



# City of Corpus Christi

1201 Leopard Street  
Corpus Christi, TX 78401  
cctexas.com

## Meeting Minutes

### City Council

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Tuesday, August 13, 2024

11:30 AM

Council Chambers

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**Addendums may be added on Friday.**

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

Mayor Guajardo called the meeting to order at 11:33 a.m.

**B. Invocation to be given by Pastor James Miller with Bridge of Life Church.**

Pastor James Miller with Bridge of Life Church gave the invocation.

**C. Pledge of Allegiance to the Flag of the United States and to the Texas Flag to be led by Luna Pinon, 3rd grader at Windsor Park Elementary.**

Luna Pinon, third grader at Windsor Park Elementary, led the Pledge of Allegiance to the Flag of the United States of America and to the Texas Flag.

**D. City Secretary Rebecca L. Huerta to call the roll of the required Charter Officers.**

City Secretary Rebecca Huerta called the roll and verified that a quorum of the City Council and the required Charter Officers were present to conduct the meeting.

Charter Officers: City Manager Peter Zanoni, City Attorney Miles Risley and City Secretary Rebecca Huerta

**Present:** 9 - Mayor Paulette Guajardo, Council Member Roland Barrera, Council Member Gil Hernandez, Council Member Michael Hunter, Council Member Mike Pusley, Council Member Dan Suckley, Council Member Everett Roy, Council Member Jim Klein, and Council Member Sylvia Campos

**E. CITY MANAGER'S COMMENTS / UPDATE ON CITY OPERATIONS: (ITEMS 1 - 2)**

**1. [24-1330](#) Introduction of Mike Walsh, P.E., TxDOT District Engineer - Corpus Christi**

City Manager Peter Zanoni introduced TxDOT District Engineer-Corpus Christi, Mike Walsh, P.E. Mr. Walsh has over 12 years of managing projects. He returned to Corpus Christi in 2022 as the Deputy District Engineer and has been responsible for traffic operations, constructions, and maintenance programs.

**2. [24-1327](#) Update on City Pools and Splash Pads Season, and Gulf and Bay Beach Lifeguard Schedule**

City Manager Peter Zanoni gave an update on the City Pools and Splash Pads

season and Gulf and Bay Beach Lifeguard schedule.

Director of Parks and Recreation Robert Dodd presented information on the following topics: important dates; beach safety by the numbers; lifeguard program updates; beach safety coordinator; beach rescue junior lifeguard camp; and upcoming PARD events.

Council Members thanked the lifeguards for their diligence and bravery.

#### **F. PUBLIC COMMENT**

Mayor Guajardo opened public comment.

The following citizens spoke about the citizens initiative held on July 30th and presented information about the Vaccine Information Statement: Shawn Flanagan, 4218 Herndon St., Gail Anderson, 409 Grant Place, Melinda De Los Santos, 611 Gulf Shore Place, Samuel Aundra Fryer, 2222 Cardinales Lane, and Catherine Barnes, 520 S. Chaparral St.

John Weber, 609 Naples St. and Jason Hale 211 Leming Ave., presented information about the Corpus Christi Bay model-Inner Harbor and La Quinta.

Rachel Caballero, 522 Hancock Ave., spoke in opposition to desalination and expressed concern about the proposed budget, proposed Bond and Type A sales tax.

Bob Catalano, 201 Surfside Blvd., spoke about the nice improvements on North Beach and concerns about Surfside Park.

Ron Graban, 202 Surfside Blvd., spoke about construction of Beach Avenue before the new bridge opens.

Janna Shoe, 3714 Topeka St., expressed concern about street services.

Roseanne Norman, 4629 Monette Dr., expressed concern about vaccines for children.

Corina Rittgers, 4913 Valley Mill Dr., spoke in opposition to closure/reduction in hours of the Oso Bay Preserve and Learning Center, closure of the Garcia Library and reduction of hours at the community pool at Bill Witt Park.

Mark Muenster, 1013 Barracuda Place, expressed concern about the format of the community input sessions and spoke in opposition to the desalination plant.

Joshua De Leon, 5914 Colorado Dr., spoke about expanding the City's smoking prohibition ordinance.

The following citizens spoke in opposition to closure/reduction in hours of the Oso Bay Preserve and Learning Center, Jaden Sindt, 4913 Valley Mill Dr., Devon O'Kelley,

8117 Denali Dr., Shirin Delsooz, 6030 Tapestry Dr., Marilyn Brodeur, and Gabriel Brodeur, 15729 Escapade St.

Susie Luna Saldana, 4710 Hakel Dr., expressed concern about budget cuts and the criteria process for the City Manager's salary increase.

Sean Merritt, 4558 Dandridge Dr., spoke about the three to four percent surcharge fees when using a debit card.

Zelnita Williams, 1033 Brock Dr., expressed concern about police involved shootings and about the lack of de-escalation.

Dan Korus, 7001 Chiswick Dr., invited Council Members to the legislative conference on October 17 and 18 and in support about moving forward with the desalination plant.

The following citizen submitted a written public comment which is attached to the minutes: John Weber, 609 Naples St.

**G. CONSIDERATION OF MAX TAX RATE: (ITEM 3)**

3. [24-1323](#) Resolution to consider setting the maximum ad valorem tax rate of no more than \$0.599774 per \$100 valuation for Fiscal Year (FY) 2025, taking a record vote, and setting the date for the City of Corpus Christi's proposed FY 2025 budget and proposed FY 2025 ad valorem tax rate public hearings and first reading ordinances on September 3, 2024, with adoption of the FY 2025 budget and FY 2025 ad valorem tax rate on September 10, 2024.

Mayor Guajardo referred to Item 3.

Assistant City Manager Heather Hurlbert presented information on the following topics: truth in taxation; truth in taxation definitions; truth in taxation actions; and recommendation.

Council Members and Assistant City Manager Hurlbert discussed the following topics: the impact that this tax rate will have on a home is a difference of two or three cents; and the No New Revenue rate would reduce the budget by approximately another \$9.8 million.

Mayor Guajardo opened public comment.

There were no comments from the public.

Mayor Guajardo closed public comment.

Council Member Barrera moved to approve the resolution, seconded by Council Member Suckley. This Resolution was passed and approved with the following vote:

**Aye:** 8 - Mayor Guajardo, Council Member Barrera, Council Member Hernandez, Council Member Pusley, Council Member Suckley, Council Member Roy, Council Member Klein and Council Member Campos

**Nay:** 1 - Council Member Hunter

**Abstained:** 0

Enactment No: 033424

#### **H. BOARD & COMMITTEE APPOINTMENTS: (ITEM 4)**

4. [24-1311](#) Arts & Cultural Commission (4 vacancies)  
Construction Trade Advisory & Appeals Board (1 Vacancy)  
Ethics Commission (4 vacancies)  
Parks & Recreation Advisory Committee (5 vacancies)  
Sister City Committee (3 vacancies)

Mayor Guajardo referred to Item 4.

