Renewables Energy Lab (NREL) suggests that the shade under panels would improve soil health, retain water, nurture native species, produce food, and provide even lower-cost energy (NREL, 2019). While there is no conclusive scientific research indicating that PV panels prevent wetland species from growing, professional articles from the solar industry reveal that vegetation management is paramount in solar installations to prevent vegetation overgrowth, yielding diminishing absorption for the panels themselves (Lawrence, 2022), (Solar Power World, 2020), (Invenery, 2022). This implies that species are not adversely affected by shading from the PV panels. From the perspective of wetland science, however, it is worth noting that USACE's own Wetland Determination Data Forms support the concept of herbaceous vegetation growing in the presence of shade. This is evident in the structure of the Hydrophytic Vegetation section of the form, which categorizes vegetation by strata. The coexistence of both a tree and herb strata in an individual sample point indicates herbaceous wetland vegetation persists in the presence of shade (USACE, 2010). An Ohio-based study evaluated the variety of strata density in forested wetlands, noting both shade-tolerant and shade-intolerant herbaceous species (Abella et al., 2020). This study further noted that shade-intolerant herbaceous cover is inversely related to canopy density (i.e. the less dense the canopy, the greater the density of herbaceous cover). The study also noted little correlation between canopy density and shade-tolerant herbaceous wetland species. Since the spacing, height, and continuous rotation of the panels preclude persistent and wide-spread shading equivalent to that in a dense canopy, the project is unlikely to impact either shade-tolerant or shade-intolerant wetland species. (The bottom of the panels will be at least 5ft above the ground, and the rotation of the panel throughout the day is estimated to reduce shading on the panels themselves by 30-40%, which also mitigates the effects of persistent shading below the panels.)	
1.7	Be advised that the Corps must also determine whether the proposed activities would be contrary to the public interest and additional information may be requested from the applicant to make this determination, especially regarding, but not limited to, conservation, general environmental concerns, fish and wildlife values, navigation, safety, and/or food and fiber production.	Public Interest	Regardless of the destination of the renewable electrons generated from this project, they would serve to supplant power derived from fossil fuels, reducing regional emissions, and edging the Coastal Bend Region toward carbon neutrality, which is unequivocally aligned with the public interest (IPCC, 2022). Likewise, the addition of new, ultra-low carbon electricity generation to the ERCOT grid will bolster grid resilience for all users, clearly serving the public interest. Further, the proposed construction techniques and on-site mitigation will preserve and enhance, respectively, the hydrologic function of the site, thereby upholding and serving the public interest of downstream communities for whom the site provides ecosystem (watershed) services.	
Michael A. Morgan				
2.1	I do object to the proposed solar panels located directly NW of Main st. (FM-1069), Project Plans panels 12 & 13. Those areas are covered in heavy brush & provide important habitat for many forms of wildlife that will be displaced if these areas are disturbed.	Habitat	Wetlands dominate the McCampbell property, which is devoid of heavy brush. As a factor of the property's history of cattle ranching, both the uplands ("heavy brush") and wetlands were subject to controlled burns.	
John Weber				

No.	Comment	Comment Type	Response	Action Item
3.1	Wetlands are an important part of our ecosystem and any existing ones should always be protected. Wetlands are also not a desired location for solar farms because of the difficulty for installation and for the maintenance and cleaning of the panels over the life of the project.	Wetlands	Port Corpus Christi agrees wetlands are a vital component of the local ecosystem. Therefore, Port Corpus Christi designed this project in a manner that fundamentally preserves site hydrology and avoids/minimizes impacts to aquatic resources. To accomplish the goals of this project, Port Corpus Christi commits to the following: • Restore all temporary construction impacts to existing grades; • Limit access improvement to only that which is necessary to support critical operations; • Elevate infrastructure above the ground via helical pilings that do not constitute fill per (40 CFR 232.2); • Locate inverters outside wetlands where possible; • Eliminate the potential of vegetation shading via elevated, tracking panels; • Restore 29.6ac of existing, degraded de facto access paths to natural elevations; • Use automated panel cleaning mechanisms to minimize the need for vehicular access to the site.	
3.2	An alternative location would be in the area, of the appearing to be defunct 600 MW crypto mining operation, located off of McKinzie Rd and State Highway 44. The main electrical appears to be in place already on a robust part of the electrical transmission system.	Site Selection	Port Corpus Christi evaluated several sites during the alternative analysis and determined the McCampbell property to be best suited for an industrial-size solar development. An updated alternatives analysis is provided as a part of this response to comments (see Attachment A).	
3.3	When will the public meeting be held regarding this application?	Public Meeting	The U.S. Army Corps of Engineers should advise if a public meeting is necessary.	
National Marine Fisheries Service (Charrish Stevens)				
4.1	we do not object to the issuance of this permit for SWG-2022-00561, provided the applicant adheres to the mitigation plans included with the public notice	Adherence to Mitigation Plan	Port Corpus Christi thanks the National Marine Fisheries Service for their timely review of this project.	
Cathy Fulton				
5.1	There is missing information to the application that needs to be included and addressed. The information is attached to this email. The Port of Corpus Christi just approved a lease agreement with Howard Energy and Talos to allow POCCA properties to be used for carbon sequestration. The entire McCampbell property is shown for a possible sequestration site, including the solar panel placement areas.	Howard and Talos Lease	The solar development proposed in this permit application represents a single project with independent utility. The lease agreement referenced related to carbon capture and sequestration (CCS), is also a single project with independent utility. The U.S. Environmental Protection Agency (EPA) is the lead federal agency responsible for reviewing the CCS project in accordance with NEPA. Further, the proposed solar installation occupies approximately 1886ac of the 2850ac property, providing an opportunity for additional and independent projects.	
Kenneth Teague				
6.1	I recommend that the USACE, USEPA, USFWS, and TPWD conduct a site visit to determine the quality and environmental significance of the aquatic habitats proposed to be destroyed by the applicant. The USEPA should consider whether these habitats may be Aquatic Resources of National Significance, and if so, elevate review with USACE. In particular, USFWS and TPWD should determine whether these habitats have value to the endangered whooping crane.	Request for Site Visits	The USACE conducted several site visits to the property during the issuance of the approved jurisdictional determination (AJD). It is also anticipated that during the Section 7 consultation, USFWS will also conduct site visits. The Section 7 consultation will ensure that the activities of the proposed project take appropriate measures to conserve and protect Federally listed endangered and threatened species and their habitat.	

No.	Comment	Comment Type	Response	Action Item
6.2	I am very concerned that the applicant may have severely avoided disclosing the true impacts of the proposed project on aquatic habitats. The PN only acknowledges impacts to the PN (and presumably the applicant) acknowledge. The USACE and other agencies must determine the actual extent of likely impacts, including impacts of shading from solar panels, on these wetlands. The proposed project must be evaluated in the context of a full disclosure of potential impacts to aquatic habitats, which is not currently the case.	Aquatic Habitat	Section 2 of the application provides an accurate and complete description of the landscape: Wetlands constitute approximately 1,560ac of the McCampbell Property (See Approved Jurisdictional Determination dated August 12, 2022). Hydrology within the property is dominated by a large ditch that conveys stormwater from the City of Ingleside and the site itself downstream to the McCampbell Slough and Port Bay. Salt meadow cordgrass (<i>Spartina spartinae</i>) dominates the site and is observed in both upland and wetland habitats. Wetlands within the property are highly homogenous with little variation in plant assemblages. The property as a whole demonstrates low topographic relief. Elevations within the wetlands range from 4-8ft NAVD88 whereas uplands average 10ft NAVD88. The wetlands on the property overlap a Federal Emergency Management Agency (FEMA) floodplain, with a base flood elevation (BFE) of +11ft NAVD88. Scientific research regarding the effects of photovoltaic (PV) panel shading on plant species is mixed, primarily as a function of geography. While some studies demonstrate increased biomass (Bousselot et al., 2017) and document increased biodiversity (Uldrijan et al, 2021), others note less biomass under panels (Armstrong et al, 2016). These papers and others reviewed by Port Corpus Christi are based on research conducted in differing climate regimes (mainly Europe) and focus only on upland plant communities. The studies in which a decrease in biomass was documented were conducted in regions with vastly different climatic regimes in terms of daily temperature variability and duration of the growing season. Comparatively, the Coastal Bend Region's year-round growing season and lower daily temperature variability represent considerably more favorable growing conditions than in these reference studies. Likewise, the proposed panel height, and thus the distance between the panels and the ground, is 5ft higher greater in the Port's proposed design than the industry standard. These studies that document decreases biomass, do not consider increasing panel height, which will inherently translate into increased sunlight penetration/reduced shading. Within the U.S. however, ongoing research conducted by the National Renewables Energy Lab (NREL) suggests that the shade under panels would improve soil health, retain water, nurture native species, produce food, and provide even lower-cost energy (NREL, 2019). While there is no conclusive scientific research indicating that PV panels prevent wetland species from growing, professional articles from the solar industry reveal that vegetation management is paramount in solar installations to prevent vegetation overgrowth, yielding diminishing absorption for the panels themselves (Lawrence, 2022), (Solar Power World, 2020), (Invenergy, 2022). This implies that species are not adversely affected by shading from the PV panels. From the perspective of wetland science, however, it is worth noting that USACE's own Wetland Determination Data Forms support the concept of herbaceous vegetation growing in the presence of shade. This is evident in the structure of the Hydrophytic Vegetation section of the form, which categorizes vegetation by strata. The coexistence of both a tree and herb strata in an individual sample point indicates herbaceous wetland vegetation persists in the presence of shade (USACE, 2010). An Ohio-based study evaluated the variety of strata density in forested wetlands, noting both shade tolerant and shade intolerant herbaceous species (Abella et al., 2020). This study further noted that shade intolerant herbaceous cover is inversely related to canopy density (i.e. the less dense the canopy, the greater the density of herbaceous cover). The study also noted little correlation between canopy density and shade tolerant herbaceous wetland species. Since the spacing, height, and continuous rotation of the panels preclude persistent and wide-spread shading equivalent to that in a dense canopy, the project is unlikely to impact either shade tolerant or shade intolerant wetland species. (The bottom of the panels will be at least 5ft above the ground, and the rotation of the panel throughout the day is estimated to reduce shading on the panels themselves by 30-40%, which also mitigates the effects of persistent shading below the panels.)	
6.3	The PN includes a table labeled as "Alternative Analysis Summary". However, it is not possible to interpret the table without any explanation. The applicant should be required to provide the public with the actual Alternatives Analysis, for review and comment.	Alternatives Analysis	A more detailed Alternatives Analysis was provided in Attachment D of the application. However, an updated alternatives analysis is provided as a part of this response to comments (see Attachment A) to correct an inadvertent error.	

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6.4	In the absence of any explanation, review of the Alternative Analysis Summary suggests that the applicant has not properly complied with the Clean Water Act, Section 404(b)(1) Guidelines.	Alternatives Analysis	A detailed Alternatives Analysis is provided in Attachment D of the application and an updated alternatives analysis is provided as a part of this response to comments (see Attachment A). As further detailed in the permit application, wetland impacts were minimized and avoided to the greatest possible extent, aligning the project with the Section 404 (b)(1) guidelines.																									
6.5	The applicant has failed to propose mitigation that meets the requirements of the Mitigation Rule.	Mitigation	A detailed mitigation plan in compliance with April 10, 2008, USACE / USEPA Final Mitigation Rule (2008 Mitigation Rule) and 33 DFR 332.4(c)(2) through (c)(14) is provided as Attachment G of the application. An updated Mitigation Plan has been provided as a part of the response to comments (see Attachment B).																									
Paul Kaspar - US EPA																												
7.1	Under the Guidelines, no discharge of dredged or fill material may be permitted by the Corps if: (1) a practicable alternative exists that is less damaging to the aquatic environment so long as that alternative does not have other significant adverse environmental consequences or (2) the nation's waters would be significantly degraded. Under the Guidelines, a project must incorporate all appropriate and practicable measures to first avoid impacts to wetlands, streams, and other aquatic resources and then minimize unavoidable impacts; after avoidance and minimization measures have been applied, the project must include appropriate and practicable compensatory mitigation for the remaining unavoidable impacts. The Guidelines explicitly require evaluation of all direct, secondary, and cumulative impacts reasonably associated with the proposed discharge in determining compliance with Section 230.10(c). Information has not been included to address whether the applicant has adequately considered the entirety of impacts to the affected and surrounding aquatic resources. The existing wetland functions maintain and improve the chemical, physical, and biological integrity of the adjacent bays and waterways by regulating fresh groundwater levels, storing floodwater, removing pollutants and excess nutrients.	Impacts to Aquatic Resources	Port Corpus Christi designed this project in a manner that fundamentally preserves site hydrology and avoids/minimizes impacts to aquatic resources. To accomplish the goals of this project, Port Corpus Christi commits to the following: • Restore all temporary construction impacts to existing grades; • Limit access improvement to only that which is necessary to support critical operations; • Elevate infrastructure above the ground via helical pilings that do not constitute fill per (40 CFR 232.2); • Locate inverters outside wetlands where possible; • Eliminate the potential of vegetation shading via elevated, tracking panels; • Restore 29.6ac of existing, degraded de facto access paths to natural elevations; • Use automated panel cleaning mechanisms to minimize the need for vehicular access to the site. Port Corpus Christi proposes several fundamental deviations from the typical concept for solar energy generation to avoid and minimize wetland impacts across the McCampbell Property. The table below, from the permit application, summarizes the way in which Port Corpus Christi avoided and minimized wetland impacts for the project: <table><tr><th>Potential Project Impacts</th><th>Method to Minimize or Reduce Potential Wetland Impacts</th><th>Net Impact</th></tr><tr><td>Pilings in Wetlands</td><td>Helical pilings</td><td>None - Avoided</td></tr><tr><td>Shading from Panels</td><td>Elevations above BFE and continuous rotation</td><td>None - Avoided</td></tr><tr><td>Trenching for Cables</td><td>Cable elevated on trays</td><td>None - Avoided</td></tr><tr><td>Inverter</td><td>Sited in uplands where applicable</td><td>None - 0.3ac offset with mitigation)</td></tr><tr><td>Site Access</td><td>Configured site to minimize total length of access paths</td><td>None - 13.4ac - offset with mitigation</td></tr><tr><td>Substations</td><td>Sited solely in uplands</td><td>None - Avoided</td></tr><tr><td>Temporary Construction</td><td>Minimized by construction sequencing, BMPs, and restorations.</td><td>None - Restored</td></tr></table>	Potential Project Impacts	Method to Minimize or Reduce Potential Wetland Impacts	Net Impact	Pilings in Wetlands	Helical pilings	None - Avoided	Shading from Panels	Elevations above BFE and continuous rotation	None - Avoided	Trenching for Cables	Cable elevated on trays	None - Avoided	Inverter	Sited in uplands where applicable	None - 0.3ac offset with mitigation)	Site Access	Configured site to minimize total length of access paths	None - 13.4ac - offset with mitigation	Substations	Sited solely in uplands	None - Avoided	Temporary Construction	Minimized by construction sequencing, BMPs, and restorations.	None - Restored	
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7.2	Specifically, it does not appear that impacts to McCampbell Slough and Port Bay have been addressed such as, but not limited to, loss of filtration, lower dissolved oxygen concentrations, increases in turbidity or toxicity, or losses to local wildlife habitat. Potential impacts to area hydrology and nearby aquatic resources resulting from fill of impacted wetlands should be considered, and further evaluation upon the watershed given the size of the project area may be appropriate. As noted in the draft mitigation plan, roads (such as those proposed by the project) become barriers to surface hydrology limiting sheet flow from the wetlands into existing swales and channels and, ultimately, limiting hydrologic connectivity between the site and downstream estuaries. The installation of the solar panels will likely impede biological function due to the large percentage of wetlands to be subjected to additional shading as the rotating panels are designed to capture maximum daylight. It is unclear if existing evapotranspiration rates be impacted, the extent impacts due to of mowing and maintenance activities, or the impact associated with future decommissioning activities post-project life expectancy.	Impacts to Aquatic Resources	Port Corpus Christi designed this project in a manner that fundamentally preserves site hydrology and avoids/minimizes impacts to aquatic resources. Port Corpus Christi proposes several fundamental deviations from the typical concept for solar energy generation to avoid and minimize wetland impacts across the McCampbell Property. The table below, from the permit application, summarizes the way in which Port Corpus Christi avoided and minimized wetland impacts for the project: <table><tr><th>Potential Project Impacts</th><th>Method to Minimize or Reduce Potential Wetland Impacts</th><th>Net Impact</th></tr><tr><td>Pilings in Wetlands</td><td>Helical pilings</td><td>None - Avoided</td></tr><tr><td>Shading from Panels</td><td>Elevations above BFE and continuous rotation</td><td>None - Avoided</td></tr><tr><td>Trenching for Cables</td><td>Cable elevated on trays</td><td>None - Avoided</td></tr><tr><td>Inverter</td><td>Sited in uplands where applicable</td><td>None - 0.3ac offset with mitigation)</td></tr><tr><td>Site Access</td><td>Configured site to minimize total length of access paths</td><td>None - 13.4ac - offset with mitigation</td></tr><tr><td>Substations</td><td>Sited solely in uplands</td><td>None - Avoided</td></tr><tr><td>Temporary Construction</td><td>Minimized by construction sequencing, BMPs, and restorations</td><td>None - Restored</td></tr></table> In constructing the proposed project, Port Corpus Christi will improve both the hydrologic functions of the wetlands and free up capacity for upstream stormwater from the surrounding municipalities. Improving the wetland's hydrologic function as a factor of the project will improves downstream water quality including but not limited to, dissolved oxygen, filtration capacity, turbidity, or toxicity. In 1977 USACE authorized the excavation of a drainage ditch through the McCampbell Property to convey stormwater from the City of Ingleside and surrounding areas into the McCampbell Slough. This ditch not only serves to convey stormwater from the Ingleside area but drains the surrounding wetlands within the McCampbell Property. Additionally, impacts resulting from ongoing agricultural use of the McCampbell Property—the existing roads—serve as auxiliary conveyances to the drainage ditch, Port Corpus Christi developed a conceptual site drainage model, which demonstrates a high correlation to stream features and roads within the property. Wetlands function by retaining water until the existing hydrologic regime of the adjacent waterbody naturally removes the water or it evaporates. The excavated drainage ditch, and the existing roads—which serve as auxiliary conveyances to the ditch—prematurely remove standing water from the wetlands within the property and force it downstream into the McCampbell Slough. The additional stormwater, redirected from the wetlands, feeds into the drainage ditch, reducing potential capacity from the upstream communities. Through the execution of the proposed mitigation plan, Port Corpus Christi will eliminate the roads that function as auxiliary conveyance. Future iterations of construction design (especially proposed site access) will further address site stormwater function, focusing on wetland water retention and preventing additional conveyance to the drainage ditch. As a result of the proposed mitigation and additional stormwater-focused design, Port Corpus Christi will restore the natural retention time of the wetlands, preventing premature runoff into the drainage ditch, which will reserve additional stormwater capacity for the upstream communities. Further, the presence of shade does not equate to a loss of biological function in wetlands. An Ohio-based study evaluated the variety of strata density in forested wetlands, noting both shade tolerant and shade intolerant herbaceous species (Abella et al., 2020). This study further noted that shade intolerant herbaceous cover is inversely related to canopy density (i.e. the less dense	Potential Project Impacts	Method to Minimize or Reduce Potential Wetland Impacts	Net Impact	Pilings in Wetlands	Helical pilings	None - Avoided	Shading from Panels	Elevations above BFE and continuous rotation	None - Avoided	Trenching for Cables	Cable elevated on trays	None - Avoided	Inverter	Sited in uplands where applicable	None - 0.3ac offset with mitigation)	Site Access	Configured site to minimize total length of access paths	None - 13.4ac - offset with mitigation	Substations	Sited solely in uplands	None - Avoided	Temporary Construction	Minimized by construction sequencing, BMPs, and restorations	None - Restored	
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			the canopy, the greater the density of herbaceous cover). The study also noted little correlation between canopy density and shade tolerant herbaceous wetland species. Since the spacing, height, and continuous rotation of the panels preclude persistent and wide-spread shading equivalent to that in a dense canopy, the project is unlikely to impact either shade tolerant or shade intolerant wetland species. (The bottom of the panels will be at least 5ft above the ground, and the rotation of the panel throughout the day is estimated to reduce shading on the panels themselves by 30-40%, which also mitigates the effects of persistent shading below the panels.).	
7.3	The PN indicates the applicant has avoided and minimized the environmental impacts through project design, and an alternatives analysis (AA) has been provided. As presented, it is unclear whether the provided AA is sufficiently robust based on the Summary Table provided in the PN. The basis for 600 MW production requirement has not been provided, nor has a justification for a size/scale requirement that characterizes a cost-effective solar development. There is limited information regarding the basis for the siting criteria that were established. It is also unclear whether the geographic search area constraints and siting criteria may have been too narrowly defined to thoroughly evaluate compliance with the Guidelines for the project purpose, or whether the project purpose could be achieved through a combination of on-site and off-site alternatives. We recommend that the Corps of Engineers take this under consideration as it carefully weighs whether it is in the public's interest to authorize the proposed project. As presented, it would appear the identified criteria were more targeted towards the development of property currently owned by the applicant. We recommend the applicant work with the Corps to provide a robust alternatives analysis to assist the Corps in making its factual determinations for compliance with the Guidelines.	Alternatives Analysis	Port Corpus Christi acknowledged EPA's comments on the scope of the alternatives analysis. An updated alternatives analysis is provided as Attachment A. This alternatives analysis considered site availability, cost, logistical limitations, proximity to potential off-takers, and it compared environmental impacts for a no-action alternative, two on-site alternatives, and three off-site alternatives. Port Corpus Christi eliminated several alternatives due to insufficient parcel size, or the presence of shoreline frontage along an existing ship channel. This analysis determined all evaluated sites to be within a suitable distance to existing utility infrastructure. As such, Port Corpus Christi did not eliminate any alternative based on relative proximity to utilities. The alternative that necessitated new property acquisition was eliminated due to the lack of available contiguous parcels of sufficient size and the logistical/temporal constraints in acquisition negotiations relative to anticipated project deployment.	
7.4	The applicant proposes to compensate for the unavoidable impacts to wetlands via a Permittee Responsible Project (PRM) Plan that includes restoring previously degraded wetlands onsite. Specific to the PRM Plan, it is recommended the 3 types of paths/roads to be restored be clearly identified on the mitigation workplan sheets along with quantities of the 3 types of restoration methods targeted. As soil compaction in roadway	Mitigation Plan	Port Corpus Christi included an additional exhibit and quantifications to estimate the type of restoration detailed in the mitigation plan. See Attachment B. Through this exercise, Port Corpus Christi more thoroughly evaluated the restoration potential on-site and determined the site possesses approximately 38.4ac of wetland impact, which will be restored, for a mitigation ratio of approximately 3 to 1.	Revised Mitigation Plan to include an exhibit estimating restoration by type of road. Revised mitigation plan to address soil compaction.

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	areas may inhibit hydrology and vegetative growth, please identify how restoration activities will incorporate measures to address compaction and support vegetative success. If fill material is required, soils should target existing native soils in terms of organic content, classification, and permeability.			
7.5	It is recommended vegetative success criteria include a 75% aerial coverage of native hydrophytic species. Wetland hydrology should also be demonstrated within the restored areas. Monitoring should be conducted every year for a minimum of 5 years, and success criteria should be demonstrated for 2 consecutive years after any adaptive management measures are implemented, before monitoring activities may be ceased. It is unclear if the site protection instrument will sufficiently protect the restored wetlands specifically in regard to whether uses incompatible with mitigation activities such as ranching/grazing activities will be prohibited	Mitigation Plan	The mitigation plan provided with the application represented success criteria greater than 70% coverage and 2 years of monitoring. However, per this comment, Port Corpus Christi updated the mitigation plan to include 75% final success criteria and 2 years of monitoring following the implementation of adaptive management strategies in the mitigation plan. See Attachment B. Port Corpus Christi has yet to determine whether cattle grazing will continue onsite. If USACE deems cattle grazing to be an incompatible land use with the proposed mitigation, the Port will appropriately deed restrict the site.	Revised Mitigation Plan to include 75% final success criteria and 2 years of monitoring following adaptive management implementation.
Lynne Porter				
8.1	I Request a public hearing and Environmental Impact Statement on the Port of Corpus Christi's USACE permit #SWG-2021-00163	Request for Public Hearing and EIS	The U.S. Army Corps of Engineers should advise if a public meeting is necessary. This project does not constitute a major federal action and therefore does not warrant an Environmental Impact Statement.	
8.2	I am very concerned about the impacts to migratory birds on the Central Flyway	Migratory Birds	Certain types of solar installations, mainly those with thermal concentration towers in the arid west, present a potential risk to migratory birds. The proposed project will not construct a thermal concentration tower. Additionally, while there is very little published research literature indicating that PV panels impact migratory birds in the same way as thermal concentration towers, the state of the practice in the solar industry includes strategies (including alternating the banding of cells within a panel) to help avian species more easily distinguish the presence of solar panels. Port Corpus Christi maintains an open dialog with USFWS specifically on this project to collaborate on both migratory bird and endangered species concerns. Implementation of appropriate measures will occur to mitigate potential impacts on migratory birds. Such measures will be finalized during the Section 7 consultation process.	
8.3	[I am very concerned about] impacts of glare from solar panels on pilots and possible crashes,	Solar Panel Impacts	The Federal Aviation Administration (FAA) recognizes the compatibility between solar PV generation and airport operations (FAA, 2021). "Glare" reflecting from solar panels presents no more risk to pilots than that of passing windows of a building. Additionally, Port Corpus Christi established an open dialog with the San Patricio County Municipal Airport and the respective County Commissioner. To date, neither party has identified a conflict between the two land uses.	
8.4	[I am very concerned about] establishing unlimited solar power to entice new petrochemical companies	Unlimited Solar Power	The proposed project is expected to generate renewable electrons for the grid, adding to the existing mix of renewable energy with the potential to serve both residential and industrial demand. This project will create approximately 600MW of renewable electrons for the grid. This Port Corpus Christi project will: • Diversify regional electricity generation; • Enhance regional energy resilience; • Directly support federal objectives by fostering low carbon hydrogen (H₂) production; • Minimize permanent impacts to aquatic resources;	