Arts & Cultural Commission:

Reappointed: Sara Sells Morgan

Appointed: Oliver Cruz-Milan, Mark J. Marquez, II, and Elena Rodriguez

Construction Trade Advisory & Appeals Board:

Appointed: Brandon Harper

Ethics Commission:

Appointed: Douglas C. Fick, Liz Gillenwater, Kimberly Shick, and Robert M. Simmons

Parks and Recreation Advisory Committee:

Reappointed: Joan A. Adams Wolfe, Joe De La Paz, and Linda Lindsey

Appointed: Jay Gardner and Mark Borgeson Sr.

Sister City Committee:

Reappointed: Mourad Hasbaoui and Adria P. Vasquez

Appointed: Ana T. Rivera-Soto

#### **I. EXPLANATION OF COUNCIL ACTION:**

#### **J. CONSENT AGENDA: (ITEMS 5 - 19)**

##### **Approval of the Consent Agenda**

Mayor Guajardo referred to the Consent Agenda. Items 16 and 19 were pulled for individual consideration.

Council Member Barrera moved to approve the consent agenda with the exception of Items 16 and 19, seconded by Council Member Roy. The motion carried by the



following vote:

**Aye:** 9 - Mayor Guajardo, Council Member Barrera, Council Member Hernandez, Council Member Hunter, Council Member Pusley, Council Member Suckley, Council Member Roy, Council Member Klein and Council Member Campos

**Abstained:** 0

5. [24-1334](#) Approval of the July 30, 2024 Regular Meeting Minutes, and August 1, 2024 Special Meeting Minutes and Budget Workshop Minutes

The Minutes were approved on the consent agenda.

*Consent - Second Reading Ordinances*

6. [24-1211](#) Ordinance ordering a general election to be held on November 5, 2024, in the City of Corpus Christi for the election of Mayor and eight Council Members; providing for procedures for holding such election; providing for notice of election and publication thereof; providing for establishment of branch early voting polling places; designating polling place locations; authorizing a joint election with Nueces County, and a runoff election, if one is necessary, on December 14, 2024; authorizing execution of a Joint Election Agreement and Election Services Contract with Nueces County; and enacting provisions incident and relating to the subject and purpose of this ordinance.

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

Enactment No: 033425

7. [24-1102](#) Ordinance authorizing the acceptance of an increase in the grant from the Texas Department of State Health Services (DSHS) for the Women, Infants, and Children's Nutrition Program (WIC) to provide funding for the WIC program for the period of October 1, 2024, through September 30, 2025, and authorizing 14 existing FTEs that are funded by this grant and appropriating the \$1,233,166.00 in the Health Grant Fund.

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

Enactment No: 033426

8. [24-1105](#) Zoning Case No. ZN8254, Azali Investments LLC (District 5). Ordinance rezoning a property at or near 7702 Starry Road from the "FR" Farm Rural District to the "RM-2" Multi-Family District; providing for a penalty not to exceed \$2,000 and publication. (Planning Commission and Staff recommend approval).

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

Enactment No: 033427

*Consent - Contracts and Procurement*

9. [24-1167](#) Resolution authorizing the purchase and installation of five new Rockland custom fire cabinets for the Corpus Christi Fire Department's Command Operations Vehicles from C&S Plating and Bumper Recycling, dba C&S Truck and Van Equipment, of Corpus Christi, Texas, in an amount up to \$62,375.00, with FY 2024 funding in the amount of \$62,375.00 from the Fire Grants Fund.

This Resolution was passed on the consent agenda.

Enactment No: 033428

10. [24-1109](#) Resolution authorizing the purchase of one new re-purposed shipping container extensively modified to be used as a firefighter training device for the Corpus Christi Fire Department from Taylor'd Systems, of Spokane Valley, Washington, in the amount of \$76,275.00, with FY 2024 funding from the General Fund.

This Resolution was passed on the consent agenda.

Enactment No: 033429

11. [24-1056](#) Motion authorizing execution of a one-year supply agreement, with a one-year option, with Pencco, Inc., of San Felipe, Texas, in an amount not to exceed \$251,100.00, with a potential up to \$502,200.00 if the option is exercised, for hydrofluorosilicic acid for fluoride treatment in the water system by Corpus Christi Water, with FY 2024 funding of \$41,833.33 from the Water Fund.

This Motion was passed on the consent agenda.

Enactment No: M2024-126

12. [24-0933](#) Motion authorizing execution of a 36-month agreement with Samsara Inc., of San Francisco, California, through the Sourcewell Cooperative, for the purchase of licenses, hardware, and accessories for dual-facing dash camera safety system for Corpus Christi Water vehicles in the amount of \$591,067.00, with FY 2024 funding of \$196,524.00 from the Wastewater and Water Funds.

This Motion was passed on the consent agenda.

Enactment No: M2024-127

*Consent - Capital Projects*

13. [24-1250](#) Motion awarding a Master Services Agreement for Citywide Wastewater IDIQ to Half Associates, Inc., Corpus Christi, Texas, in an amount up to \$200,000.00 for the design of wastewater lines that will be rehabilitated or replaced, with a one-year renewal option to be administratively authorized for a total amount not to exceed \$400,000.00, with projects located Citywide, with FY 2024 funding available from Wastewater Capital Fund.

This Motion was passed on the consent agenda.

Enactment No: M2024-128

*General Consent Items*

14. [24-1159](#) Resolution authorizing the City to purchase 25 trash receptacles from Victor Stanley, Inc. in the amount of \$76,495.00. Project recommended by the Downtown Management District and approved by the TIRZ #3 board, to be received by the Public Works Department, and installed by a City Public Works Department contractor, with the oversight of the City's Public Works Department.

This Resolution was passed on the consent agenda.

Enactment No: 033430

*Consent - First Reading Ordinances*

15. [24-1287](#) Ordinance to amend Ordinance 033281 as required by Texas Commission on Environmental Quality regulations by amending Section 55-141(d)(3) of the City Code to update the list of pollutants for which limits may be established in an industrial discharge wastewater permit utilizing the Broadway Wastewater Treatment Facility and the Oso Water Reclamation Plant, providing for a penalty not to exceed \$2,000 and publication.

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

16. [24-1230](#) Ordinance amending Section 2-330 of the Code of Ordinances of the City of Corpus Christi, Texas to provide for outside representation of City Officials for alleged violations before the Ethics Commission.

Mayor Guajardo referred to Item 16.

City Attorney Miles Risley presented information on the following topics: briefing-city council request for representation when wrongfully accused of violating Ethics Code; and recommendation of Ethics Commission.

Council Members and City Attorney Risley discussed the following topics: a concern that taxpayers would be liable to pay for legal fees; the City Attorney's decision is appealable; this ordinance would apply to all public officials; the City provides legal representation to the Ethics Commission, so a private attorney would represent a public official; and this ordinance would apply only to an ethics violation.

Mayor Guajardo opened public comment.

John Weber, 609 Naples St., read Section 2-330(e) and expressed that the Ethics Commission should be elected, not appointed.

Rachel Caballero, 522 Hancock Ave., expressed concern about the Ethics

Commission's recommendation.

Mayor Guajardo closed public comment.

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

**Aye:** 5 - Mayor Guajardo, Council Member Barrera, Council Member Pusley, Council Member Suckley and Council Member Roy

**Nay:** 4 - Council Member Hernandez, Council Member Hunter, Council Member Klein and Council Member Campos

**Abstained:** 0

17. [24-1221](#) Ordinance authorizing acceptance and amendments of Texas Beach Watch (TBW) Program Grant for \$140,000.00 from the Texas General Land Office (GLO) to provide beach water sampling in Nueces, Aransas, and San Patricio County under the Texas Beach Watch Program for the period of September 1, 2024, through August 31, 2025; and authorizing one existing position to be funded by this grant and appropriating \$140,000.00 in the Health Grant Fund.

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

18. [24-1324](#) Ordinance terminating Tax Increment Reinvestment Zone (TIRZ) #5, City of Corpus Christi, Texas; dissolving the tax increment fund for the zone; dissolving the board of directors for the zone; providing an effective date; and appropriating and transferring related funds as necessary.

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

19. [24-1216](#) Ordinance authorizing an amendment to a Small Business Incentives Agreement between the Corpus Christi B Corporation and Del Mar College, which increases the funding by \$15,000.00 for a total amount not to exceed \$130,000.00 for the 2024 Internship program; appropriating \$15,000 from the unreserved fund balance of the Type B fund; and amending the budget.

Mayor Guajardo referred to Item 19.

Council Member Klein asked to pull this item to abstain.

A Council Member thanked the Economic Development Corporation for supporting this program.

Council Member Barrera moved to approve the ordinance, seconded by Council Member Hunter. This Ordinance was passed on emergency and approved with the following vote:

**Aye:** 8 - Mayor Guajardo, Council Member Barrera, Council Member Hernandez, Council Member Hunter, Council Member Pusley, Council Member Suckley, Council Member Roy and Council Member Campos

**Abstained:** 1 - Council Member Klein

Enactment No: 033431

**K. RECESS FOR LUNCH**

Mayor Guajardo recessed the Council meeting for lunch at 1:33 p.m. Executive Session Items 33 and 34 were held during the lunch recess. Mayor Guajardo reconvened the meeting at 2:46 p.m.

**L. PUBLIC HEARINGS: (ITEMS 20 - 26)**

- 20. [24-1195](#)** Zoning Case No. ZN8186, Toreros Investment VI, LLC. (District 4): Ordinance rezoning a property at or near 3909 Laguna Shores Drive from the "RS-4.5" Single-Family 4.5 District, "CR-1" Resort Commercial District, and "CG-2" General Commercial District to the "CR-1" Resort Commercial District with a Special Permit; providing for a penalty not to exceed \$2,000 and publication. (Applicant originally requested a zoning change to the "CR-1" Resort Commercial District, consents to staff recommendation.) Planning Commission and Staff recommend approval.

Mayor Guajardo referred to Item 20.

Director of Development Services Al Raymond presented information on the following topics: zoning and land use; and NOLF Waldron MCAOD overlay zones.

Council Members and Director Raymond discussed the following topics: the applicant's desire is to add boat storage on the lot which is excluded from the flight zone; a concern with special permits; and this development will not limit access to Laguna Madre.

Mayor Guajardo opened the public hearing.

There were no comments from the public.

Mayor Guajardo closed the public hearing.

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

**Aye:** 9 - Mayor Guajardo, Council Member Barrera, Council Member Hernandez, Council Member Hunter, Council Member Pusley, Council Member Suckley, Council Member Roy, Council Member Klein and Council Member Campos

**Abstained:** 0

21. [24-1241](#) Ordinance authorizing a Water Arterial Transmission & Grid Main Construction and Reimbursement Agreement up to \$393,888.30 with MPM Development, LP to construct a water arterial transmission grid main related to Starlight Estates Unit 8 located south of Yorktown Boulevard and west of Krypton Drive; and authorizing future transfer and appropriation of Water and Wastewater Trust Fund revenue up to \$393,888.30 to reimburse the developer in accordance with the agreement. (District 5).

Mayor Guajardo referred to Items 21-25.

Council Members, City Manager Peter Zaroni, and Director of Development Services Al Raymond discussed the following topics: these water and wastewater line improvements are utility infrastructure that support outside subdivisions; and Impact Fee discussions will be revisited after the budget is approved.

Mayor Guajardo opened the public hearing.

There were no comments from the public.

Mayor Guajardo closed the public hearing.

Council Member Barrera moved to approve the ordinances, seconded by Council Member Pusley. These Ordinances were passed on first reading and approved with the following vote:

**Aye:** 7 - Mayor Guajardo, Council Member Barrera, Council Member Hernandez, Council Member Hunter, Council Member Pusley, Council Member Suckley and Council Member Roy

**Nay:** 1 - Council Member Klein

**Abstained:** 1 - Council Member Campos

22. [24-1316](#) Ordinance authorizing a Water Arterial Transmission & Grid Main Construction and Reimbursement Agreement up to \$141,108.94 with MPM Development, LP to construct a water arterial transmission grid main related to Royal Oak South subdivision located south of the Chisolm Trail and Rand Morgan Rd intersection; and authorizing future transfer and appropriation of Water and Wastewater Trust Fund revenue up to \$141,108.94 to reimburse the developer in accordance with the agreement. (District 1).

See Item 21.