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			• Preserve site hydrology. Texas leads the nation in energy consumption across all sectors. The industrial sector, including the state's refineries and petrochemical plants, accounts for more than half of the state's energy consumption and 23% of the nation's total industrial sector energy use. While 1 megawatt (MW) typically produces enough daily power for 1,000 U.S. homes, it is only enough to meet the power needs of 200 Texas homes on a hot summer day. Peak demands reached more than 77,166MW in 2020, breaking the previous record of 74,829MW set in August 2019. The vulnerability of the regional grid and the need for more, and more diverse generation was illustrated at significant economic and social cost by Winter Storm Uri in 2021.	
8.5	[I am very concerned about] destruction of habitat beneath the panels	Habitat	Scientific research regarding the effects of photovoltaic (PV) panel shading on plant species is mixed, primarily as a function of geography. While some studies demonstrate increased biomass (Bousselot et al., 2017) and document increased biodiversity (Uldrian et al, 2021), others note less biomass under panels (Armstrong et al, 2016). These papers and others reviewed by Port Corpus Christi are based on research conducted in differing climate regimes (mainly Europe) and focus only on upland plant communities. The studies in which a decrease in biomass was documented were conducted in regions with vastly different climatic regimes in terms of daily temperature variability and duration of the growing season. Comparatively, the Coastal Bend Region's year-round growing season and lower daily temperature variability represent considerably more favorable growing conditions than in these reference studies. Likewise, the proposed panel height, and thus the distance between the panels and the ground, is 5ft higher greater in the Port's proposed design than the industry standard. These studies that document decreases biomass, do not consider increasing panel height, which will inherently translate into increased sunlight penetration/reduced shading. Within the U.S. however, ongoing research conducted by the National Renewables Energy Lab (NREL) suggests that the shade under panels would improve soil health, retain water, nurture native species, produce food, and provide even lower-cost energy (NREL, 2019). While there is no conclusive scientific research indicating that PV panels prevent wetland species from growing, professional articles from the solar industry reveal that vegetation management is paramount in solar installations to prevent vegetation overgrowth, yielding diminishing absorption for the panels themselves (Lawrence, 2022), (Solar Power World, 2020), (Invenery, 2022). This implies that species are not adversely affected by shading from the PV panels. From the perspective of wetland science, however, it is worth noting that USACE's own Wetland Determination Data Forms support the concept of herbaceous vegetation growing in the presence of shade. This is evident in the structure of the Hydrophytic Vegetation section of the form, which categorizes vegetation by strata. The coexistence of both a tree and herb strata in an individual sample point indicates herbaceous wetland vegetation persists in the presence of shade (USACE, 2010). An Ohio-based study evaluated the variety of strata density in forested wetlands, noting both shade-tolerant and shade-intolerant herbaceous species (Abella et al., 2020). This study further noted that shade-intolerant herbaceous cover is inversely related to canopy density (i.e. the less dense the canopy, the greater the density of herbaceous cover). The study also noted little correlation between canopy density and shade-tolerant herbaceous wetland species. Since the spacing, height, and continuous rotation of the panels preclude persistent and wide-spread shading equivalent to that in a dense canopy, the project is unlikely to impact either shade-tolerant or shade-intolerant wetland species. (The bottom of the panels will be at least 5ft above the ground, and the rotation of the panel throughout the day is estimated to reduce shading on the panels themselves by 30-40%, which also mitigates the effects of persistent shading below the panels.)	
8.6	[I am very concerned about] not knowing what this power is going to be used for (possibly experimental projects the Port is pursuing like hydrogen and carbon capture/sequestration)	Power Use	The project is expected to add renewable electrons to the grid, bolstering energy resilience and supplanting power derived from fossil fuels. Renewable electrons generated from this project would be transmitted to potential offtakers through existing infrastructure owned and operated by AEP.	
8.7	[I am very concerned about] inadequate mitigation (wetlands destroyed should be replaced at a 3:1 ratio)	Mitigation Plan	Port Corpus Christi's proposed mitigation plan offsets unavoidable project impacts in a manner consistent with the 2008 Mitigation Rule. The Mitigation Rule stipulates a mitigation plan must ensure no net loss, favoring on-site, in-kind restoration second only to mitigation banks. Since no mitigation banks exist within the project watershed, on-site, in-kind mitigation is the most favorable mitigation strategy. Any ratio exceeding 1 to 1 demonstrates no net loss of wetlands on-site, thus the mitigation as originally proposed, especially as revised in Attachment B, exceeds the criteria for wetland mitigation.	Update for new mitigation ratio

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			Port Corpus Christi developed the proposed mitigation plan based on the observed impacts occurring on-site at the time the property was purchased. The proposed restoration will conservatively mitigate unavoidable project impacts on a ratio of approximately 3 to 1. Port Corpus Christi updated this ratio following a detailed classification of the proposed restoration types, which required a more thorough analysis of the potential mitigation potential on-site. The 2.8 to 1 ratio is a more accurate estimate than the originally provided 2.2 to 1.	
8.8	Why is the Port (a public navigation district) buying up property so far inland - away from navigable waters? How do taxpayers benefit when the Port makes these large swaths of land tax-exempt? Isn't it anti-competitive for the Port to get into the energy business? Is this just a "greenwashing" effort? We won't really know unless the Port and USACE provide answers.	Property Acquisition	Port Corpus Christi is a landlord port, meaning that establishing long-term leases with industrial customers is a cornerstone of its operating structure. Waterfront property is at a premium, and thus its highest and best use is for water-dependent functions, such as docks and other maritime infrastructure. Previous Port Commissions determined and affirmed that the acquisition of land, adjacent or accessible by road or rail, to navigable waters of the Port, is necessary for the fundamental operation and development of the navigable waterways. Prior to purchase by the Port in 2018, the Farm/Agriculture Exemption on the McCampbell property yielded \$1,540.22 in annual tax revenue for San Patricio County; in contrast, all built improvements associated with the construction of a solar PV facility on the site will be subject to ad valorem taxation, thereby generating orders of magnitude more tax revenue. Greenwashing is defined as marketing oneself as "environmentally friendly" without taking the commensurate action. Port Corpus Christi has established quantitative environmental performance targets in six areas—including climate action/decarbonization—codified in an environmental policy. This environmental policy creates a framework for implementing creative and innovative solutions and environmental initiatives while facilitating strategic growth. Developing renewable electricity projects to enhance the availability of ultra-low carbon electrons directly contributes to the performance targets defined in the Port's Environmental Policy while directly supporting the decarbonization objectives of our customers and bolstering the overall resilience of the regional electric grid.	
Sheila Walton				
9.1	I would like to request a public hearing and an Environmental Impact Study	Public Hearing & EIS request	The U.S. Army Corps of Engineers should advise if a public meeting is necessary. This project does not constitute a major federal action and therefore does not warrant an Environmental Impact Statement.	
9.2	I would like to express concerns about impacts to migratory birds on the Central Flyway ,	Migratory Birds	Certain types of solar installations, mainly those with thermal concentration towers in the arid west, present a potential risk to migratory birds. The proposed project will not construct a thermal concentration tower. Additionally, while there is very little published research literature indicating that PV panels impact migratory birds in the same way as thermal concentration towers, the state of the practice in the solar industry includes strategies (including alternating the banding of cells within a panel) to help avian species more easily distinguish the presence of solar panels. Port Corpus Christi maintains an open dialog with USFWS specifically on this project to collaborate on both migratory bird and endangered species concerns. Implementation of appropriate measures will occur to mitigate potential impacts on migratory birds. Such measures will be finalized during the Section 7 consultation process.	
9.3	inadequate mitigation (wetlands destroyed should be replaced at a 3:1 ratio) and the	Mitigation ratio	Port Corpus Christi's proposed mitigation plan offsets unavoidable project impacts in a manner consistent with the 2008 Mitigation Rule. The Mitigation Rule stipulates a mitigation plan must ensure no net loss, favoring on-site, in-kind restoration second only to mitigation banks. Since no mitigation banks exist within the project watershed, on-site, in-kind mitigation is the most favorable mitigation strategy. Any ratio exceeding 1 to 1 demonstrates no net loss of wetlands on-site, thus the mitigation as originally proposed, especially as revised in Attachment B, exceeds the criteria for wetland mitigation. Port Corpus Christi developed the proposed mitigation plan based on the observed impacts occurring on-site at the time the property was purchased. The proposed restoration will conservatively mitigate unavoidable project impacts on a ratio of approximately 3 to 1. Port Corpus Christi updated this ratio following a detailed classification of the proposed restoration types,	

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			which required a more thorough analysis of the potential mitigation potential on-site. The 2.8 to 1 ratio is a more accurate estimate than the originally provided 2.2 to 1.	
9.4	destruction of habitat beneath the panels.	Habitat	Scientific research regarding the effects of photovoltaic (PV) panel shading on plant species is mixed, primarily as a function of geography. While some studies demonstrate increased biomass (Bousselot et al., 2017) and document increased biodiversity (Uldrian et al, 2021), others note less biomass under panels (Armstrong et al, 2016). These papers and others reviewed by Port Corpus Christi are based on research conducted in differing climate regimes (mainly Europe) and focus only on upland plant communities. The studies in which a decrease in biomass was documented were conducted in regions with vastly different climatic regimes in terms of daily temperature variability and duration of the growing season. Comparatively, the Coastal Bend Region's year-round growing season and lower daily temperature variability represent considerably more favorable growing conditions than in these reference studies. Likewise, the proposed panel height, and thus the distance between the panels and the ground, is 5ft higher greater in the Port's proposed design than the industry standard. These studies that document decreases biomass, do not consider increasing panel height, which will inherently translate into increased sunlight penetration/reduced shading. Within the U.S. however, ongoing research conducted by the National Renewables Energy Lab (NREL) suggests that the shade under panels would improve soil health, retain water, nurture native species, produce food, and provide even lower-cost energy (NREL, 2019). While there is no conclusive scientific research indicating that PV panels prevent wetland species from growing, professional articles from the solar industry reveal that vegetation management is paramount in solar installations to prevent vegetation overgrowth, yielding diminishing absorption for the panels themselves (Lawrence, 2022), (Solar Power World, 2020), (Invenery, 2022). This implies that species are not adversely affected by shading from the PV panels. From the perspective of wetland science, however, it is worth noting that USACE's own Wetland Determination Data Forms support the concept of herbaceous vegetation growing in the presence of shade. This is evident in the structure of the Hydrophytic Vegetation section of the form, which categorizes vegetation by strata. The coexistence of both a tree and herb strata in an individual sample point indicates herbaceous wetland vegetation persists in the presence of shade (USACE, 2010). An Ohio-based study evaluated the variety of strata density in forested wetlands, noting both shade-tolerant and shade-intolerant herbaceous species (Abella et al., 2020). This study further noted that shade-intolerant herbaceous cover is inversely related to canopy density (i.e. the less dense the canopy, the greater the density of herbaceous cover). The study also noted little correlation between canopy density and shade-tolerant herbaceous wetland species. Since the spacing, height, and continuous rotation of the panels preclude persistent and wide-spread shading equivalent to that in a dense canopy, the project is unlikely to impact either shade-tolerant or shade-intolerant wetland species. (The bottom of the panels will be at least 5ft above the ground, and the rotation of the panel throughout the day is estimated to reduce shading on the panels themselves by 30-40%, which also mitigates the effects of persistent shading below the panels.)	
9.5	Other important concerns would be glare from solar panels on pilots that could cause possible crashes.		The Federal Aviation Administration (FAA) recognizes the compatible land use between solar and airport (FAA, 2021). "Glare" reflecting from solar panels presents no more risk to pilots than that of passing windows of a building. Additionally, Port Corpus Christi established an open dialog with the San Patricio County Municipal Airport and the respective County Commissioner. To date, neither party has identified a conflict between the two land uses.	
9.6	not knowing what this power is going to be used for.		The project is expected to add renewable electrons to the grid, bolstering energy resilience and supplanting power derived from fossil fuels. Renewable electrons generated from this project would be transmitted to potential offtakers through existing infrastructure owned and operated by AEP. The proposed project will add to the existing mix of renewable energy with the potential to serve both residential and industrial demand.	
9.7	Why is the Port (a public navigation district) buying up property so far inland - away from navigable waters? How do taxpayers benefit when the Port makes these large swaths of land tax-exempt? Isn't it anticompetitive for the Port to get into the energy business? Is this just a "greenwashing" effort?		Port Corpus Christi is a landlord port, meaning that establishing long-term leases with industrial customers is a cornerstone of its operating structure. Waterfront property is at a premium, and thus its highest and best use is for water-dependent functions, such as docks and other maritime infrastructure. Previous Port Commissions determined and affirmed that the acquisition of land, adjacent or accessible by road or rail, to navigable waters of the Port, is necessary for the fundamental operation and development of the navigable waterways.	

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Norine Farrar																												
10.1	I would like to express my opinion that this isn't a good place to fill in wetlands as projected in SWG-2021-00163. It will have a direct effect on the residential and commercial areas nearby. There are better areas that will not destroy human habitat.		The table below, from the permit application, summarizes the way in which Port Corpus Christi avoided and minimized wetland impacts for the project: <table><tr><th>Potential Project Impacts</th><th>Method to Minimize or Reduce Potential Wetland Impacts</th><th>Net Impact</th></tr><tr><td>Pilings in Wetlands</td><td>Helical pilings</td><td>None - Avoided</td></tr><tr><td>Shading from Panels</td><td>Elevations above BFE and continuous rotation</td><td>None - Avoided</td></tr><tr><td>Trenching for Cables</td><td>Cable elevated on trays</td><td>None - Avoided</td></tr><tr><td>Inverter</td><td>Sited in uplands where applicable</td><td>None - 0.3ac offset with mitigation)</td></tr><tr><td>Site Access</td><td>Configured site to minimize total length of access paths</td><td>None - 13.4ac - offset with mitigation</td></tr><tr><td>Substations</td><td>Sited solely in uplands</td><td>None - Avoided</td></tr><tr><td>Temporary Construction</td><td>Minimized by construction sequencing, BMPs, and restorations</td><td>None - Restored</td></tr></table>	Potential Project Impacts	Method to Minimize or Reduce Potential Wetland Impacts	Net Impact	Pilings in Wetlands	Helical pilings	None - Avoided	Shading from Panels	Elevations above BFE and continuous rotation	None - Avoided	Trenching for Cables	Cable elevated on trays	None - Avoided	Inverter	Sited in uplands where applicable	None - 0.3ac offset with mitigation)	Site Access	Configured site to minimize total length of access paths	None - 13.4ac - offset with mitigation	Substations	Sited solely in uplands	None - Avoided	Temporary Construction	Minimized by construction sequencing, BMPs, and restorations	None - Restored	
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Nancy Allen - San Patricio Aviation Advisory Board																												
11.1	I would like to request a public hearing to discuss the merits of plans proposed by the Port of Corpus Christi Authority. Plans are underway to extend the runway to better serve corporate industry. This should be discussed openly to better serve our needs and San Patricio Communities.		The U.S. Army Corps of Engineers should advise if a public meeting is necessary. Port Corpus Christi staff are fully informed of the Airport's planned expansion and do not consider it incompatible with the proposed solar facility. Port Corpus Christi staff have an active and ongoing dialogue with the Airport Director and County Commissioner representing this district, and the Port has committed to involving them in the detailed design process for the site to ensure consistency with the Airport's Master Plan.																									
Doug G.																												
12.1	My organization the Redford Ranch Foundation are adamantly opposed to the Port of corpus chrisit proceeding with this permit application, I request a public hearing [and EIS]		The U.S. Army Corps of Engineers should advise if a public meeting will be held regarding this application. This project does not constitute a major federal action and therefore does not warrant an Environmental Impact Statement.																									

No.	Comment	Comment Type	Response	Action Item
12.2	concerns like impacts to migratory birds on the Central Flyway		Certain types of solar installations, mainly those with thermal concentration towers in the arid west, present a potential risk to migratory birds. The proposed project will not construct a thermal concentration tower. Additionally, while there is very little published research literature indicating that PV panels impact migratory birds in the same way as thermal concentration towers, the state of the practice in the solar industry includes strategies (including alternating the banding of cells within a panel) to help avian species more easily distinguish the presence of solar panels. Port Corpus Christi maintains an open dialog with USFWS specifically on this project, to collaborate on both migratory bird and endangered species concerns. Implementation of appropriate measures will occur to mitigate potential impacts on migratory birds. Such measures will be finalized during the Section 7 consultation process.	
12.3	impacts of glare from solar panels on pilots and possible crashes		The Federal Aviation Administration (FAA) recognizes the compatible land use between solar and airport (FAA, 2021). "Glare" reflecting from solar panels presents no more risk to pilots than that of passing windows on buildings. Additionally, Port Corpus Christi established an open dialog with the San Patricio County Municipal Airport and the respective County Commissioner. To date, neither party has identified a conflict between the two land uses.	
12.4	establishing unlimited solar power to entice new petrochemical companies		This project is expected to create approximately 600MW of renewable electrons for the grid, serving electricity users of all types. This Port Corpus Christi project will: • Diversify regional electricity generation; • Enhance regional energy resilience; • Directly support federal objectives by fostering low carbon hydrogen (H2) production; • Minimize permanent impacts to aquatic resources; • Preserve site hydrology. Texas leads the nation in energy consumption across all sectors. The industrial sector, including the state's refineries and petrochemical plants, accounts for more than half of the state's energy consumption and 23% of the nation's total industrial sector energy use. While 1 megawatt (MW) typically produces enough daily power for 1,000 U.S. homes, it is only enough to meet the power needs of 200 Texas homes on a hot summer day. Peak demands reached more than 77,166MW in 2020, breaking the previous record of 74,829MW set in August 2019. The vulnerability of the regional grid and the need for more, and more diverse generation was illustrated at significant economic and social cost by Winter Storm Uri in 2021.	
12.5	destruction of habitat beneath the panels		Scientific research regarding the effects of photovoltaic (PV) panel shading on plant species is mixed, primarily as a function of geography. While some studies demonstrate increased biomass (Bousselot et al., 2017) and document increased biodiversity (Uldrian et al, 2021), others note less biomass under panels (Armstrong et al, 2016). These papers and others reviewed by Port Corpus Christi are based on research conducted in differing climate regimes (mainly Europe) and focus only on upland plant communities. The studies in which a decrease in biomass was documented were conducted in regions with vastly different climatic regimes in terms of daily temperature variability and duration of the growing season. Comparatively, the Coastal Bend Region's year-round growing season and lower daily temperature variability represent considerably more favorable growing conditions than in these reference studies. Likewise, the proposed panel height, and thus the distance between the panels and the ground, is 5ft higher greater in the Port's proposed design than the industry standard. These studies that document decreases biomass, do not consider increasing panel height, which will inherently translate into increased sunlight penetration/reduced shading. Within the U.S. however, ongoing research conducted by the National Renewables Energy Lab (NREL) suggests that the shade under panels would improve soil health, retain water, nurture native species, produce food, and provide even lower-cost energy (NREL, 2019). While there is no conclusive scientific research indicating that PV panels prevent wetland species from growing, professional articles from the solar industry reveal that vegetation management is paramount in solar installations to prevent vegetation overgrowth, yielding diminishing absorption for the panels themselves (Lawrence, 2022), (Solar Power World, 2020), (Invenergy, 2022). This implies that species are not adversely affected by shading from the PV panels. From the perspective of wetland science, however, it is worth noting that USACE's own Wetland Determination Data Forms support the concept of herbaceous vegetation growing in the presence of shade. This is evident in the structure of the Hydrophytic Vegetation section of the form, which categorizes vegetation by strata. The coexistence of both a tree and herb strata in an individual sample point indicates herbaceous wetland vegetation persists in the presence of shade (USACE, 2010). An Ohio-based study evaluated the variety of strata density in forested wetlands, noting both shade-tolerant and shade-	

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			intolerant herbaceous species (Abella et al., 2020). This study further noted that shade-intolerant herbaceous cover is inversely related to canopy density (i.e. the less dense the canopy, the greater the density of herbaceous cover). The study also noted little correlation between canopy density and shade tolerant herbaceous wetland species. Since the spacing, height, and continuous rotation of the panels preclude persistent and wide-spread shading equivalent to that in a dense canopy, the project is unlikely to impact either shade tolerant or shade intolerant wetland species. (The bottom of the panels will be at least 5ft above the ground, and the rotation of the panel throughout the day is estimated to reduce shading on the panels themselves by 30-40%, which also mitigates the effects of persistent shading below the panels.	
12.6	not knowing what this power is going to be used for (possibly experimental projects the Port is pursuing like hydrogen and carbon capture/sequestration).		The project will add renewable electrons to the grid, bolstering energy resilience and supplanting power derived from fossil fuels. Renewable electrons generated from this project would be transmitted to potential offtakers through existing infrastructure owned and operated by AEP.	
12.7	inadequate mitigation (wetlands destroyed should be replaced at a 3:1 ratio)		Port Corpus Christi's proposed mitigation plan offsets unavoidable project impacts in a manner consistent with the 2008 Mitigation Rule. The Mitigation Rule stipulates a mitigation plan must ensure no net loss, favoring on-site, in-kind restoration second only to mitigation banks. Since no mitigation banks exist within the project watershed, on-site, in-kind mitigation is the most favorable mitigation strategy. Any ratio exceeding 1 to 1 demonstrates no net loss of wetlands on-site, thus the mitigation as originally proposed, especially as revised in Attachment B, exceeds the criteria for wetland mitigation.	
12.8	Why is the Port (a public navigation district) buying up property so far inland - away from navigable waters? How do taxpayers benefit when the Port makes these large swaths of land tax-exempt? Isn't it anti-competitive for the Port to get into the energy business? Is this just a "greenwashing" effort?		Port Corpus Christi is a landlord port, meaning that establishing long-term leases with industrial customers is a cornerstone of its operating structure. Waterfront property is at a premium, and thus its highest and best use is for water-dependent functions, such as docks and other maritime infrastructure. Previous Port Commissions determined and affirmed that the acquisition of land, adjacent or accessible by road or rail, to navigable waters of the Port, is necessary for the fundamental operation and development of the navigable waterways. Prior to purchase by the Port in 2018, the Farm/Agriculture Exemption on the McCampbell property yielded \$1,540.22 in annual tax revenue for San Patricio County; in contrast, all built improvements associated with the construction of a solar PV facility on the site will be subject to ad valorem taxation, thereby generating orders of magnitude more tax revenue. Greenwashing is defined as marketing oneself as "environmentally friendly" without taking the commensurate action. Port Corpus Christi has established quantitative environmental performance targets in six areas—including climate action/decarbonization—codified in an environmental policy. This environmental policy creates a framework for implementing creative and innovative solutions and environmental initiatives while facilitating strategic growth. Developing renewable electricity projects to enhance the availability of ultra-low carbon electrons directly contributes to the performance targets defined in the Port's Environmental Policy while directly supporting the decarbonization objectives of our customers and bolstering the overall resilience of the regional electric grid.	
Mark Wolfe - State Historic Preservation Officer				
13.1	An archeological survey is required. A Texas Antiquities Permit must be obtained from this office prior to initiation of fieldwork. All fieldwork should meet the Archeological Survey Standards for Texas. A report of investigations is required and should be produced Reports for a Texas Antiquities Permit should also meet the Council of Texas Archeologists Guidelines for Cultural Resources Management Reports and the Texas Administrative Code. In addition, any buildings 45 years old or older that are located on or adjacent to the tract should be documented with photographs and included in the report.		Port Corpus Christi submitted a scope of work for a cultural resource field survey, to USACE on March 31, 2023. USACE approved this survey scope on March 7, 2023, pending comments from SHPO. A Texas Antiquities Permit will be obtained before conducting any field work. Port Corpus Christi acknowledges SHPO's comments regarding the contents of the report.	

No.	Comment	Comment Type	Response	Action Item
Lara Weiss				
14.1	Better understanding of changes, impacts, mitigations to: Flood zones surrounding and including the cities of Aransas Pass and Ingleside.		Future iterations of site and facility design will require detailed hydrographic modeling. The Federal Emergency Management Administration (FEMA) requires projects within a floodway, like the McCampbell project, to obtain a "No-rise Certification". This certification will ensure the proposed project does not negatively affect the downstream communities of Aransas Pass and Ingleside. In constructing the proposed project, Port Corpus Christi will improve both the hydrologic functions of the wetlands and free up capacity for upstream stormwater from the surrounding municipalities. Improving the wetland's hydrologic function as a factor of the project will improve downstream water quality including but not limited to, dissolved oxygen, filtration capacity, turbidity, or toxicity. In 1977 USACE authorized the excavation of a drainage ditch through the McCampbell Property to convey stormwater from the City of Ingleside and surrounding areas into the McCampbell Slough. This ditch not only serves to convey stormwater from the Ingleside area but drains the surrounding wetlands within the McCampbell Property. Additionally, impacts resulting from ongoing agricultural use of the McCampbell Property—the existing roads—serve as auxiliary conveyances to the drainage ditch. Port Corpus Christi developed a conceptual site drainage model, which demonstrates a high correlation to stream features and roads within the property. Wetlands function by retaining water until the existing hydrologic regime of the adjacent waterbody naturally removes the water or it evaporates. The excavated drainage ditch, and the existing roads—which serve as auxiliary conveyances to the ditch—prematurely remove standing water from the wetlands within the property and force it downstream into the McCampbell Slough. The additional stormwater, redirected from the wetlands, feeds into the drainage ditch, reducing potential capacity from the upstream communities. Through the execution of the proposed mitigation plan, Port Corpus Christi will eliminate the roads that function as auxiliary conveyance. Future iterations of construction design (especially proposed site access) will further address site stormwater function, focusing on wetland water retention and preventing additional conveyance to the drainage ditch. As a result of the proposed mitigation and additional stormwater-focused design, Port Corpus Christi will restore the natural retention time of the wetlands, preventing premature runoff into the drainage ditch, which will reserve additional stormwater capacity for the upstream communities.	
14.2	Better understanding of changes, impacts, mitigations to: Wildlife		Port Corpus Christi designed this project in a manner that fundamentally preserves site hydrology and avoids/minimizes impacts to aquatic resources. In doing so, this effectively avoids and mitigates impacts to wildlife present at the site. Port Corpus Christi maintains an open dialog with USFWS specifically on this project, to collaborate on both migratory bird and endangered species concerns. Implementation of appropriate measures will occur to mitigate potential impacts on migratory birds. Such measures will be finalized during the Section 7 consultation process.	
14.3	Better understanding of changes, impacts, mitigations to: Soil		Port Corpus Christi acknowledges this comment, however, without additional detail, it is impossible to provide an appropriate response.	
14.4	Better understanding of changes, impacts, mitigations to: Groundwater		Port Corpus Christi acknowledges this comment, however, without additional detail, it is impossible to provide an appropriate response.	
14.5	In summary, I am opposed to this project until a public meeting is held that would help your new solar farm neighbors understand the changes being made as well as what positive or negative impacts there will be to their home and city.		The U.S. Army Corps of Engineers should advise if a public meeting is necessary.	
Glenn Guillory				

No.	Comment	Comment Type	Response	Action Item
15.1	I request a public hearing on subject permit request.		The U.S. Army Corps of Engineers should advise if a public meeting is necessary.	
15.2	1000+ acres of heavy panels airborne in a major hurricane event?		The proposed project construction will meet State of Texas Windstorm requirements.	
Wendy Hughes				
16.1	I would like to express concerns like impacts to migratory birds on the Central Flyway,		Certain types of solar installations, mainly those with thermal concentration towers in the arid west, present a potential risk to migratory birds. The proposed project will not construct a thermal concentration tower. Additionally, while little research exists to demonstrate PV panels impact migratory birds in the same way as thermal concentration towers, there are strategies (including alternating the banding of cells within a panel) to help avian species more easily distinguish the presence of solar panels. Port Corpus Christi maintains an open dialog with USFWS specifically on this project, to collaborate on both migratory bird and endangered species concerns. Implementation of appropriate measures will occur to mitigate potential impacts on migratory birds. Such measures will be finalized during the Section 7 consultation process.	
16.2	impacts of glare from solar panels on pilots and possible crashes,		The Federal Aviation Administration (FAA) recognizes the compatible land use between solar and airport (FAA, 2021). "Glare" reflecting from solar panels presents no more risk to pilots than that of passing windows on buildings. Additionally, Port Corpus Christi established an open dialog with the San Patricio County Municipal Airport and the respective County Commissioner. To date, neither party has identified a conflict between the two land uses.	
16.3	establishing unlimited solar power to entice new petrochemical companies		This project is expected to create approximately 600MW of renewable electrons for the grid, serving users of all types. This Port Corpus Christi project will: • Diversify regional electricity generation. • Enhance regional energy resilience. • Directly support federal objectives by fostering low-carbon hydrogen (H2) production. • Minimize permanent impacts to aquatic resources. • Preserve site hydrology. Texas leads the nation in energy consumption across all sectors. The industrial sector, including the state's refineries and petrochemical plants, accounts for more than half of the state's energy consumption and 23% of the nation's total industrial sector energy use. While 1 megawatt (MW) typically produces enough daily power for 1,000 U.S. homes, it is only enough to meet the power needs of 200 Texas homes on a hot summer day. Peak demands reached more than 77,166MW in 2020, breaking the previous record of 74,829MW set in August 2019. The vulnerability of the regional grid and the need for more, and more diverse generation was illustrated at significant economic and social cost by Winter Storm Uri in 2021.	
16.4	destruction of habitat beneath the panels		Scientific research regarding the effects of photovoltaic (PV) panel shading on plant species is mixed, primarily as a function of geography. While some studies demonstrate increased biomass (Bousselot et al., 2017) and document increased biodiversity (Uldrian et al, 2021), others note less biomass under panels (Armstrong et al, 2016). These papers and others reviewed by Port Corpus Christi are based on research conducted in differing climate regimes (mainly Europe) and focus only on upland plant communities. The studies in which a decrease in biomass was documented were conducted in regions with vastly different climatic regimes in terms of daily temperature variability and duration of the growing season. Comparatively, the Coastal Bend Region's year-round growing season and lower daily temperature variability represent considerably more favorable growing conditions than in these reference studies. Likewise, the proposed panel height, and thus the distance between the panels and the ground, is 5ft higher greater in the Port's proposed design than the industry standard. These studies that document decreases biomass, do not consider increasing panel height, which will inherently translate into increased sunlight penetration/reduced shading. Within the U.S. however, ongoing research conducted by the National Renewables Energy Lab (NREL) suggests that the shade under panels would improve soil health, retain water, nurture native species, produce food, and provide even lower-cost energy (NREL, 2019). While there is no conclusive scientific research indicating that PV panels prevent wetland species from growing, professional articles from the solar industry reveal that vegetation management is paramount in solar installations to prevent vegetation overgrowth, yielding diminishing absorption for the panels themselves (Lawrence, 2022), (Solar Power World, 2020), (Invenery, 2022). This implies that species are not adversely affected by shading from the PV panels.	