**Aye:** 7 - Mayor Guajardo, Council Member Barrera, Council Member Hernandez, Council Member Hunter, Council Member Pusley, Council Member Suckley and Council Member Roy

**Nay:** 1 - Council Member Klein

**Abstained:** 1 - Council Member Campos

23. [24-1317](#) Ordinance authorizing a Wastewater Trunk Line Construction and

Reimbursement Agreement up to \$365,028.94 with MPM Development to construct a required wastewater trunk line for the proposed residential development related to Royal Oak South subdivision located south of the Chisolm Trail and Rand Morgan Rd intersection; and authorizing future transfer and appropriation of Water and Wastewater Trust Fund revenue up to \$365,028.94 to reimburse the developer in accordance with the agreement. (District 1).

See Item 21.

**Aye:** 7 - Mayor Guajardo, Council Member Barrera, Council Member Hernandez, Council Member Hunter, Council Member Pusley, Council Member Suckley and Council Member Roy

**Nay:** 1 - Council Member Klein

**Abstained:** 1 - Council Member Campos

24. [24-1318](#) Ordinance authorizing a Water Arterial Transmission & Grid Main Construction and Reimbursement Agreement up to \$131,835.50 with MPM Development, LP to construct a water arterial transmission grid main related to King's Landing Unit 9 subdivision located north of the Lady Alexa Dr. and Lady Claudia St. intersection; and authorizing future transfer and appropriation of Water and Wastewater Trust Fund revenue up to \$131,835.50 to reimburse the developer in accordance with the agreement. (District 3).

See Item 21.

**Aye:** 7 - Mayor Guajardo, Council Member Barrera, Council Member Hernandez, Council Member Hunter, Council Member Pusley, Council Member Suckley and Council Member Roy

**Nay:** 1 - Council Member Klein

**Abstained:** 1 - Council Member Campos

25. [24-1242](#) Ordinance authorizing a Water Arterial Transmission & Grid Main Construction and Reimbursement Agreement up to \$136,870.31 with LSK Development, LLC to construct a water arterial transmission grid main related to Azali Estates Unit 3 located north of Yorktown Boulevard and east of Azali Drive; and authorizing future transfer and appropriation of Water and Wastewater Trust Fund revenue up to \$136,870.31 to reimburse the developer in accordance with the agreement. (District 5).

See Item 21.

**Aye:** 7 - Mayor Guajardo, Council Member Barrera, Council Member Hernandez, Council Member Hunter, Council Member Pusley, Council Member Suckley and Council Member Roy

**Nay:** 1 - Council Member Klein

**Abstained:** 1 - Council Member Campos

26. [24-1315](#) Ordinance authorizing a Water Arterial Transmission & Grid Main Construction and Reimbursement Agreement up to \$1,245,538.00 with MST, LLC to construct a water arterial transmission grid main related to Kaspian Subdivision Unit I located south of FM 43 and east of CR 43; and appropriating and transferring of future revenue from Water and Wastewater lot and acreage fees and pro-rata fees to the Water Arterial Transmission & Grid Line Trust Fund to reimburse the developer per the agreement (District 5)

Mayor Guajardo referred to Item 26.

A Council Member asked for clarification about MST, LLC.

Mayor Guajardo opened the public hearing.

There were no comments from the public.

Mayor Guajardo closed the public hearing.

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

**Aye:** 7 - Mayor Guajardo, Council Member Barrera, Council Member Hernandez, Council Member Hunter, Council Member Pusley, Council Member Suckley and Council Member Roy

**Nay:** 1 - Council Member Klein

**Abstained:** 1 - Council Member Campos

**M. INDIVIDUAL CONSIDERATION ITEMS: (ITEMS 27 - 30)**

27. [24-1229](#) Motion authorizing the City Manager to execute a four-year collective bargaining agreement, effective October 1, 2024 with the Corpus Christi Professional Firefighters' Association for wages, benefits, and working conditions, as approved by the Corpus Christi Professional Firefighters Association from July 8 through July 10, 2024.

Mayor Guajardo referred to Item 27.

There were no comments from the Council.

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

**Aye:** 9 - Mayor Guajardo, Council Member Barrera, Council Member Hernandez, Council Member Hunter, Council Member Pusley, Council Member Suckley, Council Member Roy, Council Member Klein and Council Member Campos

**Abstained:** 0



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Enactment No: M2024-129

28. [24-1249](#) One reading ordinance calling for a special election for the Bond 2024 Program to be held on November 5, 2024, in the City of Corpus Christi for the authorization of bond issuances for the City by ad valorem taxes totaling \$175 million without a City property tax rate increase to fund 38 projects under the following propositions: Streets (\$89.5 million), Parks (\$37.65 million), Public Safety (\$45 million) and Cultural Facilities (\$2.85 million).

Mayor Guajardo referred to Item 28.

Assistant City Manager Neiman Young stated that this is a one-reading ordinance for the Bond 2024 Program to be held on November 5, 2024 to authorize bond issuance funding 38 projects, including streets, public safety, parks, and cultural facilities.

A Council Member, City Manager Peter Zanoni, Assistant City Manager Young, and City Attorney Miles Risley discussed the following topics: a concern that water and wastewater relocation was not included in the Bond language; and the debt management policy is unclear what relocation means.

Mayor Guajardo opened public comment.

There were no comments from the public.

Mayor Guajardo closed public comment.

Council Member Barrera moved to approve the ordinance, seconded by Council Member Suckley. This Ordinance was passed on emergency and approved with the following vote:

**Aye:** 6 - Mayor Guajardo, Council Member Barrera, Council Member Pusley, Council Member Suckley, Council Member Roy and Council Member Klein

**Nay:** 3 - Council Member Hernandez, Council Member Hunter and Council Member Campos

**Abstained:** 0

Enactment No: 033432

29. [24-1325](#) One reading ordinance calling for a special election to be held on November 5, 2024 to repurpose the expiring Type A sales tax funding to Type B sales tax funding utilizing an existing 1/8 cent for financing the Downtown Seawall Flood Control structures including the maintenance and improvements to the entire seawall structure including the breakwater, salt flat levee, T and L Head land masses, Marina basin, and flood control pumps and other city-wide stormwater, flood control, drainage, and coastal resiliency projects; and allow the City to enter into a joint election agreement with Nueces County.

Mayor Guajardo referred to Item 29.

Council Members, City Manager Peter Zanoni, Assistant City Manager Heather

Hurlbert, and Bond Counsel Stephanie Leibe discussed the following topic: concerns about the wording on the proposed ballot language for Propositions E and F.

Mayor Guajardo opened public comment.

There were no comments from the public.

Mayor Guajardo closed public comment.

Council Member Hernandez moved to table this item for 30 minutes so Bond Counsel can make edits to the ballot language, seconded by Council Member Roy and passed unanimously.

Council Member Hernandez moved to amend sections 1 and 5 of the ordinance as provided by Bond Counsel, seconded by Council Member Roy and passed unanimously.