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16.5	not knowing what this power is going to be used for (possibly experimental projects the Port is pursuing like hydrogen and carbon capture/sequestration).		The project will add renewable electrons to the grid, bolstering energy resilience and supplanting power derived from fossil fuels. Renewable electrons generated from this project would be transmitted to potential offtakers through existing infrastructure owned and operated by AEP.	
16.6	inadequate mitigation (wetlands destroyed should be replaced at a 3:1 ratio).		Port Corpus Christi's proposed mitigation plan offsets unavoidable project impacts in a manner consistent with the 2008 Mitigation Rule. The Mitigation Rule stipulates a mitigation plan must ensure no net loss, favoring on-site, in-kind restoration second only to mitigation banks. Since no mitigation banks exist within the project watershed, on-site, in-kind mitigation is the most favorable mitigation strategy. Any ratio exceeding 1 to 1 demonstrates no net loss of wetlands on-site, thus the mitigation as originally proposed, especially as revised in Attachment B, exceeds the criteria for wetland mitigation.	
16.7	Why is the Port (a public navigation district) buying up property so far inland - away from navigable waters? How do taxpayers benefit when the Port makes these large swaths of land tax-exempt? Isn't it anti-competitive for the Port to get into the energy business? Is this just a "greenwashing" effort?		Port Corpus Christi is a landlord port, meaning that establishing long-term leases with industrial customers is a fundamental cornerstone of its operating structure. Waterfront property is at a premium, and thus its highest and best use is for water-dependent functions, such as docks and other maritime infrastructure. Previous Port Commissions have determined and affirmed that the acquisition of land, adjacent or accessible by road or rail, to navigable waters of the Port, is necessary for the fundamental operation and development of the navigable waterways. Prior to purchase by the Port in 2018, the Farm/Agriculture Exemption on the McCampbell property yielded \$1,540.22 in annual tax revenue for San Patricio County; in contrast, all built improvements associated with the construction of a solar PV facility on the site will be subject to ad valorem taxation, thereby generating orders of magnitude more tax revenue. Greenwashing is defined as marketing oneself as "environmentally friendly" without taking the commensurate action. Port Corpus Christi has established quantitative environmental performance targets in six areas—including climate action/decarbonization—codified in an environmental policy. This environmental policy creates a framework for implementing creative and innovative solutions and environmental initiatives while facilitating strategic growth. Developing renewable electricity projects to enhance the availability of ultra-low carbon electrons directly contributes to the performance targets defined in the Port's Environmental Policy while directly supporting the decarbonization objectives of our customers and bolstering the overall resilience of the regional electric grid.	
Julie Nye				
17.1	I request a public hearing and Environmental Impact Statement	Copy and Paste	The U.S. Army Corps of Engineers should advise if a public meeting is necessary. This project does not constitute a major federal action and therefore does not warrant an Environmental Impact Statement.	

No.	Comment	Comment Type	Response	Action Item
17.2	the impact to migratory birds on the Central Flyway		Certain types of solar installations, mainly those with thermal concentration towers in the arid west, present a potential risk to migratory birds. The proposed project will not construct a thermal concentration tower. Additionally, while there is very little published research literature indicating that PV panels impact migratory birds in the same way as thermal concentration towers, the state of the practice in the solar industry includes strategies (including alternating the banding of cells within a panel) to help avian species more easily distinguish the presence of solar panels. Port Corpus Christi maintains an open dialog with USFWS specifically on this project to collaborate on both migratory bird and endangered species concerns. Implementation of appropriate measures will occur to mitigate potential impacts on migratory birds. Such measures will be finalized during the Section 7 consultation process.	
17.3	impact of glare from solar panels on pilots and possible crashes		The Federal Aviation Administration (FAA) recognizes the compatible land use between solar and airport (FAA, 2021). "Glare" reflecting from solar panels presents no more risk to pilots than that of passing windows on buildings. Additionally, Port Corpus Christi established an open dialog with the San Patricio County Municipal Airport and the respective County Commissioner. To date, neither party has identified a conflict between the two land uses.	
17.4	destruction of habitat beneath the panels		Scientific research regarding the effects of photovoltaic (PV) panel shading on plant species is mixed, primarily as a function of geography. While some studies demonstrate increased biomass (Bousselot et al., 2017) and document increased biodiversity (Uldrian et al, 2021), others note less biomass under panels (Armstrong et al, 2016). These papers and others reviewed by Port Corpus Christi are based on research conducted in differing climate regimes (mainly Europe) and focus only on upland plant communities. The studies in which a decrease in biomass was documented were conducted in regions with vastly different climatic regimes in terms of daily temperature variability and duration of the growing season. Comparatively, the Coastal Bend Region's year-round growing season and lower daily temperature variability represent considerably more favorable growing conditions than in these reference studies. Likewise, the proposed panel height, and thus the distance between the panels and the ground, is 5ft higher greater in the Port's proposed design than the industry standard. These studies that document decreases biomass, do not consider increasing panel height, which will inherently translate into increased sunlight penetration/reduced shading. Within the U.S. however, ongoing research conducted by the National Renewables Energy Lab (NREL) suggests that the shade under panels would improve soil health, retain water, nurture native species, produce food, and provide even lower-cost energy (NREL, 2019). While there is no conclusive scientific research indicating that PV panels prevent wetland species from growing, professional articles from the solar industry reveal that vegetation management is paramount in solar installations to prevent vegetation overgrowth, yielding diminishing absorption for the panels themselves (Lawrence, 2022), (Solar Power World, 2020), (Invenergy, 2022). This implies that species are not adversely affected by shading from the PV panels. From the perspective of wetland science, however, it is worth noting that USACE's own Wetland Determination Data Forms support the concept of herbaceous vegetation growing in the presence of shade. This is evident in the structure of the Hydrophytic Vegetation section of the form, which categorizes vegetation by strata. The coexistence of both a tree and herb strata in an individual sample point indicates herbaceous wetland vegetation persists in the presence of shade (USACE, 2010). An Ohio-based study evaluated the variety of strata density in forested wetlands, noting both shade-tolerant and shade-intolerant herbaceous species (Abella et al., 2020). This study further noted that shade-intolerant herbaceous cover is inversely related to canopy density (i.e. the less dense the canopy, the greater the density of herbaceous cover). The study also noted little correlation between canopy density and shade-tolerant herbaceous wetland species. Since the spacing, height, and continuous rotation of the panels preclude persistent and widespread shading equivalent to that in a dense canopy, the project is unlikely to impact either shade-tolerant or shade-intolerant wetland species. (The bottom of the panels will be at least 5ft above the ground, and the rotation of the panel throughout the day is estimated to reduce shading on the panels themselves by 30-40%, which also mitigates the effects of persistent shading below the panels.	
17.5	inadequate mitigation (wetlands destroyed should be replaced at a 3:1 ratio).		Port Corpus Christi's proposed mitigation plan offsets unavoidable project impacts in a manner consistent with the 2008 Mitigation Rule. The Mitigation Rule stipulates a mitigation plan must ensure no net loss, favoring on-site, in-kind restoration second only to mitigation banks. Since no mitigation banks exist within the project watershed, on-site, in-kind mitigation is the most favorable mitigation strategy. Any ratio exceeding 1 to 1 demonstrates no net loss of wetlands on-site, thus the mitigation as originally proposed, especially as revised in Attachment B, exceeds the criteria for wetland mitigation.	

No.	Comment	Comment Type	Response	Action Item
Charles Ardizzone - DOI Fish and Wildlife Service				
18.1	The PN states that a wetlands delineation indicated that approximately 1,560 acres of wetlands are present within the proposed project site. The PCCA stated that the project was designed to preserve, protect, and restore jurisdictional wetlands habitat and that the existing hydrology will be preserved throughout the project site and all temporary construction impacts will be restored to preconstruction conditions. According to PCCA, the ratio of restoration to impacts is 2.2:1, however, the long-term effect to the wetlands is unknown as the solar project has been deemed experimental. With over 50 percent of wetlands in the United States destroyed, it is recommended that all the wetlands should be restored fully to the best possible condition for the life of the project instead of only 5 years.		Port Corpus Christi revised the mitigation plan to include a more robust Long-Term Management Section, which includes annual qualitative assessments in perpetuity of the project. Should the mitigation plan fail at any point during the lifespan of the project, Port Corpus Christi will engage with USACE to restore any long-term wetland loss.	Revised mitigation plan to improve long-term management strategies
18.2	Following the completion of the PCCA McCampbell Solar Project, the remaining wetlands should be held in conservation easement.		Port Corpus Christi will consider a site protection instrument, such as a deed restriction or conservation easement, on the wetlands on the property. Conservation easements necessitate a 3 rd party, typically a nonprofit/NGO that is willing to maintain the easement in perpetuity. Our experience on similar projects suggests that identifying an organization that is capable/willing to assume administrative responsibility for sites such as this, with historic farm/agricultural use and relatively low habitat diversity/productivity, is challenging. As such, other legal instruments for protecting the site may be more practical. The Port commits to exploring such options.	
18.3	Bird deaths due to collisions are known to occur due to the reflective nature of solar panels. The recommendation for preventing these deaths is to build solar farms away from water, including wetlands. In the case of the PCCA McCampbell Solar Project this is not possible since the solar farm will extend over 1,560 acres of wetlands. The Service recommends alternating panels to create a noticeable grid and controlling lighting at night to eliminate reflection and reduce night-time bird collisions.		Certain types of solar installations, mainly those with thermal concentration towers in the arid west, present a potential risk to migratory birds. The proposed project will not construct a thermal concentration tower. Additionally, while there is very little published research literature indicating that PV panels impact migratory birds in the same way as thermal concentration towers, the state of the practice in the solar industry includes strategies (including alternating the banding of cells within a panel) to help avian species more easily distinguish the presence of solar panels. Port Corpus Christi maintains an open dialog with USFWS specifically on this project to collaborate on both migratory bird and endangered species concerns. Implementation of appropriate measures will occur to mitigate potential impacts on migratory birds. Such measures will be finalized during the Section 7 consultation process.	
18.4	The Service recommends adding wetland pollinator plants such as milkweed and surveying for the eastern black rail (<i>Laterallus jamaicensis</i> ssp. <i>jamaicensis</i>) as discussed in several meetings or correspondence with PCCA.		Port Corpus Christi takes this recommendation under advisement and recognizes the compatibility between solar installations and monarch butterfly habitats. Port Corpus Christi will evaluate the feasibility of planting milkweed during the detailed site design process. Port Corpus Christi began an Eastern Black Rail Survey in March, which includes both a desktop model and an in-field presence/absence survey, which activity is actively being coordinated with the Corpus Christi Field Services Office. Upon conclusion of the field survey, PCCA will share the results with USFWS as previously discussed.	
Patrick Nye - Ingleside on the Bay Coastal Watch Association				

No.	Comment	Comment Type	Response	Action Item																								
19.1	There are numerous unanswered questions about putting a solar farm at the airport		The Federal Aviation Administration (FAA) recognizes the compatible land use between solar and airport (FAA, 2021). "Glare" reflecting from solar panels presents no more risk to pilots than that of passing windows on buildings. Additionally, Port Corpus Christi established an open dialog with the San Patricio County Municipal Airport and the respective County Commissioner. To date, neither party has identified a conflict between the two land uses.																									
19.2	Public notice is to fill 13.9 acres of wetlands, but the project is for a 1866-acre solar farm!		Port Corpus Christi proposes several fundamental deviations from the typical concept for solar energy generation to avoid and minimize wetland impacts across the McCampbell Property. The project will place fill in 13.9ac of wetlands as stated in both the permit application and the public notice. The project-related impacts can be seen in the summary table below: <table><tr><th>Potential Project Impacts</th><th>Method to Minimize or Reduce Potential Wetland Impacts</th><th>Net Impact</th></tr><tr><td>Pilings in Wetlands</td><td>Helical pilings</td><td>None - Avoided</td></tr><tr><td>Shading from Panels</td><td>Elevations above BFE and continuous rotation</td><td>None - Avoided</td></tr><tr><td>Trenching for Cables</td><td>Cable elevated on trays</td><td>None - Avoided</td></tr><tr><td>Inverter</td><td>Sited in uplands where applicable</td><td>None - 0.3ac offset with mitigation)</td></tr><tr><td>Site Access</td><td>Configured site to minimize total length of access paths</td><td>None - 13.4ac - offset with mitigation</td></tr><tr><td>Substations</td><td>Sited solely in uplands</td><td>None - Avoided</td></tr><tr><td>Temporary Construction</td><td>Minimized by construction sequencing, BMPs, and restorations</td><td>None - Restored</td></tr></table>	Potential Project Impacts	Method to Minimize or Reduce Potential Wetland Impacts	Net Impact	Pilings in Wetlands	Helical pilings	None - Avoided	Shading from Panels	Elevations above BFE and continuous rotation	None - Avoided	Trenching for Cables	Cable elevated on trays	None - Avoided	Inverter	Sited in uplands where applicable	None - 0.3ac offset with mitigation)	Site Access	Configured site to minimize total length of access paths	None - 13.4ac - offset with mitigation	Substations	Sited solely in uplands	None - Avoided	Temporary Construction	Minimized by construction sequencing, BMPs, and restorations	None - Restored	
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19.3	The location of wetlands to be filled in not specified.		The project will place fill in wetlands for access paths and inverters, which is denoted in the permit drawings on the Wetland Impacts (Fill) Map on page 18 of 22 of the project drawings.																									
19.4	Impacts to wetlands are unclear, underestimated, and improperly mitigated		Port Corpus Christi proposes several fundamental deviations from the typical concept for solar energy generation to avoid and minimize wetland impacts across the McCampbell Property. The table below, from the permit application, summarizes the way in which Port Corpus Christi avoided and minimized wetland impacts for the project: <table><tr><th>Potential Project Impacts</th><th>Method to Minimize or Reduce Potential Wetland Impacts</th><th>Net Impact</th></tr><tr><td>Pilings in Wetlands</td><td>Helical pilings</td><td>None - Avoided</td></tr><tr><td>Shading from Panels</td><td>Elevations above BFE and continuous rotation</td><td>None - Avoided</td></tr><tr><td>Trenching for Cables</td><td>Cable elevated on trays</td><td>None - Avoided</td></tr><tr><td>Inverter</td><td>Sited in uplands where applicable</td><td>None - 0.3ac offset with mitigation)</td></tr><tr><td>Site Access</td><td>Configured site to minimize total length of access paths</td><td>None - 13.4ac - offset with mitigation</td></tr><tr><td>Substations</td><td>Sited solely in uplands</td><td>None - Avoided</td></tr><tr><td>Temporary Construction</td><td>Minimized by construction sequencing, BMPs, and restorations</td><td>None - Restored</td></tr></table> Port Corpus Christi proposed sufficient mitigation for wetland impacts, which demonstrates "no net loss" per the 2008 Mitigation Rule. The Mitigation Rule stipulates a mitigation plan must ensure no net loss, favoring on-site, in-kind restoration second only to mitigation banks. Since no mitigation banks exist within the project watershed, on-site, in-kind mitigation is the most favorable	Potential Project Impacts	Method to Minimize or Reduce Potential Wetland Impacts	Net Impact	Pilings in Wetlands	Helical pilings	None - Avoided	Shading from Panels	Elevations above BFE and continuous rotation	None - Avoided	Trenching for Cables	Cable elevated on trays	None - Avoided	Inverter	Sited in uplands where applicable	None - 0.3ac offset with mitigation)	Site Access	Configured site to minimize total length of access paths	None - 13.4ac - offset with mitigation	Substations	Sited solely in uplands	None - Avoided	Temporary Construction	Minimized by construction sequencing, BMPs, and restorations	None - Restored	
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			mitigation strategy. Any ratio exceeding 1 to 1 demonstrates no net loss of wetlands on-site, thus the mitigation as originally proposed, especially as revised in Attachment B, exceeds the criteria for wetland mitigation.	
19.5	The purpose for "new and industrial offtakers" is not in the public's interest		The project is expected to add renewable electrons to the grid, bolstering energy resilience and supplanting power derived from fossil fuels. Renewable electrons generated from this project would be transmitted to potential offtakers through existing infrastructure owned and operated by AEP. The proposed project will add to the existing mix of renewable energy with the potential to serve both residential and industrial demand. Regardless of the end-use of the electrons, the addition of emission-free energy generation sources and enhanced resilience of the regional grid is within the public interest.	
19.6	The project is an example of "Greenwashing"		The proposed project will generate renewable electrons for the grid, adding to the existing portfolio of renewable energy, which will be imperative to realize the demands for green hydrogen generation and ultimate carbon neutrality. Greenwashing is defined as marketing oneself as "environmentally friendly" without taking the commensurate action. Port Corpus Christi has established quantitative environmental performance targets in six areas—including climate action/decarbonization—codified in an environmental policy. This environmental policy creates a framework for implementing creative and innovative solutions and environmental initiatives while facilitating strategic growth. Developing renewable electricity projects to enhance the availability of ultra-low carbon electrons directly contributes to the performance targets defined in the Port's Environmental Policy while directly supporting the decarbonization objectives of our customers and bolstering the overall resilience of the regional electric grid.	
19.7	The Port's plans to be an energy supplier are anti-competitive and outside its purview		The project is expected to yield 600 MW of carbon-free electricity to be delivered via interconnect to the regional electric grid. The Port is not proposing to be a transmission provider or seller/distributor of electricity, and thus the project does not compete with regional electricity providers in any way.	
19.8	Alternatives Analysis Inadequate, but Least Environmentally Damaging Alternatives Exist.		See updated Attachment A.	
19.9	The project requires an EIS		This project does not constitute a major federal action and therefore does not warrant an Environmental Impact Statement	
19.10	This project is not in the public interest.		The proposed project is expected to generate renewable electrons for the grid, adding to the existing mix of renewable energy with the potential to serve both residential and industrial demand, and bolstering energy resilience and supplanting power derived from fossil fuels. Regardless of the destination of the renewable electrons generated from this project, they would serve to supplant power derived from fossil fuels, reducing regional emissions, and edging the Coastal Bend Region toward carbon neutrality, which is unequivocally aligned with the public interest (IPCC, 2022). Likewise, the addition of new, ultra-low carbon electricity generation to the ERCOT grid will bolster grid resilience for all users, clearly serving the public interest. Further, the proposed construction techniques and on-site mitigation will preserve and enhance, respectively, the hydrologic function of the site, thereby upholding and serving the public interest of downstream communities for whom the site provides ecosystem (watershed) services.	
19.11	Public Access to Information by USACE Galveston is Inappropriately Limited.		Port Corpus Christi has no response to this comment.	
Cathy Fulton				
20.1	I am submitting a request for a public meeting/hearing.		The U.S. Army Corps of Engineers should advise if a public meeting is necessary. This project does not constitute a major federal action and therefore does not warrant an Environmental Impact Statement.	

No.	Comment	Comment Type	Response	Action Item
20.2	Application Completeness. I emailed USACE on February 14, 2023 about a lease agreement the Port of Corpus Christi has with Howard Energy for use of Port owned land for carbon sequestration. One of the POCC properties subject to the lease is the McCambell property as noted on the attached map from lease agreement. There is no mention in the application about carbon sequestration and those possible site locations in relation to the proposed solar panel farm. This application must incorporate carbon sequestration site locations and proposed access. These are two major proposed projects for the McCambell property, with both affecting wetlands and water quality of McCambell Slough, the application needs to reflect both projects for completeness of review. It is because of these two projects an Environmental Impact Statement must be considered.		Port Corpus Christi submitted a complete application to the U.S. Army Corps of Engineers on December 27, 2022. The solar development proposed in this permit application represents a single project with independent utility. The lease agreement referenced related to carbon capture and sequestration (CCS), is also a single project with independent utility. The Department of Energy (DOE) is the lead federal agency, responsible for reviewing the CCS project in accordance with NEPA. Further, the proposed solar installation occupies approximately 1886ac of the 2850ac property, providing an opportunity for additional and independent projects.	
20.3	Deficient Information for site locations, material and placement. "The applicant proposes to discharge approximately 111,100 cubic yards of fill material into 13.9 acres of herbaceous wetlands adjacent to McCambell Slough, a tidal water of the United States." The PN with project plans and mitigation plans fail to identify the site location of wetlands to be filled along the McCambell Slough. In fact, not one schematic identifies the slough by name, only a few pages identify the "drainage ditch". Will this be several site locations to be filled that total 13.9 acres or just one connected wetland site? What is the composition of the "fill" material? Is the fill material comprised of native soil or introduced soil/base material? Will the material include various non-mulched wooded plants? Will the material include invasive plant species that could spread further downstream from placement location(s)? How will placement of material be conducted? Depending on the method of placement, more wetlands could be directly impacted.		This project does not constitute a major federal action and therefore does not warrant an Environmental Impact Statement. The project will place fill in wetlands for access paths and inverters, which is denoted in the permit drawings on the Wetland Impacts (Fill) Map on page 18 of 22 of the project drawings. The final design of the development will stipulate ideal characteristics of fill material and detail the construction methodology including all conditions of the permit, which a contractor will be required to meet during construction. As a matter of standard practice, Port Corpus Christi requires clean fill, free of contaminants on construction projects.	
20.4	Fill Material – Testing Requirement. There is no mention about testing "fill" material for placement in wetlands that are considered connected to WOTUS. Interval testing for bacterial and chemical contaminants must be required for fill material before placement. No placement of fill material with contaminants can be permitted on this waterway. Further, fill material is likely to have soils with cattle manure which can contain invasive plant seeds and importantly, bacterial contamination. High levels of bacteria could leach into McCambell slough and further downstream. What will be the required standard for bacterial contamination in addition to chemical contamination standards?		The final design of the development will stipulate ideal characteristics of fill material, which a contractor will be required to meet during construction. As a matter of standard practice, Port Corpus Christi requires clean fill, free of contaminants on construction projects. Port Corpus Christi purchased the McCambell Property in 2018. Historically, farming and ranching dominated the property and continue today.	
20.5	Habitat – Flora – Fauna Impacts. The PN again states 13.9 acres of wetlands be filled, with 3 acres impacted for inverter placement, but approximately 1800 acres of wetlands will be covered with solar panels. What about the impacts to these wetlands? The PN indicates the solar panels will be elevated and therefore shading of wetlands will be minimal and there are no claimed impacts. Are they kidding? Look at the total solar panel arrays and it is easy to see how much wetland will be severely impacted by shading. I am surprised USACE did not tell the applicant to further assess wetland impacts from shading, heat and overall construction of solar farm. The PN fails to address or provide a general survey of aquatic, amphibious, or reptilian life in/or around the full length of what is essentially a canal (slough). There is no mention of terrestrial wildlife or bird populations such as whooping cranes. This is another reason to require an FIS, especially to assess threatened and endangered species. All of the mentioned categories of fauna will be directly impacted with obvious loss of habitat on 1800+ acres, which must be factored into the permit application.		Scientific research regarding the effects of photovoltaic (PV) panel shading on plant species is mixed, primarily as a function of geography. While some studies demonstrate increased biomass (Boussetot et al., 2017) and document increased biodiversity (Uldrijan et al, 2021), others note less biomass under panels (Armstrong et al, 2016). These papers and others reviewed by Port Corpus Christi are based on research conducted in differing climate regimes (mainly Europe) and focus only on upland plant communities. The studies in which a decrease in biomass was documented were conducted in regions with vastly different climatic regimes in terms of daily temperature variability and duration of the growing season. Comparatively, the Coastal Bend Region's year-round growing season and lower daily temperature variability represent considerably more favorable growing conditions than in these reference studies. Likewise, the proposed panel height, and thus the distance between the panels and the ground, is 5ft higher greater in the Port's proposed design than the industry standard. These studies that document decreases biomass, do not consider increasing panel height, which will inherently translate into increased sunlight penetration/reduced shading. Within the U.S. however, ongoing research conducted by the National Renewables Energy Lab (NREL) suggests that the shade under panels would improve soil health, retain water, nurture native species, produce food, and provide even lower-cost energy (NREL, 2019). While there is no conclusive scientific research indicating that PV panels prevent wetland species from growing, professional articles from the solar industry reveal that vegetation management is paramount in solar installations to prevent vegetation overgrowth, yielding diminishing absorption for the panels themselves (Lawrence, 2022), (Solar Power World, 2020), (Invenergy, 2022). This implies that species are not adversely affected by shading from the PV panels.	

No.	Comment	Comment Type	Response	Action Item
			From the perspective of wetland science, however, it is worth noting that USACE's own Wetland Determination Data Forms support the concept of herbaceous vegetation growing in the presence of shade. This is evident in the structure of the Hydrophytic Vegetation section of the form, which categorizes vegetation by strata. The coexistence of both a tree and herb strata in an individual sample point indicates herbaceous wetland vegetation persists in the presence of shade (USACE, 2010). An Ohio-based study evaluated the variety of strata density in forested wetlands, noting both shade tolerant and shade intolerant herbaceous species (Abella et al., 2020). This study further noted that shade intolerant herbaceous cover is inversely related to canopy density (i.e. the less dense the canopy, the greater the density of herbaceous cover). The study also noted little correlation between canopy density and shade tolerant herbaceous wetland species. Since the spacing, height, and continuous rotation of the panels preclude persistent and wide-spread shading equivalent to that in a dense canopy, the project is unlikely to impact either shade tolerant or shade intolerant wetland species. (The bottom of the panels will be at least 5ft above the ground, and the rotation of the panel throughout the day is estimated to reduce shading on the panels themselves by 30-40%, which also mitigates the effects of persistent shading below the panels.) Section 2 of the application provides a description of the landscape: Wetlands constitute approximately 1,560ac of the McCampbell Property (See Approved Jurisdictional Determination dated August 12, 2022). The hydrology within the property is dominated by a large ditch that conveys stormwater from the City of Ingleside and the site itself downstream to the McCampbell Slough and Port Bay. Salt meadow cordgrass (<i>Spartina spartinae</i>) dominates the site and is observed in both upland and wetland habitats. Wetlands within the property are highly homogenous with little variation in plant assemblages.	
20.6	Port Authority as Navigation District. The Port of Corpus Christi is a political subdivision navigation district of the State of Texas. The POCC receives both federal and State money for various projects associated with maintaining or improving navigation district. However, according to the PN, the proposed solar farm will be owned and possibly operated under the POCC, which isn't an authorized electrical utility distributor. The PN deliberately avoids stating what entity will be supplied electrical power. The electrical power is not about adding to the Texas grid, but this solar farm is for future heavy industry the POCC wants to attract. This is a public entity using public money for creation of power to supply private industry. Democratizing expenses while privatizing profits has been the Port of Corpus Christi's operations motto for past few years.		The project is expected to yield 600 MW of carbon-free electricity to be delivered via interconnect to the regional electric grid, with the potential to serve both residential and industrial demand. The Port is not proposing to be a transmission provider or seller/distributor of electricity, and thus the project does not compete with regional electricity providers in any way.	
20.7	Proposed Mitigation. I support the POCC's proposed onsite mitigation to remove unneeded roads and restore wetland areas on the McCampbell property. However, the PN does not come close to recognizing the full impacts to all wetlands in the project area. The proposed mitigation is based on 13.3 acres of wetland to be filled, yet the total area of wetland impacts could be as much as 1800+ acres. Therefore, the proposed mitigation is well short of the claimed 2:1 and short of any minimal 1:1 mitigation.		The Mitigation Rule stipulates a mitigation plan must ensure no net loss, favoring on-site, in-kind restoration second only to mitigation banks. Since no mitigation banks exist within the project watershed, on-site, in-kind mitigation is the most favorable mitigation strategy. Any ratio exceeding 1 to 1 demonstrates no net loss of wetlands on-site, thus the mitigation as originally proposed, especially as revised in Attachment B, exceeds the criteria for wetland mitigation.	
20.8	Because of unaccounted wetland impacts with aquatic and terrestrial habitat impacts, an Environmental Impact Statement must be required		This project does not constitute a major federal action and therefore does not warrant an Environmental Impact Statement.	
Kathryn Masten – Ingleside of the Bay Coastal Watch Association				
21.1	The Port has not even spoken to Gary Davis, the McCampbell-Porter Airport manager. This shows the level of disrespect the Port shows when dealing with San Patricio County residents and public officials, which includes efforts to block Senate Bill 2235 (attached) to give San Patricio another seat on the Port Commission.		Port Corpus Christi staff are fully informed of the Airport's planned expansion and do not consider it incompatible with the proposed solar facility. Port Corpus Christi staff have an active and ongoing dialogue with the Airport Director and County Commissioner representing this district, and the Port has committed involving them in the detailed design process for the site to ensure consistency with the Airport's Master Plan.	
21.2	The Port does not intend to operate the solar farm. This helps explain why attached Senate Bill 818 is making its way through the Legislature during this		Port Corpus Christi did not request any legislator file any legislation during the 88th legislature. SB 818 (and its companion HB 1511) was filed by legislators from Houston and the Texas Ports Association (TPA) to support their efforts. The TPA is a state trade association that represents twenty seaports in Texas.	

No.	Comment	Comment Type	Response	Action Item																								
	biennial session. It gives Port's the ability to: donate, exchange, convey, sell, or lease land, improvements, easements, or any other interests in real property to an electric utility																											
Jessica Hernandez																												
22.1	Why add fill when the panels are to be constructed 5 feet off the ground? Why not raise them higher and avoid filling the herbaceous wetlands altogether?. Why not only utilize the acreage at its highest levels and not disrupt the wetlands of this property?		Port Corpus Christi proposes several fundamental deviations from the typical concept for solar energy generation to avoid and minimize wetland impacts across the McCampbell Property. The table below, from the permit application, summarizes the way in which Port Corpus Christi avoided and minimized wetland impacts for the project: <table><tr><th>Potential Project Impacts</th><th>Method to Minimize or Reduce Potential Wetland Impacts</th><th>Net Impact</th></tr><tr><td>Pilings in Wetlands</td><td>Helical pilings</td><td>None – Avoided</td></tr><tr><td>Shading from Panels</td><td>Elevations above BFE and continuous rotation</td><td>None – Avoided</td></tr><tr><td>Trenching for Cables</td><td>Cable elevated on trays</td><td>None – Avoided</td></tr><tr><td>Inverter</td><td>Sited in uplands where applicable</td><td>None – 0.3ac offset with mitigation)</td></tr><tr><td>Site Access</td><td>Configured site to minimize total length of access paths</td><td>None – 13.4ac – offset with mitigation</td></tr><tr><td>Substations</td><td>Sited solely in uplands</td><td>None – Avoided</td></tr><tr><td>Temporary Construction</td><td>Minimized by construction sequencing, BMPs, and restorations</td><td>None – Restored</td></tr></table>	Potential Project Impacts	Method to Minimize or Reduce Potential Wetland Impacts	Net Impact	Pilings in Wetlands	Helical pilings	None – Avoided	Shading from Panels	Elevations above BFE and continuous rotation	None – Avoided	Trenching for Cables	Cable elevated on trays	None – Avoided	Inverter	Sited in uplands where applicable	None – 0.3ac offset with mitigation)	Site Access	Configured site to minimize total length of access paths	None – 13.4ac – offset with mitigation	Substations	Sited solely in uplands	None – Avoided	Temporary Construction	Minimized by construction sequencing, BMPs, and restorations	None – Restored	
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22.2	Water takes the path of least resistance.. Will the structures (panels) themselves redirect the storm water and where to if the wetlands have been filled? Is it subject to flow towards the city of AP to make its way to the intercostal or will it 24ontinue its flow into McCampbell slough where it meets with Copano Bay? The nearby communities due to the area having a large portion of it in a flood zone.		Port Corpus Christi proposes several fundamental deviations from the typical concept for solar energy generation to avoid and minimize wetland impacts across the McCampbell Property. The table below, from the permit application, summarizes the way in which Port Corpus Christi avoided and minimized wetland impacts for the project: <table><tr><th>Potential Project Impacts</th><th>Method to Minimize or Reduce Potential Wetland Impacts</th><th>Net Impact</th></tr><tr><td>Pilings in Wetlands</td><td>Helical pilings</td><td>None – Avoided</td></tr><tr><td>Shading from Panels</td><td>Elevations above BFE and continuous rotation</td><td>None – Avoided</td></tr><tr><td>Trenching for Cables</td><td>Cable elevated on trays</td><td>None – Avoided</td></tr><tr><td>Inverter</td><td>Sited in uplands where applicable</td><td>None – 0.3ac offset with mitigation)</td></tr><tr><td>Site Access</td><td>Configured site to minimize total length of access paths</td><td>None – 13.4ac – offset with mitigation</td></tr><tr><td>Substations</td><td>Sited solely in uplands</td><td>None – Avoided</td></tr><tr><td>Temporary Construction</td><td>Minimized by construction sequencing, BMPs, and restorations</td><td>None – Restored</td></tr></table>	Potential Project Impacts	Method to Minimize or Reduce Potential Wetland Impacts	Net Impact	Pilings in Wetlands	Helical pilings	None – Avoided	Shading from Panels	Elevations above BFE and continuous rotation	None – Avoided	Trenching for Cables	Cable elevated on trays	None – Avoided	Inverter	Sited in uplands where applicable	None – 0.3ac offset with mitigation)	Site Access	Configured site to minimize total length of access paths	None – 13.4ac – offset with mitigation	Substations	Sited solely in uplands	None – Avoided	Temporary Construction	Minimized by construction sequencing, BMPs, and restorations	None – Restored	
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			Port Corpus Christi has taken a systematic approach to site access in order to address site hydrology holistically, ensuring that hydrologic function is preserved/enhanced. The random amalgamation of de facto access paths that currently crisscross the site have created longstanding barriers to hydrology that the Port proposes to alleviate as part of its compensatory mitigation for unavoidable impacts to jurisdictional habitat (see Mitigation Plan, Attachment B). Subsequent phases of design will identify the ideal placement of culverts to promote the unfettered hydrologic exchange between the wetlands and existing drainage ditch (to which no impacts are proposed). In constructing the proposed project, Port Corpus Christi will improve both the hydrologic functions of the wetlands and freeing up capacity for upstream stormwater from the surrounding municipalities. Improving the wetland's hydrologic function as a factor of the project will improve downstream water quality including but not limited to, dissolved oxygen, filtration capacity, turbidity, or toxicity. In 1977 USACE authorized the excavation of a drainage ditch through the McCampbell Property to convey stormwater from the City of Ingleside and surrounding areas into the McCampbell Slough. This ditch not only serves to convey stormwater from the Ingleside area but drains the surrounding wetlands within the McCampbell Property. Additionally, impacts resulting from ongoing agricultural use of the McCampbell Property—the existing roads—serve as auxiliary conveyances to the drainage ditch. Port Corpus Christi developed a conceptual site drainage model, which demonstrates a high correlation to stream features and roads within the property. Wetlands function by retaining water until the existing hydrologic regime of the adjacent waterbody naturally removes the water or it evaporates. The excavated drainage ditch, and the existing roads—which serve as auxiliary conveyances to the ditch—prematurely remove standing water from the wetlands within the property and force it downstream into the McCampbell Slough. The additional stormwater, redirected from the wetlands, feeds into the drainage ditch, reducing potential capacity from the upstream communities. Through the execution of the proposed mitigation plan, Port Corpus Christi will eliminate the roads that function as auxiliary conveyance. Future iterations of construction design (especially proposed site access) will further address site stormwater function, focusing on wetland water retention and preventing additional conveyance to the drainage ditch. As a result of the proposed mitigation and additional stormwater-focused design, Port Corpus Christi will restore the natural retention time of the wetlands, preventing premature runoff into the drainage ditch, which will reserve additional stormwater capacity for the upstream communities.	
22.3	The vegetation. A portion of this land was subjected to a control burn a few years ago, when was the vegetation study and analysis done and recorded to determine if any sensitive plants within the property? This is critical habitat for many species but would most defiantly affect the migratory birds that pass thru this fly zone region.		A wetland delineation report, which documented all vegetation within the McCampbell property at over 181 sample points, was approved by the USACE on August 12, 2022.	
22.4	Will all fill in material be of natural material or might it come from man made reclaimed crushed concrete? These are a few of my initial concerns regarding this project and I would like to request a public hearing.		The detailed site design for the project will specify the exact characteristics of fill material, which a contractor will be required to meet during construction. As a matter of standard practice, Port Corpus Christi requires clean fill, free of contaminants on construction projects. However, the access roads will be constructed with caliche, crushed aggregate, or other similar permeable materials.	
Errol Summerlin – Coastal Alliance to Protect our Environment				
23.1	The Public Notice to fill in 13.9 acres of wetlands does not represent the Project Plans for a 1866-acre solar farm		Port Corpus Christi proposes several fundamental deviations from the typical concept for solar energy generation to avoid and minimize wetland impacts across the McCampbell Property. The table below, from the permit application, summarizes the way in which Port Corpus Christi avoided and minimized wetland impacts for the project:	

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23.2	Location of wetlands to be filled is not specified		The project will place fill in wetlands for access paths and inverters, which is denoted in the permit drawings on the Wetland Impacts (Fill) Map on page 18 of 22 of the project drawings.																												
23.3	Impacts to wetlands are unclear, underestimated, and improperly mitigated		Port Corpus Christi proposes several fundamental deviations from the typical concept for solar energy generation to avoid and minimize wetland impacts across the McCampbell Property. The table below, from the permit application, summarizes the way in which Port Corpus Christi avoided and minimized wetland impacts for the project: <table><tr><th>Potential Project Impacts</th><th>Method to Minimize or Reduce Potential Wetland Impacts</th><th>Net Impact</th></tr><tr><td>Pilings in Wetlands</td><td>Helical pilings</td><td>None – Avoided</td></tr><tr><td>Shading from Panels</td><td>Elevations above BFE and continuous rotation</td><td>None – Avoided</td></tr><tr><td>Trenching for Cables</td><td>Cable elevated on trays</td><td>None – Avoided</td></tr><tr><td>Inverter</td><td>Sited in uplands where applicable</td><td>None – 0.3ac offset with mitigation)</td></tr><tr><td>Site Access</td><td>Configured site to minimize total length of access paths</td><td>None – 13.4ac – offset with mitigation</td></tr><tr><td>Substations</td><td>Sited solely in uplands</td><td>None – Avoided</td></tr><tr><td>Temporary Construction</td><td>Minimized by construction sequencing, BMPs, and restorations</td><td>None – Restored</td></tr></table> Port Corpus Christi proposed sufficient mitigation for wetland impacts, which demonstrates “no net loss” per the 2008 Mitigation Rule. The Mitigation Rule stipulates a mitigation plan must ensure no net loss, favoring on-site, in-kind restoration second only to mitigation banks. Since no mitigation banks exist within the project watershed, on-site, in-kind mitigation is the most favorable mitigation strategy. Any ratio exceeding 1 to 1 demonstrates no net loss of wetlands on-site, thus the mitigation as originally proposed, especially as revised in Attachment B, exceeds the criteria for wetland mitigation.				Potential Project Impacts	Method to Minimize or Reduce Potential Wetland Impacts	Net Impact	Pilings in Wetlands	Helical pilings	None – Avoided	Shading from Panels	Elevations above BFE and continuous rotation	None – Avoided	Trenching for Cables	Cable elevated on trays	None – Avoided	Inverter	Sited in uplands where applicable	None – 0.3ac offset with mitigation)	Site Access	Configured site to minimize total length of access paths	None – 13.4ac – offset with mitigation	Substations	Sited solely in uplands	None – Avoided	Temporary Construction	Minimized by construction sequencing, BMPs, and restorations	None – Restored	
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23.4	The purpose for “new and industrial offtakers” is not in the public’s interest		The project is expected to add renewable electrons to the grid, bolstering energy resilience and supplanting power derived from fossil fuels. Renewable electrons generated from this project would be transmitted to potential offtakers through existing infrastructure owned and operated by AEP. The proposed project will add to the existing mix of renewable energy with the potential to serve both residential and industrial demand. Regardless of the end-use of the electrons, the addition of emission-free energy generation sources, and enhanced resilience of the regional grid are within the public interest.																												

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23.5	The Port's plan to be an enegy supplier are anti-competitive and outside its purview as a Navigation District		The project is expected to yield 600 MW of carbon-free electricity to be delivered via interconnect to the regional electric grid. The Port is not proposing to be a transmission provider or seller/distributor of electricity, and thus the project does not compete with regional electricity providers in any way.																									
23.6	Alternatives Analysis is Inadequate		Please see the updated Alternatives Analysis provided as Attachment A.																									
23.7	This project requires an Environmental Impact Statement		This project does not constitute a major federal action and therefore does not warrant an Environmental Impact Statement.																									
23.8	The project is not in the public interest		Regardless of the destination of the renewable electrons generated from this project, they would serve to supplant power derived from fossil fuels, reducing regional emissions, and edging the Coastal Bend Region toward carbon neutrality, which is unequivocally aligned with the public interest (IPCC, 2022). Likewise, the addition of new, ultra-low carbon electricity generation to the ERCOT grid will bolster grid resilience for all users, clearly serving the public interest. Further, the proposed construction techniques and on-site mitigation will preserve and enhance, respectively, the hydrologic function of the site, thereby upholding and serving the public interest of downstream communities for whom the site provides ecosystem (watershed) services.																									
Cindy Adams-Smith, M.S. - TPWD																												
24.1	Impacts to wetland functions should be avoided and minimized to the extent practicable to support the attainment of water quality standards for the Mission-Aransas Estuary		Port Corpus Christi proposes several fundamental deviations from the typical concept for solar energy generation to avoid and minimize wetland impacts across the McCampbell Property. The table below, from the permit application, summarizes the way in which Port Corpus Christi avoided and minimized wetland impacts for the project: <table><tr><th>Potential Project Impacts</th><th>Method to Minimize or Reduce Potential Wetland Impacts</th><th>Net Impact</th></tr><tr><td>Pilings in Wetlands</td><td>Helical pilings</td><td>None - Avoided</td></tr><tr><td>Shading from Panels</td><td>Elevations above BFE and continuous rotation</td><td>None - Avoided</td></tr><tr><td>Trenching for Cables</td><td>Cable elevated on trays</td><td>None - Avoided</td></tr><tr><td>Inverter</td><td>Sited in uplands where applicable</td><td>None - 0.3ac offset with mitigation)</td></tr><tr><td>Site Access</td><td>Configured site to minimize total length of access paths</td><td>None - 13.4ac - offset with mitigation</td></tr><tr><td>Substations</td><td>Sited solely in uplands</td><td>None - Avoided</td></tr><tr><td>Temporary Construction</td><td>Minimized by construction sequencing, BMPs, and restorations</td><td>None - Restored</td></tr></table>	Potential Project Impacts	Method to Minimize or Reduce Potential Wetland Impacts	Net Impact	Pilings in Wetlands	Helical pilings	None - Avoided	Shading from Panels	Elevations above BFE and continuous rotation	None - Avoided	Trenching for Cables	Cable elevated on trays	None - Avoided	Inverter	Sited in uplands where applicable	None - 0.3ac offset with mitigation)	Site Access	Configured site to minimize total length of access paths	None - 13.4ac - offset with mitigation	Substations	Sited solely in uplands	None - Avoided	Temporary Construction	Minimized by construction sequencing, BMPs, and restorations	None - Restored	
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24.2	The applicant should consider exploring additional alternatives to identify the least environmentally damaging practicable alternative.		Please see the updated Alternatives Analysis provided as Attachment A.																									
24.3	If the proposed project is but part of a larger effort, the U.S. Army Corps of Engineers (USACE) should determine the appropriate scope of the proposed project, identify any connected facilities or actions, and evaluate the need to develop an Environmental Impact Statement (EIS).		The solar development proposed in this permit application represents a single project with independent utility. The project will add renewable electrons to the grid, bolstering energy resilience and supplanting power derived from fossil fuels. Renewable electrons generated from this project would be transmitted to potential offtakers through existing infrastructure owned and operated by AEP.																									

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24.4	Once the applicant has sufficiently demonstrated that there are no practicable alternatives to the proposed project site with fewer environmental impacts, the applicant should evaluate onsite alternatives to demonstrate that onsite impacts have been avoided and minimized to the extent practicable.		Port Corpus Christi evaluated several sites during the alternative analysis and determined the McCampbell property to be best suited for an industrial-size solar development. An updated alternatives analysis is provided as a part of this response to comments (see Attachment A). Port Corpus Christi proposes several fundamental deviations from the typical concept for solar energy generation to avoid and minimize wetland impacts across the McCampbell Property. The table below, from the permit application, summarizes the way in which Port Corpus Christi avoided and minimized wetland impacts for the project: <table><tr><th>Potential Project Impacts</th><th>Method to Minimize or Reduce Potential Wetland Impacts</th><th>Net Impact</th></tr><tr><td>Pilings in Wetlands</td><td>Helical pilings</td><td>None - Avoided</td></tr><tr><td>Shading from Panels</td><td>Elevations above BFE and continuous rotation</td><td>None - Avoided</td></tr><tr><td>Trenching for Cables</td><td>Cable elevated on trays</td><td>None - Avoided</td></tr><tr><td>Inverter</td><td>Sited in uplands where applicable</td><td>None - 0.3ac offset with mitigation)</td></tr><tr><td>Site Access</td><td>Configured site to minimize total length of access paths</td><td>None - 13.4ac - offset with mitigation</td></tr><tr><td>Substations</td><td>Sited solely in uplands</td><td>None - Avoided</td></tr><tr><td>Temporary Construction</td><td>Minimized by construction sequencing, BMPs, and restorations</td><td>None - Restored</td></tr></table>	Potential Project Impacts	Method to Minimize or Reduce Potential Wetland Impacts	Net Impact	Pilings in Wetlands	Helical pilings	None - Avoided	Shading from Panels	Elevations above BFE and continuous rotation	None - Avoided	Trenching for Cables	Cable elevated on trays	None - Avoided	Inverter	Sited in uplands where applicable	None - 0.3ac offset with mitigation)	Site Access	Configured site to minimize total length of access paths	None - 13.4ac - offset with mitigation	Substations	Sited solely in uplands	None - Avoided	Temporary Construction	Minimized by construction sequencing, BMPs, and restorations	None - Restored	
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24.5	The applicant should limit facilities to upland areas of the property to avoid and minimize wetland impacts. The applicant should also consider reducing the number of solar panels and associated infrastructure to lessen the project footprint and/or consider the use of multiple properties to construct a 600 MW PV solar panel development.		Port Corpus Christi proposes several fundamental deviations from the typical concept for solar energy generation to avoid and minimize wetland impacts across the McCampbell Property. The table below, from the permit application, summarizes the way in which Port Corpus Christi avoided and minimized wetland impacts for the project: <table><tr><th>Potential Project Impacts</th><th>Method to Minimize or Reduce Potential Wetland Impacts</th><th>Net impact</th></tr><tr><td>Pilings in Wetlands</td><td>Helical pilings</td><td>None - Avoided</td></tr><tr><td>Shading from Panels</td><td>Elevations above BFE and continuous rotation</td><td>None - Avoided</td></tr><tr><td>Trenching for Cables</td><td>Cable elevated on trays</td><td>None - Avoided</td></tr><tr><td>Inverter</td><td>Sited in uplands where applicable</td><td>None - 0.3ac offset with mitigation)</td></tr><tr><td>Site Access</td><td>Configured site to minimize total length of access paths</td><td>None - 13.4ac - offset with mitigation</td></tr><tr><td>Substations</td><td>Sited solely in uplands</td><td>None - Avoided</td></tr><tr><td>Temporary Construction</td><td>Minimized by construction sequencing, BMPs, and restorations</td><td>None - Restored</td></tr></table>	Potential Project Impacts	Method to Minimize or Reduce Potential Wetland Impacts	Net impact	Pilings in Wetlands	Helical pilings	None - Avoided	Shading from Panels	Elevations above BFE and continuous rotation	None - Avoided	Trenching for Cables	Cable elevated on trays	None - Avoided	Inverter	Sited in uplands where applicable	None - 0.3ac offset with mitigation)	Site Access	Configured site to minimize total length of access paths	None - 13.4ac - offset with mitigation	Substations	Sited solely in uplands	None - Avoided	Temporary Construction	Minimized by construction sequencing, BMPs, and restorations	None - Restored	
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24.6	The applicant should reach out to San Patricio County to determine if the proposed project is compatible with airport operations. A post-construction monitoring plan should be developed to determine whether bird fatalities (or other wildlife impacts) are occurring, and an adaptive management plan should be developed to minimize these potential impacts.		Port Corpus Christi staff are fully informed of the Airport's planned expansion and do not consider it incompatible with the proposed solar facility. Port Corpus Christi staff have an active and ongoing dialogue with the Airport Director and County Commissioner representing this district, and the Port has committed involving them in the detailed design process for the site to ensure consistency with the Airport's Master Plan. Port Corpus Christi is currently coordinating with USFWS and this Section 7 consultation will determine what if any, long-term monitoring is required to address impacts to birds.	
24.7	A hydrologic functional assessment should be completed to identify the directional flow of water at pre-restoration conditions and post-construction surveys to determine if the restoration was successful. The following information should be provided to support the proposed hydrologic design:		Future iterations of design will require detailed hydrographic modeling. The Federal Emergency Management Administration (FEMA) requires projects within a floodway, like the McCampbell project, to obtain a "No-rise Certification". Technical data, approved by a professional engineer, serves as the basis for the certification (FEMA, 2020). In association with this, the Port of Corpus Christi will expand this model to further inform pertinent details to the project, including but not limited to, culvert size, placement and spacing, the height of access paths, and whether low water crossings are more suitable in certain portions of the site.	
24.8	Provide following figures to support the proposed hydrologic design: A figure of existing surface hydrology conditions that shows arrows indicating the directions of surface water flow throughout the entire site including water inflow and outflow of each wetland and water feature (e.g., stormwater ditch, McCampbell Slough, etc.) at the project site. A figure of proposed surface hydrology conditions that shows arrows indicating the directions of surface water flow throughout the entire site including water inflow and outflow of each wetland and water feature at the project site.		In late 2019, Port Corpus Christi executed a contract with Hanson Professional Services, Inc. to complete an existing conditions hydrologic and hydraulic analysis of McCampbell Slough. The scope of analysis included the area between State Highway 361, State Highway 35, and Farm-to-Market Road 1069. This information was utilized in planning the proposed solar development. During the design of the solar development, the model will be updated to further evaluate and inform the final design.	need exhibits showing hydrology
24.9	TPWD recommends that the USACE not issue a permit for the project as proposed. The applicant should incorporate the above recommendations into revised project plans that fully evaluate practicable alternatives and avoids and minimizes impacts to special aquatic sites		Port Corpus Christi's strategic growth and land use decisions are data-driven, guided by purpose-built Geographic Information Systems (GIS) decision support tools that prioritize compatibility with adjacent/non-industrial land uses and avoidance of sensitive environmental habitats. In Port Corpus Christi's evaluation of the highest and best use of the property, only a project, which minimized wetland impacts is a compatible land use. Pilings to support solar panels do not act as fill, nor impact wetlands; therefore, solar is a compatible land use for the property. Despite the lack of conclusive evidence for shading impacts of wetland vegetation, Port Corpus Christi elected to only use continuously rotating solar panels and added elevation to the panels—several feet above industry standard—to increase light penetration to the ground. Further, the conceptual design focused on minimizing wetland impacts from substations and access roads to the greatest extent. After analyzing several onsite alternatives, Port Corpus Christi successfully developed a holistic use of the property, which limits impacts to 1% of the wetlands onsite.	
Brenton B. Lewis - City Manager, City of Ingleside				