Council Member Hernandez moved to approve the ordinance as amended, seconded by Council Member Barrera. This Ordinance was passed on emergency as amended and approved with the following vote:

**Aye:** 9 - Mayor Guajardo, Council Member Barrera, Council Member Hernandez, Council Member Hunter, Council Member Pusley, Council Member Suckley, Council Member Roy, Council Member Klein and Council Member Campos

**Abstained:** 0

Enactment No: 033433

30. [24-1326](#) One reading ordinance calling for a special election to be held on November 5, 2024 to repurpose the expiring Type A sales tax funding to Type B sales tax funding utilizing an existing 1/8 cent by allocating 50% of the annual sales tax collections to financing infrastructure improvements to City-wide Arterial and Collector street projects and 50% of the annual sales tax collection for improvements to city-owned recreation and community facilities within the Sports, Entertainment, and Arts (SEA) District (The Corpus Christi Museum of Science and History, the Art Museum of South Texas, the Texas State Museum of Asian Cultures and Education Center, the Harbor Playhouse, and the Water Garden) and the Selena Auditorium, the Convention Center, and the Arena ; and allow the City to enter into a joint election agreement with Nueces County.

Mayor Guajardo referred to Item 30.

Council Member Pusley moved to amend sections 1 and 5 of the ordinance as provided by Bond Counsel, seconded by Council Member Suckley and passed with the following vote: Mayor Guajardo and Council Members Barrera, Hunter, Klein, Pusley, Roy and Suckley, voting, "yes"; and Council Members Campos and Hernandez voting, "no".

Council Member Pusley moved to approve the ordinance as amended, seconded by Council Member Suckley. This Ordinance was passed on emergency as amended and approved with the following vote:

**Aye:** 6 - Mayor Guajardo, Council Member Barrera, Council Member Pusley, Council Member Suckley, Council Member Roy and Council Member Klein

**Nay:** 3 - Council Member Hernandez, Council Member Hunter and Council Member Campos

**Abstained:** 0

Enactment No: 033434

**N. BRIEFINGS: (ITEMS 31 - 32)**

31. [24-1065](#) Nueces Center for Mental Health and Intellectual Disabilities Briefing on providing citizens living with mental illnesses with comprehensive psychiatric evaluation and treatment services, medications, and wellness services.

Mayor Guajardo referred to Item 31.

Mental Health Service Director Andrea Kovarik presented information on the following topics: access programs; youth; access programs; adult services; Jail Continuity of Care (COC); and diversion center.

Director of Intellectual and Development Disabilities (IDD) Gina Pena presented information on the following topics: Intellectual and Development Disabilities (IDD); Medicaid waivers for IDD; other IDD services; and for more information.

Council Members, Director Kovarik, and Director Pena discussed the following topics: funding for this program is provided through grants and other entities; and IDD partners with Corpus Christi Army Depot and other agencies.

32. [24-0699](#) Coastal Bend Air Quality Partnership (CBAQP) Overview, presented by Sharon B. Murphy, President of the CBAQP

Mayor Guajardo referred to Item 32.

Executive Director of Coastal Bend Air Quality Partnership Sharon B. Murphy presented information on the following topics: mission; sources of particulate pollutants; PM 2.5 defined; potentially affected counties; Nueces County monitors map; Kleberg County monitors map; and future emissions regulatory watch.

Council Members and Executive Director Murphy discussed the following topics: to consider implementing idle-free zones in the City; and what the City can do to prevent inhaling the Saharan Desert dust and fires from Mexico.

**O. EXECUTIVE SESSION: (ITEMS 33 - 35)**

Mayor Guajardo referred to Executive Session Items 33 and 34. The Council went into Executive Session at 1:33 p.m. The Council returned from Executive Session at

2:46 p.m.

Mayor Guajardo referred to Executive Session Item 35. The Council went into Executive Session at 6:23 p.m. The Council returned from Executive Session at 7:54 p.m.

33. [24-1256](#) **Executive Session pursuant to Texas Gov't Code § 551.071** and Texas Disciplinary Rules of Professional Conduct Rule 1.05 to consult with attorneys concerning legal issues related to personnel matters and judges of the Municipal Court and **Texas Gov't Code § 551.074** (personnel matters) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee (including the City's appointed Part Time Judge #4).

This E-Session Item was discussed in executive session.

34. [24-1228](#) **Executive session pursuant to Texas Government Code § 551.071** and Texas Disciplinary Rules of Professional Conduct Rule 1.05 to consult with attorneys concerning legal issues related to industries, infrastructure, utilities, and property in the City's extraterritorial jurisdiction, services thereto, annexation, Texas Local Gov't Code service plans, industrial district agreements (IDA's), and Chapters 42, 43 and 212 of the Texas Local Government Code § 43.0116, et. seq., rates for utilities, actions for limitation of rates, Texas Water Code § 13.043 and associated statutes and regulations, and **Texas Government Code § 551.087** to discuss and deliberate regarding potential financial or other incentive(s) to business prospects(s) that the governmental body seeks to have locate, stay, or expand in or near the territory of the City and with which the City will be conducting economic development negotiations, authorizing preparation of service plans for areas to be considered for annexation, and authorizing professional services agreements and amendments thereto with attorneys, engineers, and other consultants involved in the aforementioned actions.

This E-Session Item was discussed in executive session.

35. [24-1275](#) **Executive Session pursuant to Texas Gov't Code § 551.071** and Texas Disciplinary Rules of Professional Conduct Rule 1.05 to consult with attorneys concerning legal issues related to personnel matters and the City Auditor and **Texas Gov't Code § 551.074** (personnel matters) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee (including, but not limited to, the City Auditor).

This E-Session was passed after executive session.

The following motion was considered:

Motion to place the City Auditor on paid leave through August 27, 2024.

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

**Aye:** 8 - Mayor Guajardo, Council Member Barrera, Council Member Hunter, Council Member Pusley, Council Member Suckley, Council Member Roy, Council Member Klein and Council Member Campos

**Nay:** 1 - Council Member Hernandez

**Abstained:** 0

Enactment No: M2024-130

**P. ADJOURNMENT**

There being no further business, Mayor Guajardo adjourned this meeting at 8:08 p.m.