No.	Comment	Comment Type	Response	Action Item
25.1	The City of Ingleside is requesting a public hearing and additional information regarding the proposed fill area at the McCampbell-Porter Airport.		The U.S. Army Corps of Engineers should advise if a public meeting is necessary. The Federal Aviation Administration (FAA) recognizes the compatible land use between solar and airport (FAA, 2021). "Glare" reflecting from solar panels presents no more risk to pilots than that of passing windows on buildings. Additionally, Port Corpus Christi established an open dialog with the San Patricio County Municipal Airport and the respective County Commissioner. To date, neither party has identified a conflict between the two land uses.	
25.2	The airport and surrounding area are located partially in the city limits of the City of Ingleside and the McCampbell Slough is a major drainage area that affects the City of Ingleside.		Future iterations of design will require detailed hydrographic modeling. The Federal Emergency Management Administration (FEMA) requires projects within a floodway, like the McCampbell project, to obtain a "No-rise Certification". Technical data, approved by a professional engineer, will serve as the basis for the certification and demonstrate the proposed project does not impact stormwater offsite.	
Tom Shearer				
26.1	The proposed project is adjacent to the bays and estuaries, and beaches of the Texas Coast. The wooded oak motts are a rare habitat along this heavily used migratory bird flyway. Migrating birds use the wetlands to feed and roost. Also the birds often confuse shiny surfaces, such as solar panels, for water, and are injured when trying to land, or feed.		Based on the wetland delineation and associated AJD, no oak mottes exist on the McCampbell Property. However, Port Corpus Christi will incorporate strategies to minimize impacts to migratory birds in future iterations of design as a result of the ongoing coordination with USFWS.	
26.2	There are thousands of acres of fallow agricultural fields slightly inland, devoid of wetlands or woodlands that would avoid most of the impacts to migratory birds		Port Corpus Christi evaluated several sites during the alternative analysis and determined the McCampbell property to be best suited for an industrial-size solar development. An updated alternatives analysis is provided as a part of this response to comments (see Attachment A).	
Jennifer Hilliard - Ingleside on the Bay Coastal Watch Association				
27.1	I am requesting that the U.S. Army Corps of Engineers require a full Environmental Impact Statement for this project and provide a public hearing.		An Environmental Impact Statement is not warranted since this project does not constitute a major federal action. The U.S. Army Corps of Engineers should advise if a public meeting is necessary.	
27.2	Wetlands are vital and dynamic ecosystems that provide numerous benefits to society, including improved surface water quality, flood control, groundwater recharge, and of course wildlife habitat.		Port Corpus Christi agrees wetlands are a vital component of the local ecosystem. Port Corpus Christi designed this project in a manner that fundamentally preserves site hydrology and avoids/minimizes impacts to aquatic resources. To accomplish the goals of this project, Port Corpus Christi commits to the following: • Restore all temporary construction impacts to existing grades; • Limit access improvement to only that which is necessary to support critical operations; • Elevate infrastructure above the ground via helical pilings that do not constitute fill per (40 CFR 232.2); • Locate inverters outside wetlands where possible; • Eliminate the potential of vegetation shading via elevated, tracking panels. • Restore 29.6ac of existing, degraded de facto access paths to natural elevations • Use automated panel cleaning mechanisms	
27.3	The spacing of the panels covers the entire ground area except where roads are installed. The area covered by the panel will not maintain its existing floristic and hydrologic quality and should be considered in mitigation totals.		Scientific research regarding the effects of photovoltaic (PV) panel shading on plant species is mixed, primarily as a function of geography. While some studies demonstrate increased biomass (Bousset et al., 2017) and document increased biodiversity (Uldirjan et al, 2021), others note less biomass under panels (Armstrong et al, 2016). These papers and others reviewed by Port Corpus Christi are based on research conducted in differing climate regimes (mainly Europe) and focus only on upland plant communities. The studies in which a decrease in biomass was documented were conducted in regions with vastly different climatic regimes in terms of daily temperature variability and duration of the growing season. Comparatively, the Coastal Bend Region's year-round growing season and lower daily temperature variability represent considerably more favorable growing conditions than	

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			in these reference studies. Likewise, the proposed panel height, and thus the distance between the panels and the ground, is 5ft higher greater in the Port's proposed design than the industry standard. These studies that document decreases biomass, do not consider increasing panel height, which will inherently translate into increased sunlight penetration/reduced shading. Within the U.S. however, ongoing research conducted by the National Renewables Energy Lab (NREL) suggests that the shade under panels would improve soil health, retain water, nurture native species, produce food, and provide even lower-cost energy (NREL, 2019). While there is no conclusive scientific research indicating that PV panels prevent wetland species from growing, professional articles from the solar industry reveal that vegetation management is paramount in solar installations to prevent vegetation overgrowth, yielding diminishing absorption for the panels themselves (Lawrence, 2022), (Solar Power World, 2020), (Invenergy, 2022). This implies that species are not adversely affected by shading from the PV panels. From the perspective of wetland science, however, it is worth noting that USACE's own Wetland Determination Data Forms support the concept of herbaceous vegetation growing in the presence of shade. This is evident in the structure of the Hydrophytic Vegetation section of the form, which categorizes vegetation by strata. The coexistence of both a tree and herb strata in an individual sample point indicates herbaceous wetland vegetation persists in the presence of shade (USACE, 2010). An Ohio-based study evaluated the variety of strata density in forested wetlands, noting both shade-tolerant and shade-intolerant herbaceous species (Abella et al., 2020). This study further noted that shade-intolerant herbaceous cover is inversely related to canopy density (i.e. the less dense the canopy, the greater the density of herbaceous cover). The study also noted little correlation between canopy density and shade-tolerant herbaceous wetland species. Since the spacing, height, and continuous rotation of the panels preclude persistent and widespread shading equivalent to that in a dense canopy, the project is unlikely to impact either shade-tolerant or shade-intolerant wetland species. (The bottom of the panels will be at least 5ft above the ground, and the rotation of the panel throughout the day is estimated to reduce shading on the panels themselves by 30-40%, which also mitigates the effects of persistent shading below the panels.)	
27.4	They have grossly underestimated the amount of compensatory mitigation to the access roads and inverter footings.		Port Corpus Christi's proposed mitigation plan offsets unavoidable project impacts in a manner consistent with the 2008 Mitigation Rule. The Mitigation Rule stipulates a mitigation plan must ensure no net loss, favoring on-site, in-kind restoration second only to mitigation banks. Since no mitigation banks exist within the project watershed, on-site, in-kind mitigation is the most favorable mitigation strategy. Any ratio exceeding 1 to 1 demonstrates no net loss of wetlands on-site, thus the mitigation as originally proposed, especially as revised in Attachment B, exceeds the criteria for wetland mitigation. Port Corpus Christi developed the proposed mitigation plan based on the observed impacts occurring on-site at the time the property was purchased. The proposed restoration will conservatively mitigate unavoidable project impacts on a ratio of approximately 3 to 1. Port Corpus Christi updated this ratio following a detailed classification of the proposed restoration types, which required a more thorough analysis of the potential mitigation potential on-site. The 2.8 to 1 ratio is a more accurate estimate than the originally provided 2.2 to 1.	
27.5	They have not provided an inventory of the wetlands or an inventory of the species.		U.S. Army Corps of Engineers reviewed and approved a wetlands delineation report—which contained 181 sample points documenting on-site vegetation—as part of the issuance of an Approved Jurisdictional Determination (AJD) for the McCampbell Property, which AJD was issued on August 12, 2022.	
27.6	There are previously disturbed sites that are better suited for this project.		Please see the updated Alternatives Analysis provided as Attachment A.	
27.7	Maintenance of growth around panels requires chemical or machines that further endanger the function of the wetland and all that are connected hydraulically.		Five distinct cover types identified within the property include emergent wetlands; uplands comprised of mesquite mottes/shrubs and grassland mosaic; drainage features; stock ponds, and previously disturbed access paths. The USACE-issued AJD, No. SWG-2021-00163 identified 1558.3ac of jurisdictional wetlands on the site. Vegetation within the wetlands has similar characteristics throughout the entire survey area and did not change significantly. Vegetation within the wetland sample areas is dominated by Gulf cordgrass (<i>Spartina spartinae</i>), brushy sea oxeye daisy (<i>Borrchia frutescens</i>), shoregrass (<i>Distichlis littoralis</i>), sand spike rush (<i>Eleocharis palustris</i>), coastal salt grass (<i>Distichlis</i>	

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			spicata), bitter panic grass (<i>Panicum amarum</i>), seaside American aster (<i>Symphotrichum subulatum</i>), chairmakers club-rush (<i>Scheenoplectus americanus</i>), marsh primrose-willow (<i>Ludwigia palustris</i>), Kleingrass (<i>Panicum coloratum</i>), torpedo grass (<i>Panicum repens</i>), seashore dropseed (<i>Sporobolus virginicus</i>)in the herb stratum. Given the vegetative community present at the site, mechanical maintenance is not anticipated with the use of elevated panels. Additionally, elevated panels will also allow for continued use of the site for grazing by sheep or cattle.																									
27.8	The Port has not provided adequate data on the fill material to be placed in an active hydraulic system.		The table below, from the permit application, summarizes the way in which Port Corpus Christi avoided and minimized wetland impacts for the project: <table><tr><th>Potential Project Impacts</th><th>Method to Minimize or Reduce Potential Wetland Impacts</th><th>Net Impact</th></tr><tr><td>Pilings in Wetlands</td><td>Helical pilings</td><td>None - Avoided</td></tr><tr><td>Shading from Panels</td><td>Elevations above BFE and continuous rotation</td><td>None - Avoided</td></tr><tr><td>Trenching for Cables</td><td>Cable elevated on trays</td><td>None - Avoided</td></tr><tr><td>Inverter</td><td>Sited in uplands where applicable</td><td>None - 0.3ac offset with mitigation)</td></tr><tr><td>Site Access</td><td>Configured site to minimize total length of access paths</td><td>None - 13.4ac - offset with mitigation</td></tr><tr><td>Substations</td><td>Sited solely in uplands</td><td>None - Avoided</td></tr><tr><td>Temporary Construction</td><td>Minimized by construction sequencing, BMPs, and restorations</td><td>None - Restored</td></tr></table> The final design of the development will stipulate ideal characteristics of fill material, which a contractor will be required to meet during construction. As a matter of standard practice, Port Corpus Christi requires clean fill, free of contaminants on construction projects. However, the access roads will be constructed with caliche, crushed aggregate or other similar permeable materials.	Potential Project Impacts	Method to Minimize or Reduce Potential Wetland Impacts	Net Impact	Pilings in Wetlands	Helical pilings	None - Avoided	Shading from Panels	Elevations above BFE and continuous rotation	None - Avoided	Trenching for Cables	Cable elevated on trays	None - Avoided	Inverter	Sited in uplands where applicable	None - 0.3ac offset with mitigation)	Site Access	Configured site to minimize total length of access paths	None - 13.4ac - offset with mitigation	Substations	Sited solely in uplands	None - Avoided	Temporary Construction	Minimized by construction sequencing, BMPs, and restorations	None - Restored	
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27.9	The Port of Corpus Christi as a public entity is not approved to develop assets to provide energy for it's clients.		The project is expected to add renewable electrons to the grid, bolstering energy resilience and supplanting power derived from fossil fuels. Renewable electrons generated from this project would be transmitted to potential offtakers through existing infrastructure owned and operated by AEP. The proposed project will add to the existing mix of renewable energy with the potential to serve both residential and industrial demand. Regardless of the end-use of the electrons, the addition of emission-free energy generation sources, and enhanced resilience of the regional grid are within the public interest. The project is expected to yield 600 MW of carbon-free electricity to be delivered via interconnect to the regional electric grid. The Port is not proposing to be a transmission provider or seller/distributor of electricity, and thus the project does not compete with regional electricity providers in any way.																									
27.10	Providing power to polluting fossil fuel industries is not in the public interest.		Regardless of the destination of the renewable electrons generated from this project, they would serve to supplant power derived from fossil fuels, reducing regional emissions, and edging the Coastal Bend Region toward carbon neutrality, which is unequivocally aligned with the public interest (IPCC, 2022). Likewise, the addition of new, ultra-low carbon electricity generation to the ERCOT grid will bolster grid resilience for all users, clearly serving the public interest. Further, the proposed construction techniques and on-site mitigation will preserve and enhance, respectively, the hydrologic function of the site, thereby upholding and serving the public interest of downstream communities for whom the site provides ecosystem (watershed) services.																									

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			The project is expected to yield 600 MW of carbon-free electricity to be delivered via interconnect to the regional electric grid. The Port is not proposing to be a transmission provider or seller/distributor of electricity, and thus the project does not compete with regional electricity providers in any way.	
27.11	A plan should be approved for the decommission restoration of the site to prior or improved condition.		Per standard lease agreement language, all constructed infrastructure becomes the property of the Port of Corpus Christi, unless the Port otherwise notifies the lessee. Port Corpus Christi maintains existing disposition requirements (per our Procurement Policy) that will be followed for any infrastructure on Port property.	
27.12	The Port of Corpus Christi's proposal does not show how providing solar powered electricity to polluting industries is in the Public. The immediate suggestion of increased employment at the sacrifice of our most precious marine resources is being used repeatedly by industry to create a stranglehold on our economy by placing all our resources at the feet of the fossil fuel industry while destroying the natural resources that sustain thousands of jobs in the commercial fishing and tourism industry.		Regardless of the destination of the renewable electrons generated from this project, they would serve to supplant power derived from fossil fuels, reducing regional emissions, and edging the Coastal Bend Region toward carbon neutrality, which is unequivocally aligned with the public interest (IPCC, 2022). Likewise, the addition of new, ultra-low carbon electricity generation to the ERCOT grid will bolster grid resilience for all users, clearly serving the public interest. Further, the proposed construction techniques and on-site mitigation will preserve and enhance, respectively, the hydrologic function of the site, thereby upholding and serving the public interest of downstream communities for whom the site provides ecosystem (watershed) services.	
Robyn Cobb				
28.1	I would like to request that the Corps hold a public hearing in order to fully describe this project and answer questions from concerned citizens. The project location is adjacent to a slough that drains to Copano Bay. The entire drainage area is well known for its habitat value to waterfowl, wading birds, and many other species. According to the National Audubon Society, it is especially important to carefully select sites for large solar installations. Careful siting of a solar farm entails avoiding disruption of existing bird habitat and doing all things possible to minimize the chances that birds would collide with the panels and all associated infrastructure such as transmission lines and substations.		The U.S. Army Corps of Engineers should advise if a public meeting is necessary. Port Corpus Christi designed this project in a manner that fundamentally preserves site hydrology and avoids/minimizes impacts to aquatic resources, thereby protecting existing habitats. To accomplish the goals of this project, Port Corpus Christi commits to the following: • Restore all temporary construction impacts to existing grades; • Limit access improvement to only that which is necessary to support critical operations; • Elevate infrastructure above the ground via helical pilings that do not constitute fill per (40 CFR 232.2); • Locate inverters outside wetlands where possible; • Eliminate the potential of vegetation shading via elevated, tracking panels. • Restore 29.6ac of existing, degraded de facto access paths to natural elevations • Use automated panel cleaning mechanisms Certain types of solar installations, mainly those with thermal concentration towers in the arid west, present a potential risk to migratory birds. The proposed project will not construct a thermal concentration tower. Additionally, while little research exists to demonstrate PV panels impact migratory birds in the same way as thermal concentration towers, there are strategies (including alternating the banding of cells within a panel) to help avian species more easily distinguish the presence of solar panels. Port Corpus Christi maintains an open dialog with USFWS specifically on this project, to collaborate on both migratory bird and endangered species concerns. Implementation of appropriate measures will occur to mitigate potential impacts on migratory birds. Such measures will be finalized during the Section 7 consultation process. No overhead power lines are proposed for the McCampbell property as all renewable electrons generated from this project would be transmitted to potential offtakers through existing infrastructure owned and operated by AEP.	

No.	Comment	Comment Type	Response	Action Item
28.2	The project design will cover large swaths of ground, shading areas that are naturally exposed to sunlight leading to alteration of the vegetation and habitat value. The project also appears to have potential to impact sheet flow from the area being built over into the wetlands into the natural drainage system, thereby altering the function of the existing wetlands as well. Due to the potential negative impacts on habitat and birds, I do think a public hearing is in order.		Scientific research regarding the effects of photovoltaic (PV) panel shading on plant species is mixed, primarily as a function of geography. While some studies demonstrate increased biomass (Bousselot et al., 2017) and document increased biodiversity (Uldrian et al, 2021), others note less biomass under panels (Armstrong et al, 2016). These papers and others reviewed by Port Corpus Christi are based on research conducted in differing climate regimes (mainly Europe) and focus only on upland plant communities. The studies in which a decrease in biomass was documented were conducted in regions with vastly different climatic regimes in terms of daily temperature variability and duration of the growing season. Comparatively, the Coastal Bend Region's year-round growing season and lower daily temperature variability represent considerably more favorable growing conditions than in these reference studies. Likewise, the proposed panel height, and thus the distance between the panels and the ground, is 5ft higher greater in the Port's proposed design than the industry standard. These studies that document decreases biomass, do not consider increasing panel height, which will inherently translate into increased sunlight penetration/reduced shading. Within the U.S. however, ongoing research conducted by the National Renewables Energy Lab (NREL) suggests that the shade under panels would improve soil health, retain water, nurture native species, produce food, and provide even lower-cost energy (NREL, 2019). While there is no conclusive scientific research indicating that PV panels prevent wetland species from growing, professional articles from the solar industry reveal that vegetation management is paramount in solar installations to prevent vegetation overgrowth, yielding diminishing absorption for the panels themselves (Lawrence, 2022), (Solar Power World, 2020), (Invenery, 2022). This implies that species are not adversely affected by shading from the PV panels. From the perspective of wetland science, however, it is worth noting that USACE's own Wetland Determination Data Forms support the concept of herbaceous vegetation growing in the presence of shade. This is evident in the structure of the Hydrophytic Vegetation section of the form, which categorizes vegetation by strata. The coexistence of both a tree and herb strata in an individual sample point indicates herbaceous wetland vegetation persists in the presence of shade (USACE, 2010). An Ohio-based study evaluated the variety of strata density in forested wetlands, noting both shade-tolerant and shade-intolerant herbaceous species (Abella et al., 2020). This study further noted that shade-intolerant herbaceous cover is inversely related to canopy density (i.e. the less dense the canopy, the greater the density of herbaceous cover). The study also noted little correlation between canopy density and shade-tolerant herbaceous wetland species. Since the spacing, height, and continuous rotation of the panels preclude persistent and widespread shading equivalent to that in a dense canopy, the project is unlikely to impact either shade-tolerant or shade-intolerant wetland species. (The bottom of the panels will be at least 5ft above the ground, and the rotation of the panel throughout the day is estimated to reduce shading on the panels themselves by 30-40%, which also mitigates the effects of persistent shading below the panels.)	
Linda Fulman				
29.1	I am requesting a Public Hearing. The project location is adjacent to a slough that drains to Copano Bay. The entire drainage area is known for its habitat value to waterfowl, wading birds, and many other species. According to the National Audubon Society, it is especially important to carefully select sites for large solar installations. Careful siting of a solar farm entails avoiding disruption of existing bird habitat and doing all things possible to minimize the chances that birds would collide with the panels and all associated infrastructure such as transmission lines and substations.		The U.S. Army Corps of Engineers should advise if a public meeting is necessary. Port Corpus Christi designed this project in a manner that fundamentally preserves site hydrology and avoids/minimizes impacts to aquatic resources, thereby protecting existing habitat. To accomplish the goals of this project, Port Corpus Christi commits to the following: • Restore all temporary construction impacts to existing grades; • Limit access improvement to only that which is necessary to support critical operations; • Elevate infrastructure above the ground via helical pilings that do not constitute fill per (40 CFR 232.2); • Locate inverters outside wetlands where possible; • Eliminate the potential of vegetation shading via elevated, tracking panels. • Restore 29.6ac of existing, degraded de facto access paths to natural elevations • Use automated panel cleaning mechanisms Certain types of solar installations, mainly those with thermal concentration towers in the arid west, present a potential risk to migratory birds. The proposed project will not construct a thermal concentration tower. Additionally, while little research exists to demonstrate PV panels impact migratory birds in the same way as thermal concentration towers, there are strategies (including alternating the banding of cells within a panel) to help avian species more easily distinguish the presence of solar panels. Port	

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			Corpus Christi maintains an open dialog with USFWS specifically on this project, to collaborate on both migratory bird and endangered species concerns. Implementation of appropriate measures will occur to mitigate potential impacts on migratory birds. Such measures will be finalized during the Section 7 consultation process. No overhead power lines are proposed for the McCampbell property as all renewable electrons generated from this project would be transmitted to potential offtakers through existing infrastructure owned and operated by AEP.	
29.2	The project design looks as though it will cover large swaths of ground, shading areas that are naturally exposed to sunlight leading to alteration of the vegetation and habitat value		Scientific research regarding the effects of photovoltaic (PV) panel shading on plant species is mixed, primarily as a function of geography. While some studies demonstrate increased biomass (Bousset et al., 2017) and document increased biodiversity (Uldrian et al, 2021), others note less biomass under panels (Armstrong et al, 2016). These papers and others reviewed by Port Corpus Christi are based on research conducted in differing climate regimes (mainly Europe) and focus only on upland plant communities. The studies in which a decrease in biomass was documented were conducted in regions with vastly different climatic regimes in terms of daily temperature variability and duration of the growing season. Comparatively, the Coastal Bend Region's year-round growing season and lower daily temperature variability represent considerably more favorable growing conditions than in these reference studies. Likewise, the proposed panel height, and thus the distance between the panels and the ground, is 5ft higher greater in the Port's proposed design than the industry standard. These studies that document decreases biomass, do not consider increasing panel height, which will inherently translate into increased sunlight penetration/reduced shading. Within the U.S. however, ongoing research conducted by the National Renewables Energy Lab (NREL) suggests that the shade under panels would improve soil health, retain water, nurture native species, produce food, and provide even lower-cost energy (NREL, 2019). While there is no conclusive scientific research indicating that PV panels prevent wetland species from growing, professional articles from the solar industry reveal that vegetation management is paramount in solar installations to prevent vegetation overgrowth, yielding diminishing absorption for the panels themselves (Lawrence, 2022), (Solar Power World, 2020), (Invenergy, 2022). This implies that species are not adversely affected by shading from the PV panels. From the perspective of wetland science, however, it is worth noting that USACE's own Wetland Determination Data Forms support the concept of herbaceous vegetation growing in the presence of shade. This is evident in the structure of the Hydrophytic Vegetation section of the form, which categorizes vegetation by strata. The coexistence of both a tree and herb strata in an individual sample point indicates herbaceous wetland vegetation persists in the presence of shade (USACE, 2010). An Ohio-based study evaluated the variety of strata density in forested wetlands, noting both shade-tolerant and shade-intolerant herbaceous species (Abella et al., 2020). This study further noted that shade-intolerant herbaceous cover is inversely related to canopy density (i.e. the less dense the canopy, the greater the density of herbaceous cover). The study also noted little correlation between canopy density and shade-tolerant herbaceous wetland species. Since the spacing, height, and continuous rotation of the panels preclude persistent and widespread shading equivalent to that in a dense canopy, the project is unlikely to impact either shade-tolerant or shade-intolerant wetland species. (The bottom of the panels will be at least 5ft above the ground, and the rotation of the panel throughout the day is estimated to reduce shading on the panels themselves by 30-40%, which also mitigates the effects of persistent shading below the panels.)	



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March 13, 2023

Mr. Kevin Mannie
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Re: Permit Application Number SWG-2021-00163
Port of Corpus Christi Authority

Dear Mr. Mannie and 401 Coordinator:

Texas Parks and Wildlife Department (TPWD) has reviewed the Public Notice (PN) dated February 9, 2023, for permit application number SWG-2021-00163. The applicant requests authorization to construct a 600 megawatt (MW) photovoltaic (PV) solar panel development in emergent wetlands adjacent to McCampbell Slough within a 1,866-acre portion of a 2,850-acre tract of land, completely surrounding the McCampbell-Porter Airport located at 3141 Farm to Market Road (FM) 3512, in Aransas Pass, San Patricio County, Texas.

According to the PN, the applicant proposes to fill approximately 13.9 acres of emergent wetlands for the construction of 11.1 miles of access roads, rotating solar panels mounted on helical piles (dimensions and quantities of PV panels and helical piles are not described), 295 power inverters, and two electric substations in an approximate 1,866-acre area.

Project documents describe the proposed project site as 1,866 acres of the 2,850-acre McCampbell Property, 55% of which supports 1,558.3 acres of palustrine and estuarine wetlands and other jurisdictional waterbodies. The separate tracts that make up the proposed project site are separated by FM 3512 and the McCampbell-Porter Airport that is owned and operated by San Patricio County. Hydrology within the property is dominated by a large ditch that conveys stormwater from the City of Ingleside and from the site itself into McCampbell Slough and Port Bay. The proposed permittee-responsible compensatory mitigation plan (PRCMP) states that this feature provides "a substantial freshwater influx to the downstream estuaries of Port and Copano Bays".

Wetlands within the project area are described as dominated by salt meadow cordgrass (*Spartina spartinae*). These wetlands function to attenuate flood waters from stormwaters associated with both rainfall and storm surge, remove pollutants (including sediment, debris, excess nutrients, pesticides, etc.) associated with

runoff from neighboring communities as well as onsite activities, store and re-cycle nutrients, and support water quality functions for fish and wildlife habitats onsite as well as those located down gradient (i.e., McCampbell Slough and Port Bay).

The 2022 303d List of Impaired Waters indicates that Port Bay was first listed as impaired in 1998 due to bacteria in oyster waters. The Texas Department of State Health Services currently classifies Port Bay as a restricted area that is closed to the taking of shellfish, including take associated with commercial oyster mariculture facilities. Currently, at least one commercial oyster mariculture facility has been authorized just outside the restricted waters of Port Bay. Any expansion of water quality degradation has the potential also expand the restricted shellfish harvest area.

Recommendation: Impacts to wetland functions should be avoided and minimized to the extent practicable to support the attainment of water quality standards for the Mission-Aransas Estuary.

Alternatives Analysis

TPWD has reviewed the information provided in the Alternatives Analysis (AA) Summary provided with the PN. Because this activity is not water dependent, practicable alternatives that do not involve special aquatic sites are presumed available unless clearly demonstrated otherwise. The complete AA was not provided for resource agency or public review and Table 1 of the AA Summary does not provide sufficient information to fully evaluate the alternatives considered or the criteria used to support the alternatives in light of the project purpose and need. However, information provided in Table 1 raises the following concerns for the AA.

Table 1 indicates that the only alternative not owned by the applicant is not feasible in terms of acquisition. There is no explanation provided for this conclusion. Table 1 also states that acquisition of this tract would be required but does not indicate if it (or other tracts not identified in the table) are available for acquisition.

In addition, Table 1 indicates that only two alternatives will avoid impacts to waters of the U.S. (WOUS) and wetlands, but it also states that none of the alternatives will impact special aquatic sites. The applicant should note that wetlands are a type of special aquatic site (defined at 40 CFR 230.41). As such, Table 1 indicates that all the proposed alternatives will impact special aquatic sites except for those which do not contain wetlands.

It is uncertain if the AA provides sufficient justification for being unable to split the project among two or more sites (such as those which avoid wetlands/special aquatic sites), especially considering that two substations are proposed, one on each tract within the project boundary.

Recommendation: The applicant should consider exploring additional alternatives to identify the least environmentally damaging practicable alternative (LEDPA).

Table 1 states: “Delay of acquisition restricts the ability to support economic development in the clean hydrogen sector at the place in which projects would be developed”. The applicant should clarify what is meant by this statement and provide additional information about any interdependent or connected activities associated with the proposed project.

Recommendation: If the proposed project is but part of a larger effort, the U.S. Army Corps of Engineers (USACE) should determine the appropriate scope of the proposed project, identify any connected facilities or actions, and evaluate the need to develop an Environmental Impact Statement (EIS).