**From:** [City of Corpus Christi](#)  
**To:** [City Secretary](#); [Norma Duran](#)  
**Subject:** [EXTERNAL]Public Input: 08-13-2024 - John Weber  
**Date:** Tuesday, August 13, 2024 11:19:11 AM  
**Attachments:** [5993751216414212360.pdf](#)  
[Minutes \(8\).pdf](#)

**[ [ WARNING:** External e-mail. Avoid clicking on links or attachments. We will **NEVER** ask for a password, username, payment or to take action from an email. When in doubt, please forward to [SecurityAlert@cctexas.com](mailto:SecurityAlert@cctexas.com). ] ]

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### Public Comment & Input Form

Date of Meeting	08-13-2024
Name	John Weber
Address	Street Address: 609 Naples St City: Corpus Christi State / Province: TX Postal / Zip Code: 78404
Are you a resident of Corpus Christi?	Yes
What district do you reside in?	District 2
Topic	Legal fees
Agenda Item Number	16
Describe Feedback:	<p>Dear Mayor, City Council Members and City Manager,</p> <p>Regarding item 16 (24-1230) just call it what it is, the Pusley Ordinance. I am very disappointed to see this on the agenda. I will make oral comments regarding this item when the item is brought up. I request it be withdrawn for individual consideration as permitted by the meeting rules.</p> <p>Please see the attached 4 documents. The April 18th Ethics Commission Minutes. The email to Council Member Roy regarding his subpoena. Page 1 of his subpoena. Page 2 of his subpoena.</p> <p>Thank you in advance for voting NO.</p>
Uploads:	<a href="#">Minutes (8).pdf</a>

[Roy email.JPG](#)  
[Subpoena P1.jpg](#)  
[Subpoena P2.jpg](#)

Provide an email to  
receive a copy of your  
submission.

js\_weber@hotmail.com



## Meeting Minutes - Final

### Ethics Commission

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Thursday, April 18, 2024

5:30 PM

City Hall, Sixth Floor - Executive Conference Room

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The City of Corpus Christi promotes participation regardless of race, color, national origin, sex, age, religion, disability or political belief. Reasonable accommodation is provided upon request and in accordance with the Americans with Disabilities Act. For assistance or to request a reasonable accommodation, contact (361) 826-3300 at least 48 hours in advance. Upon request, this information can be available in larger print and/or in electronic format.

#### A. Call To Order

Chairman Dane Fuller called meeting to order at 5:30 p.m.

#### B. Roll Call

**Present:** 7 - David J. Bendett, Laura Commons, Trevor Mauck, Kamlesh Bhikha, Dane Fuller, Rick Barrera, and Kimberly Ballenger

**Excused:** 2 - Kent Teague, and Ed Bennett

#### C. Public Comment

Written public comment from John Weber.

#### D. Approval of Minutes and Action on Absences

Commissioner Kamlesh Bhikha motioned to approve meeting minutes for March 21, 2024, as presented; Commissioner David Bendett seconded. Approved unanimously.

Vice-Chair Laura Commons motioned to excuse the absence of Commissioner Ed Bennett; Commissioner Kimberly Ballenger seconded. Approved unanimously.

Commissioner Kimberly Ballenger motioned to excuse the absence of Commissioner Kent Teague; Commissioner Rick Barrera seconded. Approved unanimously.

#### E. New Business for Discussion and Possible Action

1. [24-0584](#) Review, discussion and possible action regarding Reports of Financial Information.

Commissioner David Bendett motioned to send notification letters requesting refiling to reporting officials with missing information in their Reports of Financial Information, and



to accept the remaining Reports; Commissioner Kimberly Ballenger seconded.  
Approved unanimously.

2. [24-0585](#) Discussion and possible action regarding forms, policies, rules, ordinances, reports and laws related to the Ethics Commission, including requested and potential changes thereto.

Commissioner David Bendett motioned to table discussion; Commissioner Trevor Mauck seconded. Approved unanimously.

3. [24-0586](#) Review, discussion, and possible action regarding outstanding Ethics Complaints, if any.

NONE.

4. [24-0587](#) Identification of items to be placed on the next meeting's agenda.

Revising the Report of Financial Information form, date for Ethics Commission summer recess, and e-publications will be discussed in the next meeting.

5. [24-0588](#) Executive Session pursuant to Texas Government Code § 551.071 and Texas Disciplinary Rules of Professional Conduct Rule 1.05 to consult with attorneys concerning attorney-client privileged matters.

The Ethics Commission did not enter Executive Session.

#### **F. Future Agenda Items**

Revising the Report of Financial Information form, date for Ethics Commission summer recess, and e-publications will be discussed in the next meeting.

#### **G. Adjournment**

Commissioner Rick Barrera motioned to adjourn meeting; Commissioner Kamlesh Bhikha seconded. Approved unanimously. Meeting adjourned at 6:53 P.M.

Dear Ethics Commissioners,

I just have a few things to share. Before I submitted the ethics complaint, everyone I spoke with said it was a waste of time because the Ethics Commission would never rule against someone that appointed them. Last year I spoke with a person that had served on the Ethics Commission in the past. She said the Ethics Commission was worthless and was a waste of her time. This helps explain the lack of complaints the Ethics Commission receives. I should have listened to the community but I am a hopeful and optimistic person so I submitted the complaint.

In Section II-A of the document labeled "Hearing Procedures" the Chair stated I had ten minutes to present facts to support the complaint, which I did. In Section II-B the respondent was given the same opportunity. The respondent had no facts to support his response but instead asked for and was permitted to question the complainant. I have never seen this permitted at a prior Ethics Commission hearing. This sets a dangerous precedent that will further dissuade future complaints. Code of Ethics, Section 2-332 (b) "The issue at hearing shall be whether the violation alleged in the complaint occurred." The issue is not if the complainant had made a campaign contribution long after he started obtaining credible evidence of the allegation. If I had known before the hearing that the respondent and complainant would be permitted to question each other, I would have prepared a list of questions for the respondent.

The witness, Mr. Roy, failed to place his hand on the bible when taking his oath. More than once during his testimony he looks to Mr. Hernandez for guidance. He lied to the commissioners as I pointed out in cross examination. When asked, by the Chair, about his meeting with Mr. Hernandez on the 15<sup>th</sup>, "Did you meet with Mr. Engel also later that day?" Mr. Roy responded, "No I did not." Evidence proves he met with Mr. Engel on the 15<sup>th</sup> after he met with Mr. Hernandez. Later Mr. Roy admits he spoke with Mr. Engel at the yacht club. He did discuss the merits and deficiencies. He said he knew the meeting happened at the yacht club. In response to another ethics commissioner question he stated, "He only met with me once." He remembers that Mr. Hernandez dropped off the MOU in the morning. Then he stated it was dropped off on the 14<sup>th</sup>. The ethics commissioner went over the evidence that shows he met with Mr. Hernandez two times. Even after pointing this out to the commissioners, his testimony was still accepted. When a witness lies under oath, beside it being possible he has committed perjury or aggravated perjury, he is no longer a credible witness and his testimony should not be considered credible. The Code of Ethics, Section 2-332 (b) "The commission shall make its determination based on the preponderance of credible evidence in the record." It is important to look up the legal definition of "preponderance of evidence." Mr. Roy was proven to be a non-credible witness and his testimony was proven to be non-credible. It was that testimony that was used as evidence to decide the complaint. According to the Code of Ethics, that evidence should not have been used for the commission to "make its determination". The only "credible evidence" presented was the legally obtained documents from Public Information Act requests. That credible evidence, according to the Code of Ethics, should be the only evidence for the commission to make its determination.