Avoidance and minimization

With respect to avoidance and minimization, the PN states:

The applicant has stated that they have avoided and minimized environmental impacts by designing the proposed project in a manner that preserves site hydrology and avoids/minimizes impacts to aquatic resources including installing solar panels on helical pilings without concrete footings to avoid wetland impacts, elevating the rotating solar panels 5 feet above the ground level to avoid shading effects, elevating cabling on trays to avoid temporary trenching through wetlands, siting the two substations entirely within uplands, placing approximately 60% of power inverters in uplands reducing wetland impacts to 0.3 acre, configuring site access routes to the minimum necessary to reduce wetland impacts to 13.4 acres, and minimizing constructions sequencing, utilizing construction best management practices (BMPs), and restoring temporary impacts to pre-project conditions.

As proposed, the 1,866-acre project area only contains 308 acres of uplands. Wetlands account for the remaining 1,558.3 acres, or 83% of the total proposed project area. Because the 2850-acre McCampbell Property supports approximately 1,292 acres of uplands, additional impact avoidance and minimization may be feasible onsite.

Recommendation: Once the applicant has sufficiently demonstrated that there are no practicable alternatives to the proposed project site with fewer environmental impacts, the applicant should evaluate onsite alternatives to demonstrate that onsite impacts have been avoided and minimized to the extent practicable.

Other potential effects

Page 17 of 22 of the proposed project plans notes that solar panels will rotate continuously throughout the day via a linear actuator to maximize solar absorption and minimize vegetation shading. Based on this information, the applicant has not provided an adequate rationale to support these competing ideas and the extent to which the PV panels will act as fill is not clear.

Limited research indicates that PV panels can alter the microclimate underneath them and result in changes to plant composition, soil moisture, and other variables. TPWD is concerned that there is a paucity of research available on the direct and indirect effects of PV panels on wetland ecosystems. Any adverse effects that may result from the installation, operation and decommissioning of the PV solar panel development at the project site have the potential to adversely affect up to 1,558.3 acres of wetlands.

The applicant has stated that temporary impacts will be restored to pre-construction conditions, but these temporary impacts have not been adequately described in terms of location, extent, or habitat types affected.

Recommendation: The applicant should limit facilities to upland areas of the property to avoid and minimize wetland impacts. The applicant should also consider reducing the number of solar panels and associated infrastructure to lessen the project footprint and/or consider the use of multiple properties to construct a 600 MW PV solar panel development.

TPWD and the applicant's neighbor, McCampbell-Porter Airport, may have mutual concerns for the increased potential for bird strikes. These could result from birds mistaking the reflective surface of PV solar panels for water or from alterations to site hydrology, such as the construction of access roads, that results in greater frequency and/or duration of seasonal ponding events. Project documents describe the proposed permeable access roads as being comprised of caliche, limestone, or similar material. However, it is not clear if the hydraulic conductivity of these materials will continue to support current site conditions. Further, the applicant has not described any operational activities, such as washing the PV panels, that may also have secondary effects.

Recommendation: The applicant should reach out to San Patricio County to determine if the proposed project is compatible with airport operations. A post-construction monitoring plan should be developed to determine whether bird fatalities (or other wildlife impacts) are occurring, and an adaptive management plan should be developed to minimize these potential impacts.

Mitigation Plan

Based on the information provided, TPWD lacks confidence that the applicant has adequately demonstrated that there are no practicable alternatives to the proposed fill which would have fewer adverse impacts on the aquatic ecosystem. In addition, the applicant has not demonstrated that impacts have been avoided and minimized to the extent practicable. Therefore, TPWD considers the proposed PRCMP to be premature.

Because the PN does not provide information which demonstrates that impacts have been avoided and minimized to the extent practicable, the PRCMP seems premature. Once the AA identifies the LEDPA and impacts are avoided and minimized to the extent practicable, the PRCMP should be revised to fully compensate for unavoidable impacts. The PRCMP proposes to restore 29.6 acres of disturbed vehicle paths to adjacent wetland elevations. In general, TPWD does not consider the proposed restoration project suitable for providing compensatory mitigation as proposed. The applicant has not provided sufficient information to inform or evaluate the PRCMP. For example, no hydrological assessments have been conducted to demonstrate that the proposed restoration project will result in a net gain in aquatic resource function that fully offsets functional losses.

Recommendation: A hydrologic functional assessment should be completed to identify the directional flow of water at pre-restoration conditions and post-construction surveys to determine if the restoration was successful.

As previously described above, it is not clear how the proposed access roads will affect existing hydrology. The combined effects of potential hydrological changes (project impacts and onsite restorations) have the potential to make the site wetter and increase the frequency and duration of inundation. TPWD is concerned that excessive inundation could result in limited plant survival and growth.

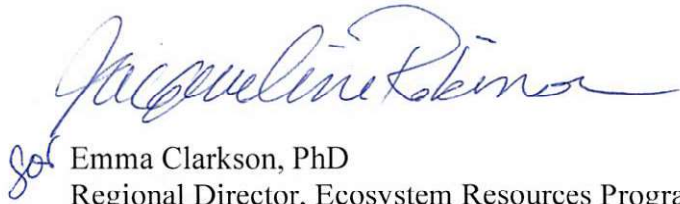
The following information should be provided to support the proposed hydrologic design:

- A figure of existing surface hydrology conditions that shows arrows indicating the directions of surface water flow throughout the entire site including water inflow and outflow of each wetland and water feature (e.g., stormwater ditch, McCampbell Slough, etc.) at the project site.
- A figure of proposed surface hydrology conditions that shows arrows indicating the directions of surface water flow throughout the entire site including water inflow and outflow of each wetland and water feature at the project site.

Mr. Mannie and 401 Coordinator
SWG-2021-00163
March 13, 2023
Page 6 of 6

TPWD recommends that the USACE not issue a permit for the project as proposed. The applicant should incorporate the above recommendations into revised project plans that fully evaluate practicable alternatives and avoids and minimizes impacts to special aquatic sites. TPWD requests that any revised project documents or draft compensatory mitigation plans be made available for public review and comment. Questions can be directed to Cindy Adams-Smith or Jackie Robinson (361-431-6003) in Corpus Christi.

Sincerely,



Emma Clarkson, PhD
Regional Director, Ecosystem Resources Program
Coastal Fisheries Division
Science and Policy Branch

EC:JR:CAS

**PLANNING & ZONING VOTING RECORD
& ATTENDANCE RECORD**

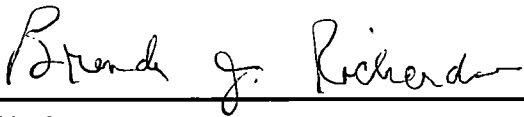
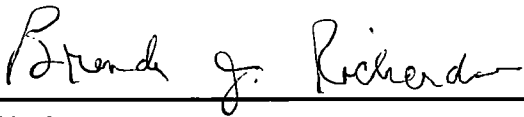
DATE: 12/02/2024

RECORD NO. 660B

ITEMS NO. 8 & 13

			DESCRIPTION
THIS APPLICATION ___ REQUIRES <u>X</u> DOES NOT REQUIRE A SUPER MAJORITY VOTE BY CITY COUNCIL.	P R E S E N T O R A B S E N T	V O T E	DELIBERATE AND TAKE APPROPRIATE ACTION ON AN APPLICATION FILED BY THE PORT OF CORPUS CHRISTI, FOR A SPECIAL PERMIT TO ALLOW A SOLAR PANEL FARM ON THE FOLLOWING PROPERTY BEARING A LEGAL DESCRIPTION OF: Property Tract 1, ID 60762, being 124.3789 acres out of a 524.80-acre tract of land. being part of a 6091.22-acre tract of land conveyed from W. G. McCampbell, et al to Mrs. Jean McCampbell Davis by Partition Deed filled November 4, 1933, recorded in Volume 103, Page 1 51 of the Deed Records of San Patricio County, Texas, Property Tract 2, ID, 60762 being 88.963 acre tract of land, being part of a 6091.22 acre tract of land conveyed from W. G. McCampbell, et al, to Mrs. Jean McCampbell Davis by Partition Deed dated November 4, 1933, recorded in Volume 103, Page 151 of the Deed Records of San Patricio County, Texas, Property Tract 3, ID, 67182, being 3.589 acre tract of land, being part of a 6091.22 acre tract of land conveyed from W. G. McCampbell, et al, to Mrs. Jean McCampbell Davis by Partition Deed dated November 4, 1933, recorded in Volume 103, Page 151 of the Deed Records of San Patricio County, Texas. Property Tract 4, ID 67158, 37.397-acre tract of land, being part of a 6091.22-acre tract of land conveyed from W. G. McCampbell, et al, to Mrs. Jean McCampbell Davis by Partition Deed dated November 4, 1933, recorded in Volume 103, Page 151 of the Deed Records of San Patricio County, Texas. Property Tract 5, 104.748-acre tract of land, being part of a 6091.22-acre tract of land conveyed from W. G. McCampbell, et al, to Mrs. Jean McCampbell Davis by Partition Deed dated November 4, 1933, recorded in Volume 103, Page 151 of the Deed Records of San Patricio County, Texas. Property Tract 6, ID 67177, 40.329-acre tract of land, being part of a 6091.22-acre tract of land conveyed from W. G. McCampbell, et al, to Mrs. Jean McCampbell Davis by Partition Deed dated November 4, 1933, recorded in Volume 103, Page 151 of the Deed Records of San Patricio County, Texas. Property Tract 7, ID 61476, 848 acres out of a 1181.095 tract of land, being part of a 6091.22-acre tract of land conveyed from W. G. McCampbell, et al, to Mrs. Jean McCampbell Davis by Partition Deed dated November 4, 1933,

recorded in Volume 103, Page 151 of the Deed Records of San Patricio County, Texas. Property Tract 8, ID 67236, 112.818-acre tract of land, being part of a 6091.22-acre tract of land conveyed from W. G. McCampbell, et al, to Mrs. Jean McCampbell Davis by Partition Deed dated November 4, 1933, recorded in Volume 103, Page 151 of the Deed Records of San Patricio County, Texas. Property Tract 9, ID 114650, 45.5766 acres of a 150.13 acre tract of land out of the heirs of Rosa Teal Survey, Abstract 262, San Patricio County, Texas, the said 150.13 acre tract of land being the same as and all of tract II being 150.12 acres, more or less, described in Special Warranty Deed dated November 1, 2013, recorded in document No. 632533, Official Public Records of San Patricio County, Texas. Property Tract 10, ID 103271, 145.0886 acres out of a 150.77 acre tract of land, being the same land described as 150.694 acres conveyed from Centex Homes. to EFO Land, L.P., by General Warranty Deed dated March 26, 1999, and recorded in Clerk's File No. 472035 of the Real Property Records of San Patricio County, Texas. Property Tract 11, ID 67168, Tract 12, 61499, 167.165 Acre Tract of Land, situated in the Heirs of Rosa Teal Survey A-262, Nicholas Fagan Survey A-124, being out a 6,091.22 Acre Tract of land described in a Partition Deed from W.G. (Will) McCampbell, et al., to John S. McCampbell, recorded in Volume 103, Page 156, Deed Records of San Patricio County Texas; said 167.165 Acre Tract being the same lands as a 166 Acre Tract of land described in a Deed from said W.G. McCampbell, et al. to Mrs. Jean McCampbell Davis, as recorded in Volume 103 Page 151. Property Tract 13, ID 67270, 13.287 acres out of 17.456 acres of land out of a called 34.9 acre tract of land out of the called East 100 acres out of the 200 acre Sahadi Tract, out of the Rosa Teal Survey, A-262, and the N. Fagin Survey, A-124, San Patricio County, Texas, with said 34.9 acres being called Tract "B" in a Partition Deed of called East 100 Acres, actual 99.72 acres, being described in a Deed recorded under Clerks file number 247749, Deed Records of San Patricio County, Texas, and said 200 acre Sahadi Tract described in a Deed of Record under Volume 81, Pages 597-598, Deed Records of San Patricio County, Texas. Property Tract 14, ID 67091, 12.4199 acres out of 17.456 acres of land out of a called 34.9 acre tract of land out of the called East 100 acres out of the 200 acre Sahadi Tract, out of the Rosa Teal Survey, A-262, and the N. Fagin Survey, A-124, San Patricio County, Texas, with

			said 34.9 acres being called Tract "B" in a Partition Deed of called East 100 Acres, actual 99.72 acres, being described in a Deed recorded under Clerks file number 247749, Deed Records of San Patricio County, Texas, and said 200 acre Sahadi Tract described in a Deed of Record under Volume 81, Pages 597-598, Deed Records of San Patricio County, Texas.
ALAN BEAUBIEN (Place #1 - 12/31/25) 1 ST Term	P	Y	<u>PUBLIC HEARING NOTES</u> Speaking For: None Speaking Against: None There were no calls or letters of objection. Commission Member Beaubien made a motion to recommend denial of the request to City Council. Commission Member Gutierrez seconded the motion. Motion carried 4:1.  Chairman 12-2-24 Date
JACOB LOPEZ (Place #1 - 12/31/25) 1 ST Term	A	-	
CONNOR BROWN (Place # 3 - 12/31/25) 1 ST Term	P	N	
(Place #4 - 12/31/24)	-	-	
BRENDA RICHARDSON (Place # 5 - 12/31/24) 2 ND Term (Chairman)	P	Y	 Chairman 12-2-24 Date
GERARD GUTIERREZ (Place #6 - 12/31/24) 1 ST Term	P	Y	
CYNTHIA WILSON (Place #7 - 12/31/24) 1 ST Term	P	Y	

ORDINANCE 2025-__

AN ORDINANCE CONDITIONALLY GRANTING AN APPLICATION FOR A SPECIAL USE PERMIT BY THE PORT OF CORPUS CHRISTI TO ALLOW THE USE OF INSTALLATION AND OPERATION OF A SOLAR FARM ON THE FOLLOWING PROPERTY TRACTS AND PROVIDING FOR EFFECTIVE DATE, READING, SEVERANCE, AND PUBLICATION FOR REAL PROPERTY GENERALLY LOCATED AND BOUNDED BY SH 361 (HIGHLAND AVE.), ON THE SOUTH, INGLESIDE CITY LIMITS ON THE WEST AND NORTH, AND SH 1069 (NORTH MAIN ST.) ON THE EAST AND LEGALLY DESCRIBED AS:

PROPERTY TRACT 1, ID 60762, BEING 124.3789 ACRES OUT OF A 524.80-ACRE TRACT OF LAND. BEING PART OF A 6091.22-ACRE TRACT OF LAND CONVEYED FROM W. G. MCCAMPBELL, ET AL TO MRS. JEAN MCCAMPBELL DAVIS BY PARTITION DEED FILED NOVEMBER 4, 1933, RECORDED IN VOLUME 103, PAGE 151 OF THE DEED RECORDS OF SAN PATRICIO COUNTY, TEXAS. PROPERTY TRACT 2, ID, 60762 BEING 88.963 ACRE TRACT OF LAND, BEING PART OF A 6091.22 ACRE TRACT OF LAND CONVEYED FROM W. G. MCCAMPBELL, ET AL, TO MRS. JEAN MCCAMPBELL DAVIS BY PARTITION DEED DATED NOVEMBER 4, 1933, RECORDED IN VOLUME 103, PAGE 151 OF THE DEED RECORDS OF SAN PATRICIO COUNTY, TEXAS. PROPERTY TRACT 3, ID, 67182, BEING 3.589 ACRE TRACT OF LAND, BEING PART OF A 6091.22 ACRE TRACT OF LAND CONVEYED FROM W. G. MCCAMPBELL, ET AL, TO MRS. JEAN MCCAMPBELL DAVIS BY PARTITION DEED DATED NOVEMBER 4, 1933, RECORDED IN VOLUME 103, PAGE 151 OF THE DEED RECORDS OF SAN PATRICIO COUNTY, TEXAS. PROPERTY TRACT 4, ID 67158, 37.397-ACRE TRACT OF LAND, BEING PART OF A 6091.22-ACRE TRACT OF LAND CONVEYED FROM W. G. MCCAMPBELL, ET AL, TO MRS. JEAN MCCAMPBELL DAVIS BY PARTITION DEED DATED NOVEMBER 4, 1933, RECORDED IN VOLUME 103, PAGE 151 OF THE DEED RECORDS OF SAN PATRICIO COUNTY, TEXAS. PROPERTY TRACT 5, 104.748-ACRE TRACT OF LAND, BEING PART OF A 6091.22-ACRE TRACT OF LAND CONVEYED FROM W. G. MCCAMPBELL, ET AL, TO MRS. JEAN MCCAMPBELL DAVIS BY PARTITION DEED DATED NOVEMBER 4, 1933, RECORDED IN VOLUME 103, PAGE 151 OF THE DEED RECORDS OF SAN PATRICIO COUNTY, TEXAS. PROPERTY TRACT 6, ID 67177, 40.329-ACRE TRACT OF LAND, BEING PART OF A 6091.22-ACRE TRACT OF LAND CONVEYED FROM W. G. MCCAMPBELL, ET AL, TO MRS. JEAN MCCAMPBELL DAVIS BY PARTITION DEED DATED NOVEMBER 4, 1933, RECORDED IN VOLUME 103, PAGE 151 OF THE DEED RECORDS OF SAN PATRICIO COUNTY, TEXAS. PROPERTY TRACT 7, ID 61476, 848 ACRES OUT OF A 1181.095 TRACT OF LAND, BEING PART OF A 6091.22-ACRE TRACT

OF LAND CONVEYED FROM W. G. MCCAMPBELL, ET AL, TO MRS. JEAN MCCAMPBELL DAVIS BY PARTITION DEED DATED NOVEMBER 4, 1933, RECORDED IN VOLUME 103, PAGE 151 OF THE DEED RECORDS OF SAN PATRICIO COUNTY, TEXAS. PROPERTY TRACT 8, ID 67236, 112.818-ACRE TRACT OF LAND, BEING PART OF A 6091.22-ACRE TRACT OF LAND CONVEYED FROM W. G. MCCAMPBELL, ET AL, TO MRS. JEAN MCCAMPBELL DAVIS BY PARTITION DEED DATED NOVEMBER 4, 1933, RECORDED IN VOLUME 103, PAGE 151 OF THE DEED RECORDS OF SAN PATRICIO COUNTY, TEXAS. PROPERTY TRACT 9, ID 114650, 45.5766 ACRES OF A 150.13 ACRE TRACT OF LAND OUT OF THE HEIRS OF ROSA TEAL SURVEY, ABSTRACT 262, SAN PATRICIO COUNTY, TEXAS, THE SAID 150.13 ACRE TRACT OF LAND BEING THE SAME AS AND ALL OF TRACT II BEING 150.12 ACRES, MORE OR LESS, DESCRIBED IN SPECIAL WARRANTY DEED DATED NOVEMBER 1, 2013, RECORDED IN DOCUMENT NO. 632533, OFFICIAL PUBLIC RECORDS OF SAN PATRICIO COUNTY, TEXAS. PROPERTY TRACT 10, ID 103271, 145.0886 ACRES OUT OF A 150.77 ACRE TRACT OF LAND, BEING THE SAME LAND DESCRIBED AS 150.694 ACRES CONVEYED FROM CENTEX HOMES. TO EFO LAND, L.P., BY GENERAL WARRANTY DEED DATED MARCH 26, 1999, AND RECORDED IN CLERK'S FILE NO. 472035 OF THE REAL PROPERTY RECORDS OF SAN PATRICIO COUNTY, TEXAS. PROPERTY TRACT 11, ID 67168, TRACT 12, 61499, 167.165 ACRE TRACT OF LAND, SITUATED IN THE HEIRS OF ROSA TEAL SURVEY A-262, NICHOLAS FAGAN SURVEY A-124, BEING OUT A 6,091.22 ACRE TRACT OF LAND DESCRIBED IN A PARTITION DEED FROM W.G. (WILL) MCCAMPBELL, ET AL., TO JOHN S. MCCAMPBELL, RECORDED IN VOLUME 103, PAGE 156, DEED RECORDS OF SAN PATRICIO COUNTY TEXAS; SAID 167.165 ACRE TRACT BEING THE SAME LANDS AS A 166 ACRE TRACT OF LAND DESCRIBED IN A DEED FROM SAID W.G. MCCAMPBELL, ET AL. TO MRS. JEAN MCCAMPBELL DAVIS, AS RECORDED IN VOLUME 103 PAGE 151. PROPERTY TRACT 13, ID 67270, 13.287 ACRES OUT OF 17.456 ACRES OF LAND OUT OF A CALLED 34.9 ACRE TRACT OF LAND OUT OF THE CALLED EAST 100 ACRES OUT OF THE 200 ACRE SAHADI TRACT, OUT OF THE ROSA TEAL SURVEY, A-262, AND THE N. FAGIN SURVEY, A-124, SAN PATRICIO COUNTY, TEXAS, WITH SAID 34.9 ACRES BEING CALLED TRACT "B" IN A PARTITION DEED OF CALLED EAST 100 ACRES, ACTUAL 99.72 ACRES, BEING DESCRIBED IN A DEED RECORDED UNDER CLERKS FILE NUMBER 247749, DEED RECORDS OF SAN PATRICIO COUNTY, TEXAS, AND SAID 200 ACRE SAHADI TRACT DESCRIBED IN A DEED OF RECORD UNDER VOLUME 81, PAGES 597-598, DEED RECORDS OF SAN PATRICIO COUNTY, TEXAS. PROPERTY TRACT 14, ID 67091, 12.4199 ACRES OUT OF 17.456 ACRES OF LAND OUT OF A CALLED 34.9 ACRE TRACT OF LAND OUT OF THE CALLED EAST 100 ACRES OUT OF THE

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WHEREAS, an application for a special use permit by the Port of Corpus Christi Authority of Nueces County, Texas ("Applicant"), was made to allow the use of the property described above for a solar panel farm; and

WHEREAS, the Applicant has previously obtained an Industrial Zoning Designation and now seeks a Special Use Permit Pursuant to Section 78-267 of the Ingleside Code of Ordinances to seek the development of a solar panel farm; and

WHEREAS, the Planning and Zoning Commission met and held a Public Hearing on December 2, 2024, and after hearing and considering the application, the comprehensive master plan of the City, the future development of the City as a whole, and other relevant factors, recommends denial of the Special Use Permit for Intensive Uses; and

WHEREAS, the City Council for the City of Ingleside ("City Council"), held a public hearing on February 10, 2025 City Council meeting; and

WHEREAS, the City Council, pursuant to Section 78-267 of the Ingelside Code of Ordinances may, as part of its decision on an application for a special use permit, impose such conditions and safeguards as are reasonable or necessary in its opinion to protect surrounding property and persons from such hazards; and

WHEREAS, the City Council is of the opinion and finds that it is in the best interest of the public health, safety, and welfare of the City to conditionally grant this Special Use Permit for Intensive Uses;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF INGLESIDE, COUNTY OF SAN PATRICIO, STATE OF TEXAS:

Section 1. A special use permit is hereby conditionally granted to allow the use of construction, installation and operation of a solar farm on real property generally located and bounded by SH 361 (Highland Ave.) on the South, Ingleside city limits on the West and North, and SH 1069 (North Main St.) on the East as referenced in **EXHIBIT A**, and legally described as: Property Tract 1, ID 60762, being 124.3789 acres out of a 524.80-acre tract of land. being part of a 6091.22-acre tract of land conveyed from W. G. McCampbell, et al to Mrs. Jean McCampbell Davis by Partition Deed filed November 4, 1933, recorded in Volume 103, Page I 51 of the Deed Records of San Patricio County, Texas, Property Tract 2, ID, 60762 being 88.963 acre tract of land, being part of

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under Clerks file number 247749, Deed Records of San Patricio County, Texas, and said 200 acre Sahadi Tract described in a Deed of Record under Volume 81, Pages 597-598, Deed Records of San Patricio County, Texas, provided the following conditions are met:

- a) **Time to Initiate Construction:** Development and construction of the solar farm shall commence within 5 years from the date of the passage of this ordinance or 5 years from the acceptance of the required drainage plan and necessary permit approvals from the City of Ingleside and any applicable local, state, or federal agencies/entities that are required for the development of the solar farm, whichever occurs last. Copies of permit approvals by any applicable local, state, or federal agencies/entities shall be provided to the City of Ingleside.
- b) **On-Site Electrical Battery Storage:** The development and construction of the solar farm shall not include the storage of electricity in batteries or any other similar form of electrical energy storage on-site.
- c) **Drainage Plan Required:** Prior to the commencement of any development works on the property, the Applicant shall submit a comprehensive drainage plan for the project property for approval by the San Patricio County Drainage District (“SPCDD”) and the City Engineer for the City of Ingleside. The drainage plan must ensure the effective management of stormwater runoff generated by the solar farm development and comply with applicable drainage requirements contained in the City of Ingleside Code of Ordinances. The Drainage Plan must:
 - i. Prevent accumulation of water runoff on neighboring properties and surrounding areas, ensuring that the flow of water is managed in a way that does not cause flooding, erosion, or other forms of water-related nuisance or damage to adjacent lands;
 - ii. Provide a drainage ditch of sufficient size and alignment to enable a seamless connection between the McCampbell Slough drainage system at Highway 1069 and the Humble Slough drainage system at Highway 361, crossing the Applicant’s property. This drainage ditch must ensure efficient flow and management of drainage, directing surface water runoff through engineered drainage systems or channels that safely divert water within the property boundaries and into approved retention or discharge locations. The drainage ditch must comply with all applicable water management standards and federal, state, and local regulations. The Applicant shall be responsible for the design, development, and construction of the drainage ditch in accordance with the approved drainage plan. Upon completion of the drainage ditch, the Applicant will formally dedicate a drainage easement, encompassing said drainage ditch, to the City of Ingleside, granting the City the authority to manage and maintain the drainage system;
 - iii. If applicable, include design features, such as swales, retention ponds, or infiltration basins, that minimize runoff and promote the absorption or controlled release of water without affecting neighboring lands;
 - iv. Take into consideration the local topography, soil conditions, and weather patterns, ensuring the drainage system can accommodate all anticipated water flows without causing adverse effects;

- v. Be designed to prevent the risk of erosion, siltation, or other damage to surrounding properties or infrastructure, with appropriate maintenance provisions included to ensure the ongoing function of the drainage system.
- d) **Compliance:** All construction, installation, and operational activities must comply with the applicable provisions of the City of Ingleside Code of Ordinances, as well as any applicable local, state, and federal statutes, regulations, and requirements.
- e) **Revocation:** If any of the conditions outlined above are not met, the City Council reserves the right to revoke this Special Use Permit at its discretion. The City Council's decision regarding revocation shall be final. ~~The City shall give written notice to Applicant specifying the unmet condition(s) and shall provide give Applicant a 30 60-day a reasonable opportunity to cure from the date the City submits such written notice to the Applicant, taking into consideration the nature and extent of the unmet condition(s), the extent of the efforts required to cure, and the potential impact on the health, safety and welfare of the neighboring lands. In no event, however, shall the cure period be less than thirty (30 60) days.~~

Section 2. Authorization Limited and Conditional: The authority granted by this special use permit exclusively authorizes the use of the referenced real property for the construction, installation, and operation of a solar farm upon compliance with the above conditions. The City shall have the right to enter the premises, with prior notice to the permit holder, to inspect the project and verify compliance with the specified conditions.