The respondent, Mr. Pusley, lied to the commissioners as I pointed out and his testimony was still accepted. Mr. Pusley stated, “I never talked to Mr. Hunter about the MOU.” “My conversations were limited to councilman Hernandez and councilman Suckley.” When I questioned him, “You never talked with Mr. Hunter or met with him.” He stated, “I did not.” As I pointed out in Exhibit 39, Mr. Pusley did meet with Mr. Hunter and stated “He sounded supportive. I sent him the latest MOU and he is supposed to call me back after he reads it.”

In Section II-F, the Chair was supposed to say “The complainant and respondent will each be given five minutes in turn for rebuttal and closing comments. Mr. Weber will speak first.” This was never stated by the Chair. I patiently waited to give my brief closing comments but because the following was never stated, I was unable to give my closing comments. Instead of following the hearing procedures, the Chair went on to entertain a motion to close the public testimony.

The complaint alleges a violation of Ethics Code Section 2-311 (14) and/or 2-311 (15). Only the violation of Section 2-311 (14) was voted on. The commission failed to address or deliberate Section 2-311 (15).

My brief closing comments are bracketed below:

{Section 2-311 line 14 addresses the alleged violation of the Open Meetings Act.

The complaint provides a timestamp of the required Open Meeting Act training. I quote: “This new bill is intended to ensure that deliberations about public business occur in an open meeting and not behind closed doors through multiple separate communications none of which the public has access, so remember the purpose of the Open Meetings Act is to allow members of the public to observe and understand the workings of its governmental bodies, by conducting deliberations in open meetings governmental bodies can guarantee they serve that purpose.”

Section 2-311 line 15 addresses the conduct Mike Pusley engaged in, including negotiating the MOU behind the back of the Mayor and other council members.

The complaint provides a timestamp of the city council meeting from March 21, 2023. I quote the Mayor starting at 3 hours and 33 minutes.

“That was three council members who went and negotiated an MOU with the Port of Corpus Christi without direction, without the Mayor knowing, without the city manager knowing, without the majority of this council knowing. We don’t do that. What you do is say, hey Peter, hey Paulette, we want to work on this. We want to bring it to council. We direct our city manager to go and negotiate. We are policy makers and we may have a difference in. No we went and discussed things versus no you went and negotiated, because when there are 8 versions of the a document floating around. By the way I have yet to see the 8<sup>th</sup> one. I guess it is because

maybe there is an 8 point 2. I don't know. The city manager has yet to see that. I'm sorry, the three of you were wrong. That is not the way we conduct business." "It got out of hand. When you create a document that goes through 8 different versions and certain council members were then included, so then more council members were included that is not okay. It just is not."

The Mayor said it much better than I did. Evidence shows, Mike Pusley brought discredit on the city.}

To conclude my letter, there are currently allegations the same five council members engaged in deliberations before two other council meetings that occurred after these allegations in this complaint regarding two separate issues. In these cases, the city manager placed the items on the agenda so there was no need for council members to communicate among themselves. Don't expect me to file complaints regarding these allegations. I spent over \$900 for the public information requests from the city. I spent numerous hours speaking with the Texas Attorney General's office. I sent numerous certified letters to the Texas Attorney General's office arguing for them to release the documents the City tried to withhold from me. I guess, I provided you with about 5 percent of the documents I obtained. Your decision was based on non-credible testimony from a witness who lied to you. You only decided on one of the two allegations. In my opinion, you have given the green light to the five council members to continue to negotiate and deliberate behind the back of the Mayor and other council members and "behind closed doors through multiple separate communications none of which the public has access."

These allegations had nothing to do with seawater desalination. They had to do with violating the Texas Open Meeting Act and bringing discredit on the city. I found it very inappropriate that the Chair went as far as stating about someone he knew who wrote a paper about desalination in the 1990s and how he is thankful we moved forward on desalination. It was inappropriate to be brought up at the hearing and for him to give his personal views on it.

I challenge each of you to review the video of the meeting yourselves to catch what you may have missed during the meeting. Then discuss it among yourselves to see how you can improve the process for the next Ethics Commission hearing.

Regards,

John Weber



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## Legal

### Definition

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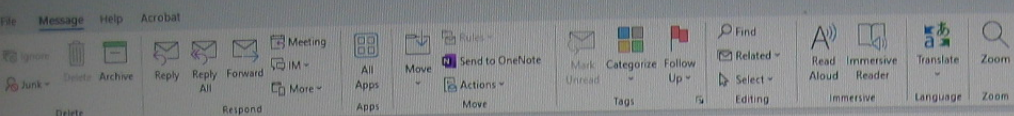
Show More

Save Word

# preponderance of the evidence

pre·pon·der·ance of the evidence pri-'pän-də-rəns-

: the standard of proof in most civil cases in which the party bearing the burden of proof must present evidence which is more credible and convincing than that presented by the other party or which shows that the fact to be proven is more probable than not



Ethics Commission Subpoena



Gabriel Rodriguez  
To: Everett Roy

Reply Reply All Forward

Fri 2/16/2024 5:43 PM

You forwarded this message on 2/16/2024 5:57 PM.

Good evening Council Member Roy,

An Ethics Commission meeting was held on February 15<sup>th</sup> during which an ethics complaint against Council Member Mike Pusley was discussed and recommended to proceed to hearing. As part of that motion, the Ethics Commission moved to subpoena your testimony and appearance at the hearing scheduled for March 21, 2024 at 5:30PM here at City Hall. A formal subpoena will be forthcoming from the City Secretary's office.

Best regards,

Gabriel A. Rodriguez  
Assistant City Attorney  
CITY OF CORPUS CHRISTI  
Legal Department  
P.O. Box 9277  
Corpus Christi, Texas 78469-9277  
Telephone: (361) 826-3379  
Facsimile: (361) 826-3239  
Email: [GabrielRo@ccctexas.com](mailto:GabrielRo@ccctexas.com)  
Website: <http://www.cctexas.com>



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## THE CITY OF CORPUS CHRISTI ETHICS COMMISSION

MR. JOHN WEBER

COMPLAINANT

v.