Section 3. Effective Date. As provided by Article III, Section 3.11C of the Charter of the City of Ingleside, this ordinance shall be effective upon adoption and, in addition, if any penalty, fine or forfeiture is imposed by this ordinance, then this ordinance shall be effective only after publication of this ordinance in its entirety or in summary form once in the official newspaper of the City of Ingleside.

Section 4. Reading. As provided by Article III, Section 3.11.B of the Charter of the City of Ingleside, this ordinance, or the caption of it, shall be read at two City Council meetings with at least two weeks elapsing between each reading.

Section 5. Severance. If any part of this ordinance is invalid or void or is declared to be so, then said part shall be severed from the balance of this ordinance and said invalidity shall not affect the balance of this ordinance, the balance of the ordinance to be read as if said invalid or void portion thereof were not included.

PASSED, ORDAINED, APPROVED, AND ADOPTED this ____ day of _____, 2025, by ____ (ayes) to ____ (nays) with ____ abstentions by a vote of the City Council of the City of Ingleside, Texas.

CITY OF INGLESIDE, TEXAS

Pedro Oscar Adame, Mayor

ATTEST:

Jana Stork, City secretary

First Reading: _____

Second Reading: _____

DRAFT

CITY COUNCIL AGENDA

Regular Meeting: April 8, 2025

AGENDA ITEM: 10

Deliberate and take appropriate action on a Resolution by the City Council of the City of Ingleside, Texas authorizing and approving publication of Notice of Intention to Issue Certificates of Obligation; complying with the requirements contained in Securities and Exchange Commission Rule 15c2-12; and providing an effective date.

SUBMITTED BY: Brenton Lewis, City Manager

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

The City of Ingleside has determined that it is advisable and necessary to issue and sell one or more series of Certificates of Obligation for the purpose of paying contractual obligations of the City to be incurred for making permanent public improvements and for other public purposes, to-wit: (1) designing, engineering, constructing, acquiring, purchasing, renovating, enlarging, and improving the City's utility system; (2) the purchase of materials, supplies, equipment, machinery, landscaping, land, and rights-of-way for authorized needs and purposes; and (3) payment for professional services relating to the design, construction, project management, and financing of the aforementioned projects.

FISCAL ANALYSIS:

The proposed certificate of obligations is not to exceed \$18,000,000 as provided in the attached resolution.

RECOMMENDATION:

Staff recommends the Council approve the resolution authorizing and approving the publication of notice of intention to issue Certificates of Obligation; complying with the requirements contained in 17 C.F.R. §240.15c2-12 (the Securities and Exchange Commission Rule); and providing an effective date.

ATTACHMENTS:

1. Notice of Intention Resolution

RESOLUTION 2025-

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF INGLESIDE, TEXAS AUTHORIZING AND APPROVING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION; COMPLYING WITH THE REQUIREMENTS CONTAINED IN SECURITIES AND EXCHANGE COMMISSION RULE 15c2-12; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council (the *City Council*) of the City of Ingleside, Texas (the *City*) has determined that it is advisable and necessary to issue and sell one or more series of certificates of obligation (the *Certificates*) in an amount not to exceed \$18,000,000 as provided pursuant to the provisions of the Certificate of Obligation Act of 1971, as amended, Texas Local Government Code, Section 271.041 through Section 271.064, for the purpose of paying contractual obligations of the City to be incurred for making permanent public improvements and for other public purposes, to-wit: (1) designing, engineering, constructing, acquiring, purchasing, renovating, enlarging, and improving the City's utility system; (2) the purchase of materials, supplies, equipment, machinery, landscaping, land, and rights-of-way for authorized needs and purposes; and (3) payment for professional services relating to the design, construction, project management, and financing of the aforementioned projects; and

WHEREAS, prior to the offering, sale, and issuance of the Certificates, the appropriate officials of the City must review and approve the distribution of a "deemed final" preliminary official statement (the *Official Statement*) in order to comply with the requirements contained in 17 C.F.R. §240.15c2-12 (the *Securities and Exchange Commission Rule*); and

WHEREAS, based upon their review of the Official Statement, the appropriate officials of the City must find to the best of their knowledge and belief, after reasonable investigation, that the representations of facts pertaining to the City contained in the Official Statement are true and correct and that, except as disclosed in the Official Statement, there are no facts pertaining to the City that would adversely affect the issuance of the Certificates or the City's ability to pay the debt service requirements on the Certificates when due; and

WHEREAS, the City Council will comply with the requirements contained in the Securities and Exchange Commission Rule concerning the creation of a contractual obligation between the City and the proposed purchaser(s) of the Certificates (the *Purchasers*) to provide the Purchasers with an Official Statement in a time and manner that will enable the Purchasers to comply with the distribution requirements and continuing disclosure requirements contained in the Securities and Exchange Commission Rule; and

WHEREAS, the City Council authorizes the Mayor, City Manager, City Secretary, and the City Attorney, as appropriate, or their designees, to review, approve, and execute any document or certificate in order to allow the City to comply with the requirements contained in the Securities and Exchange Commission Rule; and

WHEREAS, prior to the issuance of the Certificates, the City Council is required to publish notice of its intention to issue the Certificates in a newspaper of general circulation in the City,

and if the City maintains an internet website, publish such notice of intent on the City's internet website, such notice stating (i) the time and place the City Council tentatively proposes to pass the ordinance authorizing the issuance of the Certificates, (ii) the purposes for which the Certificates are to be issued, (iii) the manner in which the City Council proposes to pay the Certificates; (iv) the then-current principal amount of all outstanding ad valorem debt obligations of the City; (v) the then-current combined principal and interest required to pay all outstanding ad valorem debt obligations of the City on time and in full, which may be based on the City's expectations relative to the interest due on any variable rate ad valorem debt obligations; (vi) the maximum principal amount of the Certificates to be authorized; (vii) the estimated interest rate for the Certificates to be authorized or that the maximum interest rate for the Certificates may not exceed the maximum legal interest rate; and (viii) the maximum maturity date of the Certificates to be authorized; and

WHEREAS, the City Council hereby finds and determines that such documents pertaining to the sale of the Certificates should be approved, and the City should proceed with the giving of notice of intention to issue the Certificates in the time, form, and manner provided by law; and

WHEREAS, the City Council hereby finds and determines that the adoption of this Resolution is in the best interests of the residents of the City; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF INGLESIDE, TEXAS THAT:

SECTION 1. The City Secretary is hereby authorized and directed to cause notice to be published of the City Council's intention to issue the Certificates in an amount not to exceed \$18,000,000 for the purpose of paying contractual obligations of the City to be incurred for making permanent public improvements and for other public purposes, to-wit: (1) designing, engineering, constructing, acquiring, purchasing, renovating, enlarging, and improving the City's utility system; (2) the purchase of materials, supplies, equipment, machinery, landscaping, land, and rights-of-way for authorized needs and purposes; and (3) payment for professional services relating to the design, construction, project management, and financing of the aforementioned projects. The Certificates will be payable from the levy of an annual ad valorem tax, within the limitations prescribed by law, upon all taxable property within the City and additionally from a pledge of and lien on certain revenues derived from the operation of the City's utility system. The notice hereby approved and authorized to be published shall read substantially in the form and content of Exhibit A attached hereto, which notice is incorporated herein by reference as a part of this Resolution for all purposes.

SECTION 2. The City Secretary shall cause the notice described in Section 1 to be published in a newspaper of general circulation in the City, once a week for two consecutive weeks, the date of the first publication shall be at least forty-six (46) days prior to the date stated therein for passage of the ordinance authorizing the issuance of the Certificates. Additionally, the City Secretary shall cause the notice described in Section 1 to be posted continuously on the City's website for at least forty-five (45) days prior to the date stated therein for passage of the ordinance authorizing the issuance of the Certificates.

SECTION 3. The Mayor, City Manager, City Secretary, and the City Attorney, as appropriate, or their designees, are authorized to review and approve the Official Statement

pertaining to the offering, sale, and issuance of the Certificates and to execute any document or certificate in order to comply with the requirements contained in the Securities and Exchange Commission Rule.

SECTION 4. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

SECTION 5. All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

SECTION 6. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 7. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

SECTION 8. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 9. This Resolution shall be in force and effect from and after the date of its adoption, and it is so resolved.

[The remainder of this page intentionally left blank.]

PASSED AND APPROVED, this the 8th day of April, 2025.

CITY OF INGLESIDE, TEXAS

Mayor

ATTEST:

City Secretary

(CITY SEAL)

Exhibit A

NOTICE OF INTENTION TO ISSUE
CITY OF INGLESIDE, TEXAS
CERTIFICATES OF OBLIGATION

NOTICE IS HEREBY GIVEN that the City Council of the City of Ingleside, Texas will convene at its regular meeting place in the City Hall in Ingleside, Texas, at 6:30 o'clock P.M., Ingleside, Texas time on June 10, 2025, and, during such meeting, the City Council will consider the passage of an ordinance or ordinances and take such other actions as may be deemed necessary to authorize the issuance of one or more series of certificates of obligation in an aggregate principal amount not to exceed \$18,000,000 for the purpose or purposes of paying contractual obligations of the City to be incurred for making permanent public improvements and for other public purposes, to-wit: (1) designing, engineering, constructing, acquiring, purchasing, renovating, enlarging, and improving the City's utility system; (2) the purchase of materials, supplies, equipment, machinery, landscaping, land, and rights-of-way for authorized needs and purposes; and (3) payment for professional services relating to the design, construction, project management, and financing of the aforementioned projects. The certificates of obligation (the *Certificates*) will be payable from the levy of an annual ad valorem tax, within the limitations prescribed by law, upon all taxable property within the City and from a lien on and pledge of certain revenues derived by the City from the operation of the City's utility system. In accordance with Section 271.049, as amended, Texas Local Government Code, (i) the current principal amount of all of the City's outstanding public securities secured by and payable from ad valorem taxes is \$41,775,000; (ii) the current combined principal and interest required to pay all of the City's outstanding public securities secured by and payable from ad valorem taxes on time and in full is \$53,197,026; (iii) the estimated combined principal and interest required to pay the Certificates to be authorized on time and in full is \$34,472,750; (iv) the maximum interest rate for the Certificates may not exceed the maximum legal interest rate; and (v) the maximum maturity date of the Certificates to be authorized is February 1, 2055. The Certificates are to be issued, and this notice is given, under and pursuant to the provisions of the Certificate of Obligation Act of 1971, as amended, Texas Local Government Code Section 271.041 through Section 271.064, Chapter 1502, as amended, Texas Government Code, and the City's Home Rule Charter.

/s/ Jana Stork
City Secretary,
City of Ingleside, Texas

CITY COUNCIL AGENDA

Regular Meeting: April 8, 2025

AGENDA ITEM: 11

Deliberate and take appropriate action on a Resolution relating to establishing the City's intention to reimburse itself for the prior lawful expenditure of funds relating to constructing various City improvements from the proceeds of tax-exempt obligations to be issued by the City for authorized purposes; authorizing other matters incident and related thereto; and providing an effective date.

SUBMITTED BY: Brenton Lewis, City Manager

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

This Resolution is a declaration of intent to establish the City's reasonable, official intent under section 1.150-2 of the Regulations and Section 1201.042 to reimburse itself from certain of the proceeds of the Obligations for any capital expenditures previously incurred (not more than 60 days prior to the date hereof) or to be incurred with respect to the Project from the City's General Fund or other lawfully available funds of the Issuer. The City intends to issue the Obligations and allocate within 30 days after the date of issuance of the Obligations the proceeds therefrom to reimburse the City for prior lawful expenditures with respect to the Project in a manner to comply with the Regulations.

FISCAL ANALYSIS:

The proposed certificate of obligations is not to exceed \$18,000,000 as provided in the attached resolution.

RECOMMENDATION:

Staff recommends the Council approve the resolution authorizing and approving the publication of notice of intention to reimburse itself for prior lawful expenditure of funds to be issued by the City for Authorized purposes; This Resolution is a declaration of intent to establish the Issuer's reasonable, official intent under section 1.150-2 of the Regulations and Section 1201.042 to reimburse itself from certain of the proceeds of the Obligations for any capital expenditures.

ATTACHMENTS:

1. Reimbursement Resolution

RESOLUTION 2025-

A RESOLUTION RELATING TO ESTABLISHING THE CITY'S INTENTION TO REIMBURSE ITSELF FOR THE PRIOR LAWFUL EXPENDITURE OF FUNDS RELATING TO CONSTRUCTING VARIOUS CITY IMPROVEMENTS FROM THE PROCEEDS OF TAX-EXEMPT OBLIGATIONS TO BE ISSUED BY THE CITY FOR AUTHORIZED PURPOSES; AUTHORIZING OTHER MATTERS INCIDENT AND RELATED THERETO; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council (the *Governing Body*) of the City of Ingleside, Texas (the *Issuer*) has entered into or will enter into various contracts pertaining to the expenditure of lawfully available funds of the Issuer to finance the costs associated with (i) (a) designing, engineering, constructing, acquiring, purchasing, renovating, enlarging, and improving the City's utility system, and (b) the purchase of materials, supplies, equipment, machinery, landscaping, land, and rights-of-way for authorized needs and purposes relating to the aforementioned capital improvements (the *Construction Costs*), (ii) the payment of various engineering costs, including design testing, design engineering, and construction inspection related to the Construction Costs (the *Engineering Costs*), (iv) the payment of various architectural costs, including preparation of plans and specifications and various other plans and drawings related to the Construction Costs (the *Architectural Costs*), and (v) the payment of various administrative costs, including the fees of bond counsel, financial advisor, project manager, project consultant, other professionals, and bond printer (the *Administrative Costs*) [the Construction Costs, the Engineering Costs, the Architectural Costs, and Administrative Costs collectively constitute costs of the Issuer's projects that are the subject of this Resolution (the *Project*)]; and

WHEREAS, the provisions of Section 1201.042, as amended, Texas Government Code (*Section 1201.042*) provide that the proceeds from the sale of obligations issued to finance the acquisition, construction, equipping, or furnishing of any project or facilities, such as the Project, may be used to reimburse the Issuer for costs attributable to such project or facilities paid or incurred before the date of issuance of such obligations; and

WHEREAS, the United States Department of Treasury (the *Department*) released Regulation Section 1.150-2 (the *Regulations*) which establishes when the proceeds of obligations are spent and therefore are no longer subject to various federal income tax restrictions contained in the Internal Revenue Code of 1986, as amended (the *Code*); and

WHEREAS, the Issuer intends to reimburse itself, within eighteen months from the later of the date of expenditure or the date the property financed is placed in service (but in no event more than three years after the original expenditures are paid), for the prior lawful capital expenditure of funds from the proceeds of one or more series of tax-exempt obligations (the *Obligations*) that the Issuer currently contemplates issuing in the principal amount of not to exceed \$18,000,000 to finance a portion of the costs of the Project; and

WHEREAS, under the Regulations, to fund such reimbursement with proceeds of the Obligations, the Issuer must declare its expectation ultimately to make such reimbursement before making the expenditures; and

WHEREAS, the Issuer hereby finds and determines that the reimbursement for the prior expenditure of funds of the Issuer is not inconsistent with the Issuer's budgetary and financial circumstances; and

WHEREAS, the Governing Body hereby finds and determines that the adoption of this Resolution is in the best interests of the residents of the Issuer; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF INGLESIDE, TEXAS THAT:

SECTION 1. This Resolution is a declaration of intent to establish the Issuer's reasonable, official intent under section 1.150-2 of the Regulations and Section 1201.042 to reimburse itself from certain of the proceeds of the Obligations for any capital expenditures previously incurred (not more than 60 days prior to the date hereof) or to be incurred with respect to the Project from the Issuer's General Fund or other lawfully available funds of the Issuer.

SECTION 2. The Issuer intends to issue the Obligations and allocate within 30 days after the date of issuance of the Obligations the proceeds therefrom to reimburse the Issuer for prior lawful expenditures with respect to the Project in a manner to comply with the Regulations.

SECTION 3. The reimbursed expenditure will be a type properly chargeable to a capital account (or would be so chargeable with a proper election) under general federal income tax principles.

SECTION 4. The Issuer intends to otherwise comply, in addition to those matters addressed within this Resolution, with all the requirements contained in the Regulations.

SECTION 5. This Resolution may be relied upon by the appropriate officials at the Office of the Attorney General for the State of Texas and establishes compliance by the Issuer with the requirements of Texas law and the Regulations.

SECTION 6. With respect to the proceeds of the Obligations allocated to reimburse the Issuer for prior expenditures, the Issuer shall not employ an abusive device under Treasury Regulation Section 1.148-10, including using within one year of the reimbursement allocation, the funds corresponding to the proceeds of the Obligations in a manner that results in the creation of "replacement proceeds", as defined in Treasury Regulation Section 1.148-1, of the Obligations or another issue of tax-exempt obligations.

SECTION 7. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the Governing Body.

SECTION 8. All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

SECTION 9. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 10. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the Governing Body hereby declares that this Resolution would have been enacted without such invalid provision.

SECTION 11. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 12. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

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PASSED, ADOPTED AND APPROVED on this the 8th day of April, 2025.

CITY OF INGLESIDE, TEXAS

Mayor

ATTEST:

City Secretary

(CITY SEAL)

CITY COUNCIL AGENDA
Regular Meeting: April 8, 2025

AGENDA ITEM: 12

Deliberate and take appropriate action on a letter to be issued to the Texas Water Development Board providing sufficiency of funds for the CWSRF 73782- Ingleside WWTP.

SUBMITTED BY:

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

The City of Ingleside publicly opened bids for the new 2.0 MDG Wastewater Treatment Plant on March 19th, 2025 at 2:00 pm. The lowest apparent bid was \$41,260,016.00. At the time of the initial 2018 project submission to the Texas Water Development Board the construction budget was \$16,000,000 with a contingency of \$2,226,617. Per the request received from the TWDB, the City of Ingleside must provide a sufficiency of funds letter identifying fund shortage and funding sources to cover the project costs.

The City of Ingleside has sufficient funds available for the WWTP from the following revenue sources:

General Fund	10-3000	\$ 4,173,421
General Fund Capital	30-3000	\$ 2,000,000
General Fund Vehicle	32-3000	\$ 2,500,000
Utility Fund Capital Improvement	51-3000	\$ 4,400,400
Wastewater Treatment	56-3000	\$ 1,795,000
Certificate of Obligation 2024 Capital	57-3000	\$ 8,200,000
TWDB Loan Proceeds		<u>\$19,205,000</u>
Total Available Funds		\$42,273,421

The City of Ingleside is in the process of issuing \$18,000,000 in Certificates of Obligation as a reimbursement to itself for this project.

FISCAL ANALYSIS:

As shown above, the City of Ingleside has monies in various funds to enter into a contract for construction.

RECOMMENDATION:

Staff recommends the City Council authorize the letter to be issued to the Texas Water Development Board that identifies the ability to fund the project.

ATTACHMENTS:

1. TWDB



Sam Kiger, PE
Texas Water Development Board
Regional Water Project Development
1700 North Congress Avenue
P.O. Box 13231
Austin, Texas 78711-3231
512.463.7959

Subject: Sufficiency of Funds

Dear Mr. Kiger,

The City of Ingleside publicly opened bids for the new 2.0 MDG Wastewater Treatment Plant on March 19th, 2025 at 2:00 pm. The lowest apparent bid was \$41,260,016.00. At the time of the initial project submission to the Texas Water Development Board the construction budget was \$16,000,000 with a contingency of \$2,226,617.

Per the request received from your offices, the City of Ingleside must provide a sufficiency of funds letter identifying fund shortage and funding sources to cover the project costs.

The City of Ingleside has sufficient funds available for the WWTP from the following revenue sources:

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General Fund	10-3000	\$ 4,173,421
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TWDB Loan Proceeds		<u>\$19,205,000</u>
Total Available Funds		\$42,273,421

The City of Ingleside is in the process of issuing \$18,000,000 in Certificates of Obligation as a reimbursement to itself for this project.

If there are any questions, please contact this office at blewis@inglesidetx.gov or at 361-776-2517.

Sincerely,

Brenton B. Lewis

CITY COUNCIL AGENDA

Regular Meeting: April 8, 2025

AGENDA ITEM: 13

Deliberate and take appropriate action on the second and final reading of an Ordinance establishing the Ingleside Municipal Court as a Court of Record pursuant to Chapter 30, Municipal Courts of Record, of the Texas Government Code.

SUBMITTED BY: City Attorney, Brenton Lewis, City Manager

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

A Court of Record is a Court where proceedings are officially recorded and preserved, allowing for potential appeals and evidentiary use of those records. The primary purpose of these records is to ensure a reliable and accessible history of the court's actions, which is crucial for potential appeals and legal proceedings.

A municipal court of record is required to provide a court reporter to create and preserve a record in cases tried before the court, while an ordinary municipal court typically does not create or preserve a record. TEX. GOV'T CODE § 30.00010.

A court of record is a trial court or appellate court in which a record of the proceedings is captured and preserved, for the possibility of appeal. A court clerk or a court reporter takes down a record of oral proceedings.

As a Court of Record, the Municipal Court has two powers: the judgements, proceedings and acts of the Municipal Court are recorded for perpetual memory and testimony. These records are admitted to be of evidentiary value and cannot be questioned when produced before any court.

City Staff have met with representatives of the Robstown Court of Record regarding the proposed change to a Court of Record. As stated previously, cases can be appealed "de nova". Cases will only need to be transcribed if appealed. In addition, the quality of life for the Ingleside citizens can be expedited since the courts can abate nuisance properties. Additional equipment costs for recording devices can be purchased through the technology fund, which has an unaudited beginning fund balance of \$45,379.51 and a projected ending fund balance of \$46,332.59.

FISCAL ANALYSIS:

RECOMMENDATION:

Staff recommends Council consider changing to a Court of Record because of the additional benefits provided to the City and the quality of life for Ingleside citizens.

ATTACHMENTS:

1. DOCS1-#283139-v1-Court_of_Record
2. DOCS1-#350391-v2-Ingleside_Municipal_Court_of_Record_3_21_25 (1)



MUNICIPAL COURT COURT OF RECORD OR NOT

Presentation Michael McCann

BACKGROUND

- 937 municipal courts in Texas, 168 were courts of records. (2018)
- City of Ingleside Municipal Court was established under Chapter 29 Texas Government Code.
- Municipal Court is NOT a Court of Record
- Per Chapter 30, Council by ordinance can create a court of record if the council finds that the creation of court is necessary to provide a more efficient disposition of the cases

JURISDICTION

- The jurisdiction of municipal courts is provided in Chapters 29 and 30 of the Texas Government Code. Municipal courts have:
- Original and exclusive jurisdiction over criminal violations of certain municipal ordinances and airport board rules, orders, or resolutions that do not exceed \$2,000 in some instances and \$500 in others
- Concurrent jurisdiction with the justice courts in certain misdemeanor criminal case

EXPANDED JURISDICTION

- Chapter 30 of the Texas Government Code provides the ability to expand the jurisdiction by ordinance. Municipal courts of record have:
 - Concurrent jurisdiction with a district court or a county court at law allowing the civil enforcement of municipal ordinances pursuant to Subchapter B, Chapter 54 of the Texas Local Government Code
 - Civil jurisdiction for the purpose of enforcing municipal ordinances enacted under Subchapter A, Chapter 214, Local Government Code, or Subchapter E, Chapter 683, Transportation Code
 - Authority to issue:
 - (A) search warrants for the purpose of investigating a health and safety or nuisance abatement ordinance violation; and
 - (B) seizure warrants for the purpose of securing, removing, or demolishing the offending property and removing the debris from the premises.

DIFFERENCES

- A municipal court of record is required to provide, to create, and preserve a record in cases tried before the court.
- Chapter 30 of the Texas Government Code requires an attorney to be appointed as judge of a municipal court of record.
- Current Ingleside municipal court does not create or preserve a record.
- Outside of expanded jurisdiction, the primary difference between these two courts surfaces on appeal.

APPEALS

- Appeals from either type of municipal court are generally to the county court.
- Appeals from a municipal court that is NOT a court of record are tried *de novo*, meaning that the case is tried again from the beginning and all the evidence and witnesses must be presented again.
- On the other hand, an appeal from a municipal court of record is based on specific points of error as contained in the “record” of the court.
- Municipal courts of record are created for the practical purpose of providing a more efficient disposition of appeal

DIFFERENCES

- A court of record must comply with provision of Chapter 30 Government Code.
- **City Council** must appoint municipal court clerk.
- The Clerk and other court personnel perform their duties under the direction and control of the municipal judge.
- City Council must provide for a court reporter or may be recorded by a good quality electronic recording device. If City uses an electronic recording, the court reporter is not required to be present.
- If a case is appealed, the proceedings shall be transcribed from the recording by an official court reporter.

QUESTIONS?

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF INGLESIDE, TEXAS (“CITY”)
AMENDING THE CODE OF ORDINANCES CITY OF INGLESIDE
CHAPTER 2 ARTICLE V TO CREATE AND ADOPT A MUNICIPAL
COURT OF RECORD; DECLARING A PUBLIC PURPOSE; RECITALS;
PROVIDING A REPEALER; PROVIDING FOR SEVERABILITY AND
SETTING AN EFFECTIVE DATE.**

WHEREAS, the City of Ingleside is a Home Rule Municipality and political subdivision of the State of Texas; and

WHEREAS, the City of Ingleside established a Municipal Court pursuant to Tex. Gov’t Code Ann. § 29.002; and

WHEREAS, Texas Government Code Section 30.0003 authorizes the Ingleside City Council (“City Council”) to create a municipal court of record to provide a more efficient disposition of cases in the municipality;

WHEREAS, the City Council determines that the creation of a municipal court of record is preferred to provide a more efficient disposition of appeals from municipal cases arising from the City of Ingleside Municipal Court; and

WHEREAS, the City Council further finds the expanded jurisdiction provided by Chapter 30 of the Texas Government Code to a municipal court will provide a more efficient means of enforcing health and safety and nuisance ordinance violations; and

WHEREAS, at this time, the City Council desires to establish a municipal court of record:

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF INGLESIDE TEXAS:

SECTION 1. The City of Ingleside Code of Ordinances is hereby amended by revising Article V “Municipal Court” of Chapter 2, “Administration” with additions being marked in underlined text and deletions being struck through text and shall now read as follows:

ARTICLE V. MUNICIPAL COURT

Sec. 2-116. Created.

There is hereby created and established a municipal court of record for the city to be known as the “municipal court.”

Sec. 2-117. Jurisdiction.

- (a) The municipal court shall have exclusive original jurisdiction within the territorial limits of the city and property owned by the city located in the city's extraterritorial jurisdiction in all criminal cases arising under the ordinances of the city in which punishment is by fine only and where the maximum of such fine may not exceed:
 - (1) \$2,000.00 in all cases arising under ordinances or resolutions, rules, or orders of a joint board that govern fire safety, zoning, or public health and sanitation, including dumping of refuse; or
 - (2) \$500.00 in all other cases arising under a municipal ordinance or a resolution, rule, or order of a joint board.
- (b) The municipal court has concurrent jurisdiction with the justice court of a precinct in which the city is located in all criminal cases arising under state law that arise within the city's territorial limits or property owned by the city located in the city's extraterritorial jurisdiction and that:
 - (1) Are punishable only by a fine, as defined in subsection (c) of this section; or
 - (2) Arise under V.T.C.A., Alcoholic Beverage Code ch. 106, and do not include confinement as an authorized sanction.
- (c) In this section, an offense which is punishable by "fine only" is defined as an offense that is punishable by fine and such sanctions, if any, as authorized by statute not consisting of confinement in jail or imprisonment.
- (d) The fact that a conviction in a municipal court has as a consequence, the imposition of a penalty or sanction by an agency or entity other than the court, such as a denial, suspension, or revocation of a privilege, does not affect the original jurisdiction of the municipal court.
- (e) The municipal court has jurisdiction in the forfeiture and final judgment of all bail bonds and personal bonds taken in criminal cases of which the court has jurisdiction.
- (f) This section does not affect the powers given exclusively to a joint board operating an airport under V.T.C.A., Transportation Code § 22.074(d).
- (g) The municipal court shall have exclusive appellate jurisdiction within the city's territorial limits in a case arising under V.T.C.A., Transportation Code ch. 707.
- (h) The municipal court shall have authority to issue search warrants for the purpose of investigating a health and safety or nuisance abatement ordinance violation and to issue seizure warrants for the purpose of securing, removing, or demolishing the offending property and removing the debris from the premises.
- (i) The municipal court shall have concurrent jurisdiction with a district court or a county court at law under Subchapter B, Chapter 54, Local Government Code, within the municipality's territorial limits and property owned by the municipality located in the municipality's extraterritorial jurisdiction for the purpose of enforcing health and safety and nuisance abatement ordinances.
- (j) The municipal court shall have civil jurisdiction for the purpose of enforcing municipal ordinances enacted under Subchapter A, Chapter 214, Local Government Code, or Subchapter E, Chapter 683, Transportation Code.

Sec. 2-118. Failure to appear.

Any person willfully violating his written promise to appear in municipal court, after a citation having been issued, shall be deemed guilty of a misdemeanor regardless of the disposition of the charge upon which he was originally arrested.

Sec. 2-119. Judge

(a) The court shall be presided over by a municipal judge and shall have all duties prescribed by the City Charter and state law. The municipal judge shall be appointed by the City Council for a two year term as provided by Section 4.02 of the City Charter. The municipal judge shall be:

- (1) a resident of Texas;
- (2) a citizen of the United States;
- (3) be a licensed attorney in good standing; and
- (4) have two or more years of experience in the practice of law in Texas.

Sec. 2-120. Court Clerk.

(a) Upon the City Manager's recommendation, the City Council shall appoint a Court Clerk by ordinance. The Court Clerk shall have all duties prescribed by the City Charter and state law.

Sec. 2-121. Court Reporter.

(a) The Municipal Court Clerk may appoint a court reporter who must meet the qualifications provided by law for official court reporters. The court reporter may use written notes, transcribing equipment, video or audio recording equipment, or a combination of those methods to record the proceedings of the Court. The court reporter is not required to record testimony in any case unless the Judge or one of the parties requests a record in writing, and files the request with the Court before trial.

(b) A court reporter is not required to be present during proceedings of the Municipal Court of Record, provided that proceedings required to be recorded by this section are recorded by a good quality electronic recording device. If a record is made, it shall be kept for the 30-day period, beginning the day after the last day of the court proceeding, trial or denial of motion for new trial, whichever occurs last. If a case is appealed, the proceedings shall be transcribed from the recording by an official court reporter.

Sec. 2-122. Court Reporter Fees.

(a) In the event a case is appealed from the Municipal Court, the following costs shall be paid:

1. For preparation of the Clerk's record, \$25. The preparation fee does not include the fee for an actual transcription of the proceedings.
2. The defendant shall pay the fee for the preparation of the Clerk's record, and the fee for an actual transcription of the proceedings.

Sec. 2-123. Fines and fees.

All municipal court fines may include a fine, not to exceed \$25.00, for the issuance and service of a warrant of arrest for an offense under V.T.C.A., Penal Code § 38.10(e), or under Vernon's Ann. Civ. Stat. art. 6701d, § 149, Uniform Act Regulating Traffic on Highways and the fine described in Vernon's Ann. C.C.P. art. 17.04 dealing with the requisites of a personal bond and a fine for the issuance and service of a warrant of arrest, after due notice, not to exceed \$25.00, shall be paid into the city treasury for the use and benefit of the municipality.

Sec. 2-124. Charge for copies made.

The charge for copies made by the municipal court clerk shall be as follows (Texas Government Code § 552.266):

Judge's orders - \$1.00 per copy; \$3.00 per certified copy;

Tickets - \$1.00 per copy;

Complaints - \$3.00 per copy; \$7.00 per certified copy

All other records - \$1.00 per copy.

Sec. 2-125. Municipal court technology fund.

(1) *Establishment of municipal court technology fund.*

- (a) There is hereby created and established a municipal court technology fund, here-in-now known as the fund, pursuant to Vernon's Ann. C.C.P. art. 102.0172.
- (b) The fund may be maintained in an interest bearing account and may be maintained in the general revenue account.

(2) *Establishment of amount of the fee and assessment and collection.*

- (a) The fee shall be in the amount of \$4.00.

-
- (b) The fee shall be assessed and collected from the defendant upon conviction for a misdemeanor in the municipal court as a cost of court. A defendant is considered convicted if:
 - 1. A sentence is imposed on the person;
 - 2. The person is placed on community supervision, including deferred adjudication community supervision; or
 - 3. The court defers final disposition of the person's case.
 - (c) The fee shall be collected on conviction for an offense committed on or after September 1, 1999 (or for convictions or offenses committed on or after this section is adopted). Fees may only be assessed and collected on offenses occurring on or after September 1, 1999. The fee may not be assessed or collected retroactively if fund is established at a later date than September 1, 1999.
 - (d) The clerk of the court shall collect the fee and pay the fee to the municipal treasurer or other official who discharges or performs the duties of the treasurer of the City of Ingleside, who shall deposit the fee into the municipal court technology fund.
- (3) *Designated use of the fund and administration.*
- (a) The fund shall be used only to finance the purchase of technological enhancements for the municipal court of the City of Ingleside, Texas, including:
 - 1. Computer systems;
 - 2. Computer networks;
 - 3. Computer hardware;
 - 4. Computer software;
 - 5. Imaging systems;
 - 6. Electronic kiosks;
 - 7. Electronic ticket writers; or
 - 8. Docket management systems.
 - (b) The fund shall be administered by or under the direction of the city council of the City of Ingleside.

Sec. 2-126. Municipal court building security fund.

-
- (a) There is hereby created and established a municipal court building security fund (the "fund") pursuant to Vernon's Ann. C.C.P. art. 102.017.
 - (b) The municipal court of the City of Ingleside, Texas (the "municipal court") is hereby authorized and required to assess a municipal court building security fee (the "fee") in the amount allowed by the Vernon's Ann. C.C.P. art. 102.017, against all defendants convicted of a misdemeanor offense by the municipal court. Each misdemeanor conviction shall be subject to a separate assessment of the fee.
 - (c) A person is considered to have been convicted in a case if:
 - (1) Judgment, sentence, or both are imposed on the person;
 - (2) The person is placed on deferred disposition; or
 - (3) The court defers final disposition or imposition of the judgment and sentence.
 - (d) The fee shall be collected on convictions for offenses committed on or after this section is adopted.
 - (e) The municipal court clerk is hereby authorized and required to collect the fee and to pay same to the treasury of the City of Ingleside, Texas. All fees so collected and paid over to the treasury of the City of Ingleside, Texas, shall be segregated in the fund.
 - (f) The fund shall be used only for the purpose of financing the purchase of security devices and/or services for the building or buildings housing the municipal court of the City of Ingleside, Texas. "Security devices and/or services" shall include any and all items described in Vernon's Ann. C.C.P. art. 102.017(d-l).
 - (g) The fund shall be administered by or under the direction of the city council of the City of Ingleside, Texas.

Secs. 2-1270 — 2-135. Reserved.

SECTION 2. PUBLIC PURPOSE. The City Council expressly finds that the amendment of code by the creation of a municipal court of record is necessary to provide a more efficient disposition of the cases arising in the municipality.

SECTION 3. INCORPORATION OF RECITALS. The City Council finds the recitals contained in the preamble to this ordinance are true and correct and incorporates them as findings of fact.

SECTION 4. REPEALER. All ordinances, resolutions, and code sections in conflict herewith are repealed to the extent of such conflict. The municipal court established pursuant to the general

law is abolished in the manner prescribed thereby and all pending cases transferred to said court which shall assume jurisdiction thereof.

SECTION 5. SEVERABILITY. If any provision of this code is found by a court of competent jurisdiction to be invalid or unconstitutional, or if the application of this code to any person or circumstances is found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this code which can be given effect without the invalid or unconstitutional provision or application.

SECTION 6. READING. As provided by Article III, Section 3.11.B of the Charter of the City of Ingleside, this ordinance, or the caption of it, shall be read at two City Council meetings with at least two weeks elapsing between each reading

Section 7. EFFECTIVE DATE. As provided by Article III, Section 3.11C of the Charter of the City of Ingleside, this ordinance shall be effective on _____, 2025.

ORDERED AND APPROVED, this 8th day of April 2025.

CITY OF INGLESIDE, TEXAS

By: _____
Oscar Adame
Mayor

ATTEST

Jana Stork
City Secretary

First Reading: _____

Second Reading: _____

CITY COUNCIL AGENDA
Regular Meeting: April 8, 2025

AGENDA ITEM: 14

Deliberate and take appropriate action on the reappointment of the Municipal Court Associate Judge as set forth in the City Charter Section 4.02.C.

SUBMITTED BY: Ingleside City Council

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

City Chart Section 4.02.C states:

Associate Judge of the Court: The City Council may appoint an Associate Judge, to assist the Municipal Court, or to serve in the absence or disability of the Municipal Court Judge.

FISCAL ANALYSIS:

RECOMMENDATION:

ATTACHMENTS:

None

CITY COUNCIL AGENDA

Regular Meeting: April 8, 2025

AGENDA ITEM: 15

Deliberate and take appropriate action for the City Council to authorize the City Manager to negotiate with the respondents of the Requests for Qualifications (RFQ's) for General Engineering Services.

SUBMITTED BY: Gary Paredez, Director of Infrastructure Services

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

The City Council tasked staff with issuing Requests for Qualifications (RFQ's) for General Engineering Services, to design and administer future projects. The RFQ's were published in the local paper and other platforms. The City Secretary, Director of Infrastructure Services, Director of Information Technology, Assistant City Secretary, and Assistant Director of Finance were in attendance at the public opening of the RFQ's received from the firms of BME Engineers, HCE Engineers, Streamline Engineering, Levy Dykema, and Hanson Professional Services. After the opening, the Director of Information Technology, Director of Infrastructure Services, and Assistant Parks Director evaluated the responses, leaving Levy Dykema with the highest average score.

FISCAL ANALYSIS:

Subject to negotiations with the selected firm.

RECOMMENDATION:

Staff recommends City Council authorize the City Manager to negotiate with Levy Dykema Engineering for General Engineering Services.

ATTACHMENTS:

1. RFQ Totals General Engineering

	BME Engineers	HCE Engineering	Streamline Engineering	Levy Dykema Engineering	Hanson Professional Services
Gary Paredes	75	70	70	90	90
Paul Pulley	65	75	80	85	85
Tommy Sauceda	77	82	60	98	95
	217	227	210	273	260
	72.33	75.66	70	91	86.66

The firm Levy Dykema Engineering has scored the highest average score. Levy Dykema Engineering is the recommended firm for General Engineering Services RFQ.

CITY COUNCIL AGENDA

Regular Meeting: April 8, 2025

AGENDA ITEM: 16

Deliberate and take appropriate action on the first amendment of water tower lease agreement with SystemSeven.

SUBMITTED BY: Tommy Saucedo, Information Technology Director

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

The City of Ingleside maintains essential internet and data communications between all city facilities in a 'point-to-point' style network with the help of SystemSEVEN. This is facilitated by the placement of antenna equipment on top of the water tower located at N.O. Simmons park. The City leases out the water tower to SystemSeven for equipment purposes. Aside from providing critical internet and network infrastructure, SystemSEVEN has expanded the use of our tower to other customers that they have in the area. This is made possible through a lease agreement between The City and SystemSEVEN, which allows SystemSEVEN to equip the water tower facility and expand their operations. The City is paid \$300 per month by SystemSeven for the lease. The City is seeking a contract renewal to extend this service for the next two years.

The IT department views this as an important and mutually beneficial partnership between the City of Ingleside and SystemSEVEN. By hosting their equipment, the City's tower site would become a critical component of their network infrastructure. This allows SystemSEVEN to better serve their customers, including the City, with improved bandwidth, better service quality, and other advantages.

FISCAL ANALYSIS:

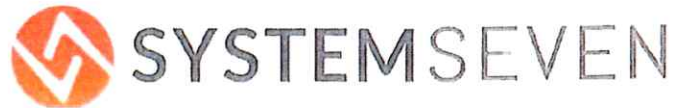
There is no cost to the city budget. The City is paid \$300 per month for this lease.

RECOMMENDATION:

Staff recommends approval of the first amendment of the water tower lease agreement.

ATTACHMENTS:

1. System Seven Water Tower Lease Agreement original
2. System Seven first amendment lease agreement



Water Tower Lease Agreement for SYSTEMSEVEN

THIS LEASE, entered into this 10th day of April, 2023 by and between **SYSTEMSEVEN**, having its principal place of business at 13915 N Burnet Rd, #202, Austin, TX 78728 (hereinafter referred to as "Tenant"), and The City of Ingleside, having its principal place of business at 2671 San Angelo, Ingleside, TX 78362 (hereinafter referred to as "Landlord").

WITNESSETH

WHEREAS, Tenant desires to erect and operate transmission and receiving antennas on the top of the water tower located on East Street at coordinates 27.87831, -97.20595, in accordance with the terms and conditions set forth herein; and

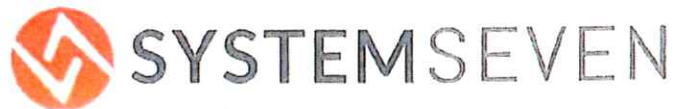
WHEREAS, Landlord, in consideration of lease payments to be received from Tenant, desires to grant Tenant a non-exclusive Lease for space on the top of the Water Tower for the placement of said antennas, but subject to compliance with the terms and conditions herein;

NOW THEREFORE, in consideration of the covenants and agreements hereinafter set forth to be performed by both parties, it is agreed by and between Landlord and Tenant as follows:

Term. The term of the Lease shall be for two (2) years, commencing upon the execution date of this agreement. Thereafter the Lease may be renegotiated for additional successive terms of two (2) years by written agreement of Tenant and Landlord.

Permitted Use. Subject to prior approval of Tenant's plans by Landlord, Tenant may mount transmission and receiving antennas, acceptable to and approved in writing by Landlord, on the top of the water tower. The number of antennas and the size, specifications (dimensions), and proposed locations of antennas shall be submitted to Landlord for consideration and approval by Landlord in advance of installation. Tenant may run such cabling and other lines and equipment from the water tower into the base of the water tower where it shall have equipment not larger than three (3) feet by three (3) feet at the base and not taller than six (6) feet in height. Landlord will maintain the space occupied and shall provide access to standard 110-volt electric power.

Construction; Maintenance. Tenant shall utilize existing steel supports on the water tower for Tenant's use. Tenant's transmission and receiving antennas shall be installed in such a way as to do no physical harm to the water tower and shall be of adequate strength to give reasonable and normal support. Construction and subsequent maintenance of Tenant's equipment shall be at the Tenant's sole risk and cost and shall be in compliance with all applicable laws and ordinances. No alteration shall be undertaken by Tenant without express, written consent by the Landlord, which consent shall not be unreasonably withheld. Landlord shall provide 24 hours prior notice regarding any maintenance to the tower that would affect Tenant's equipment.



No Interference. Tenant's transmission and receiving antennas and other installed equipment shall not physically interfere with or cause harmful interference to the City's traffic light signal system or existing radio or other communications facilities located in the City. Tenant shall provide Landlord with a telephone number by which the Landlord can contact and report interference and request Tenant cooperation in addressing interference issues.

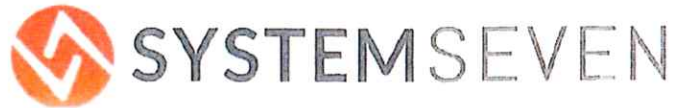
Access. Landlord and its agents shall have the right to enter and inspect the water towers at all times. Tenant shall be granted regular access to the Tenant's equipment at all times. Tenant shall give 24 hours prior notice to Landlord regarding required routine maintenance and installation work. Landlord shall give 24 hours prior notice to Tenant regarding maintenance that will cause a lack of Tenant access to Tenant's equipment. Landlord and Tenant will adhere to reasonable processes and expedited communication for emergency access by the other party.

Payment. The lease period shall begin on May 1st, 2023. The Tenant shall pay as rent, a monthly rate of \$300. Rent payments are due and payable on the first day of each month for the previous month's rent.

Keys. Tenant shall be issued one (1) key for access to the Water Tower. A fee of \$25.00 will be assessed for key replacement. A \$75.00 per hour charge will be imposed to the Tenant should for any reason an employee or a designee of the City of Ingleside be requested to grant the Tenant access to the Water Tower after hours. After hours is any time other than the normal business hours of Monday – Friday 8:00 a.m. to 5:00 p.m., excluding holidays.

Special Provision. The highest priority of use of the water tower for transmission antennas is use by the Landlord regarding its operations. Should the Landlord object to the interference or placement of Tenant's equipment, the Tenant shall move or remove the equipment to the satisfaction of the Landlord within a reasonable time period. Landlord shall provide notice of any objections, in writing to the Tenant. Tenant shall reply to the Landlord within twenty-four (24) hours with reasonable timeline for meeting Landlord's demand.

Indemnity of Landlord. Tenant shall indemnify and hold harmless Landlord against and from any and all loss, costs, damages, and claims to the extent of such damage arises from Tenant's negligence or wrongful acts or from any activity, work, or thing done, or permitted by the Tenant in the water tower, and shall further indemnify and hold harmless Landlord against and from any and all loss, costs, damages, and claims to the extent such damages arise from Tenant's negligence or wrongful acts arising from any breach or default in the performance of any obligation on Tenant's part to be performed under the terms of this Lease, or arising from any action or negligence of the Tenant, or of its agents, contractors, servants, invitees, or employees, and from and against all costs, attorneys' fees, expenses and liabilities incurred or paid in connection with any such claim or any action or proceeding brought against the Landlord by reason of Tenant's use of the



water tower. Neither Landlord nor its agents shall be liable for any incidental or consequential damages or for any damage to Tenant's property, nor for loss of or damage to any property by theft or otherwise, nor for any injury or damage to persons or property resulting from fire, explosion, falling pipes, appliances, electrical or plumbing work therein, nor from the roof, street, or subsurface, nor from any other place or resulting from dampness, nor from any other cause whatsoever, unless caused by or due to the gross negligence of Landlord, its agents, servants, or employees. Tenant shall give prompt notice to Landlord in case of fire or accidents in and on the water tower.

Rights of Landlord. The Landlord reserves the rights to change the name of the water tower without notice or liability to Tenant, to constantly have access to the water tower, to grant to anyone the non-exclusive right to conduct any particular business or undertaking in the water tower, and at any time, whether at the insistence of Landlord or pursuant to government requirements, at Landlord's expense, to decorate or make repairs, alterations, additions, or improvements, whether structural or otherwise, in or to the water tower or any part thereof, including the water tower. Landlord shall give notice to Tenant of Landlord's intended action to be taken under this provision of the lease if that action is to have an effect on the Tenant's equipment.

Assignment and Subletting. Tenant shall not sublet or grant access to the water tower or any part thereof, or permit any business to be operated in or from the water tower by any person, firm or corporation other than Tenant without the prior written consent of the Landlord.

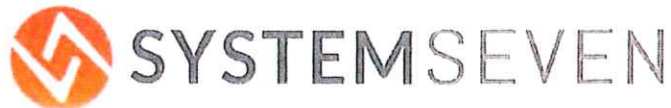
Damage or Destruction. If the water tower is damaged by fire or other casualty, Landlord may elect to immediately terminate this Lease or if Landlord elects to so repair, Tenant, to the extent of its obligation to maintain and repair the water tower shall also promptly repair such damage. There shall be no abatement of rent by reason of any portion of the water tower being unusable for a period of thirty (30) days or less.

Defaults. The occurrence of any of the following shall constitute an event of default;

- (a) A failure by Tenant to make any payment required to be made by Tenant hereunder, where such failure continues for thirty (30) days after notice that such payment was due. Provided, however, no written notice of the failure to pay rent is required of the Landlord.
- (b) A failure by Tenant to observe and perform any other provision of this Lease to be observed or performed by Tenant, where such failure continues for twenty (20) days after written notice thereof by Landlord.

If an event of default shall occur, Landlord may, at any time thereafter, at Landlord's option, exercise any or all rights at law or in equity, which are permitted by Texas State Law.

Rules and Regulations. Tenant shall faithfully observe and strictly comply with all Rules and Regulations of Landlord applicable to this Lease and such other rules and regulations as Landlord may from time to time reasonably adopt.



Requirements by Law. Tenant, at Tenant's sole cost and expense, shall promptly comply with all present and future laws, orders, regulations, and requirements of all public authorities and any fire underwriter insurance rating agency or similar organization which may impose any violation, order or duty upon Landlord or Tenant with respect to use of the water tower.

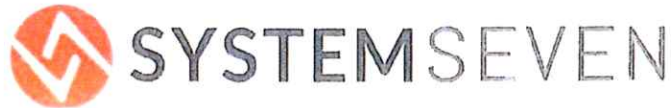
Surrender of Water Tower. At the expiration of the Term hereof, or a renewal term of two (2) years, should Landlord or Tenant decide not to renew this agreement, Landlord agrees to give Tenant at least sixty (60) days' notice to vacate premise. Upon the expiration of the current term or a renewal term and with sixty (60) days' notice from the Landlord, Tenant will, within this sixty-day period, remove its antenna and other trade fixtures excluding in-the-wall cabling, restore the water tower to its pre-rental condition, and repair any damage which may be caused to the water tower as a result of such removal, reasonable wear and tear excepted.

Insurance. Tenant shall obtain and keep in force during the Term of this Lease, a Commercial General Liability policy for Insurance, protecting Tenant and Landlord against claims for bodily injury, personal injury, and property damage based upon, involving or arising out of the use, occupancy or maintenance of the water tower and all areas appurtenant thereto. Such insurance shall be on a \$1,000,000.00 per occurrence and \$1,000,000.00 aggregate basis. The limits of said insurance required by this Lease or as carried by Tenant shall not, however, limit the liability of Tenant nor relieve Tenant of any obligation hereunder. All insurance to be carried by Tenant shall be primary to and not contributory with any similar insurance carried by Landlord, whose insurance shall be considered excess insurance only. The Landlord shall be shown as an additional insured on Tenant's Insurance Policy, and Tenant shall provide Landlord with a copy of that policy. The Tenant's insurance carrier shall be required to provide the Landlord with 30-days written notice of policy cancellation.

Subordination. This Lease is and shall at all times, unless Landlord shall otherwise elect, be subject and subordinate to all covenants, restrictions, easements and encumbrances now or hereafter, affecting the fee title to the water tower and to all ground and underlying leases and mortgages or financing or refinancing.

Attornment. Tenant agrees that, in the event of a sale, transfer, or assignment of the Landlord's interest in the water tower or any part thereof, Tenant will attorn to and recognize such transferee, purchaser, ground or underlying lessor or mortgagee as Landlord under this Lease.

Transfer of Landlord's Interest. In the event of any transfer of Landlord's interest in the water tower or in the real property of which the water tower is a part, the transferor shall be automatically relieved of any and all obligations and liabilities on the part of Landlord accruing from and after the date of such transfer.



Fees or Commissions. Tenant covenants, warrants and represents to Landlord that there are no possible claims for broker's commissions or finders' fees in connection with this Lease.

Notices. Every notice to be given under this Lease shall be sent by email and shall be considered in writing. Notices to Tenant shall be emailed to support@systemseven.net. Notices to Landlord shall be emailed to it@inglesidetx.gov. Either party hereto may give the other party telephone notice of the need for emergency repairs.

Entire Agreement. This Lease, the exhibits and addenda attached hereto set forth all of the covenants, promises, agreements, conditions, and understanding, between the parties. All prior conversations or writings between the parties hereto or their representatives are merged herein and extinguished. This Lease shall not be modified, except with the prior express written authorization of Landlord and Tenant.

Liability of Landlord. Anything contained in this Lease to the contrary notwithstanding, Tenant agrees that Tenant shall look solely to the estate and property of the Landlord in the real estate of which the water tower is a part and the rentals there from for the collection of any judgment (or other judicial process) requiring the payment of money by Landlord in the event of any default or breach by Landlord with respect to any condition, covenant, or agreement of this Lease to be observed and/or performed by Landlord, subject however to the prior rights of any ground or underlying lessor or mortgagee of the real estate of which the water tower is a part, or part thereof.

Successors and Assigns. Except as otherwise provided in this Lease, all of the conditions, covenants, and agreements of this Lease shall be binding upon and shall inure to the benefit of the parties hereto and their respective heirs, personal representative, successors and assigns. Each provision of this Lease to be performed by Tenant shall be construed as both a covenant and a condition, and if there shall be more than one Tenant, they shall all be bound, jointly and severally, by the provisions of this Lease.

Governing Law. This Agreement and the rights and obligations of the parties hereto shall be interpreted, construed, and enforced in accordance with the laws of the State in which the tower is located, and venue for any dispute between the parties concerning the Agreement shall be in San Patricio County, Texas.

(Signatures on following page)



IN WITNESS WHEREOF, Landlord and Tenant have executed this Lease in multiple original counterparts as of the Dates set forth below their respective signatures hereto.

LANDLORD: _____, a _____
Signature: Brenton B. Lewis
Name: Brenton B. Lewis
Title: City Manager
Date: April 13, 2023

TENANT: SYSTEMSEVEN, a Texas Limited Liability Corporation
Signature: Mathew Myers
Name: Mathew Myers
Title: Director of Ops
Date: 4/10/23



**FIRST AMENDMENT Water Tower Lease Agreement
SYSTEMSEVEN**

THIS FIRST AMMENDMENT TO WATER TOWER LEASE AGREEMENT, will be entered into this 1st day of May, 2025 by and between:

LICENSOR: The City of Ingleside, having its principal place of business at 2671 San Angelo, Ingleside, TX 78362 (hereinafter referred to as "Landlord").

LICENSEE: SYSTEMSEVEN, having its principal place of business at 13915 N Burnet Rd, #202, Austin, TX 78728 (hereinafter referred to as "Tenant")

Reference is hereby made to that certain Lease Agreement dated April 10, 2023 by and between Landlord and Tenant.

1. Expiration Date of Base Lease: April 30th, 2025
2. Commencement Date of this FIRST AMENDMENT: May 1st, 2025
3. Length of term for FIRST AMENDMENT: 24 months – Expiration on April 30th, 2027
4. Monthly License Fee for the Extended Term: \$300 per month payable by Tenant to Landlord

THE TERMS AND CONDITIONS OF THE BASE LEASE BETWEEN THE PARTIES SHALL REMAIN IN FULL FORCE AND EFFECT AND ALL PROVISIONS THEREIN SHALL REMAIN BINDING EXCEPT AS MODIFIED HEREIN.

Agreed to and accepted by Landlord and Tenant this 4th Day of March, 2025 as evidenced below with signature:

LANDLORD: The City of Ingleside

TENANT: SYSTEMSEVEN Services, LLC

Signature: _____

Signature: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____