HON. MICHAEL PUSLEY

RESPONDENT

### SUBPOENA

To the City Secretary or their designee, this subpoena is issued at the instance of the City of Corpus Christi Ethics Commission:

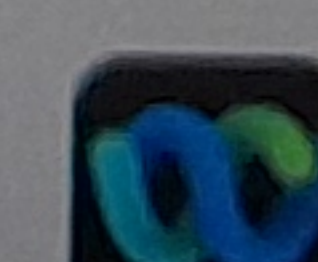
You are hereby commanded to subpoena and summon the following witness(es):

Everett Roy  
City Council Member, District 1  
Corpus Christi City Council  
1201 Leopard Street  
Corpus Christi, Texas 78401

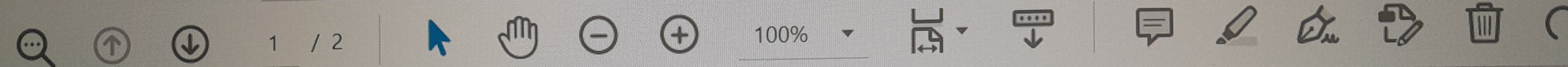
The above-named witness is hereby summoned to be and appear before the City of Corpus Christi Ethics Commission at a hearing scheduled for March 21, 2024 at 5:30PM, then and there to testify as a witness before the Ethics Commission in a hearing regarding the pending complaint against City Council Member Mike Pusley.



Search







Corpus Christi, Texas 78401

The above-named witness is hereby summoned to be and appear before the City of Corpus Christi Ethics Commission at a hearing scheduled for March 21, 2024 at 5:30PM, then and there to testify as a witness before the Ethics Commission in a hearing regarding the pending complaint against City Council Member Mike Pusley.

HEREIN FAIL NOT, and make return hereof, showing how you have executed the same.  
WITNESS my official signature, at Corpus Christi, Texas on this the 20th day of February, 2024.

A handwritten signature in blue ink, appearing to read 'Dane Fuller', is written over a horizontal line.

Dane Fuller

Chairperson, Ethics Commission

City of Corpus Christi

1201 Leopard Street


Corpus Christi, Texas 78401



**From:** [City of Corpus Christi](#)  
**To:** [City Secretary](#); [Norma Duran](#)  
**Subject:** [EXTERNAL]Public Input: 08-13-2024 - John Weber  
**Date:** Tuesday, August 13, 2024 11:15:54 AM  
**Attachments:** [5993749256414985216.pdf](#)  
[City written public comment 8.13.14.docx](#)

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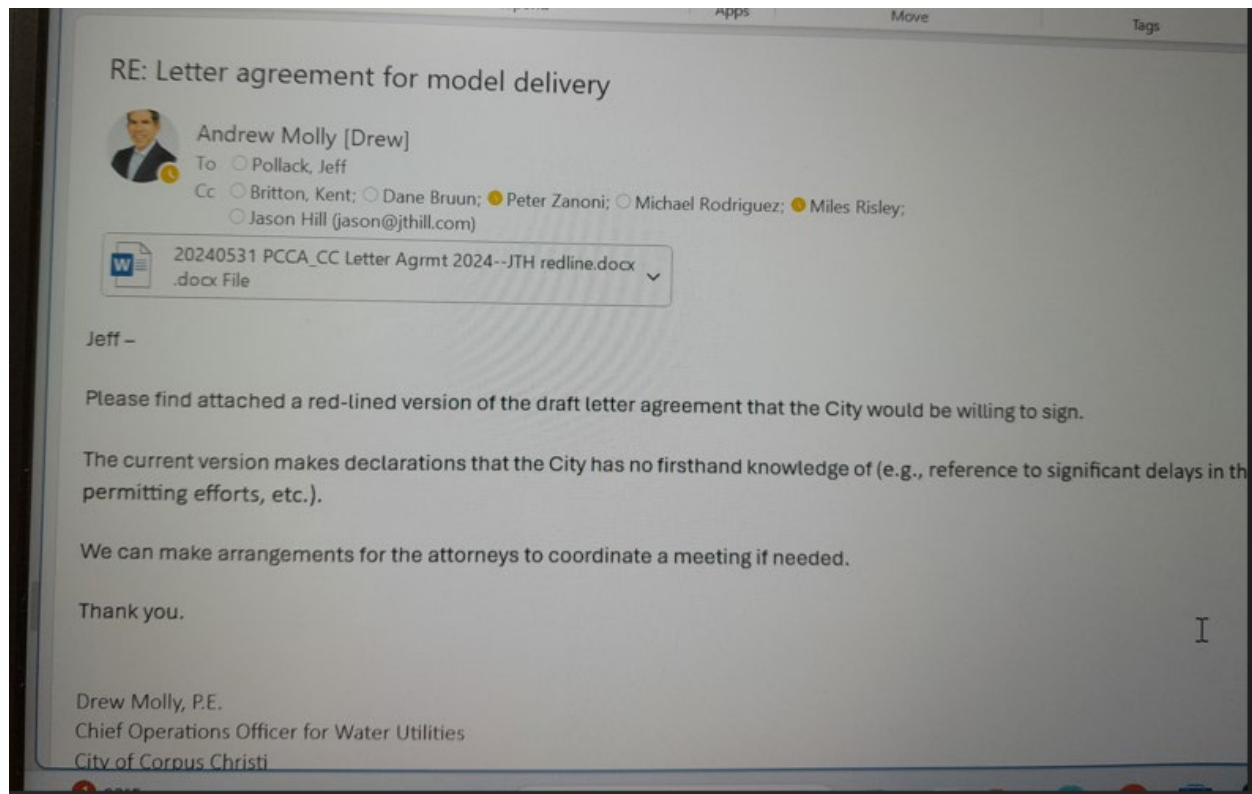
 <b>Public Comment &amp; Input Form</b>	
Date of Meeting	08-13-2024
Name	John Weber
Address	Street Address: 609 Naples St City: Corpus Christi State / Province: TX Postal / Zip Code: 78404
Are you a resident of Corpus Christi?	Yes
What district do you reside in?	District 2
Topic	Desalination modeling
Agenda Item Number	Public comment
Describe Feedback:	See attached Word document.
Uploads:	<a href="#">City written public comment 8.13.14.docx</a>
Provide an email to receive a copy of your submission.	<a href="mailto:js_weber@hotmail.com">js_weber@hotmail.com</a>

Dear Mayor and City Council Members,

I should have shared these earlier but better late than never. The truth needs to be known. More to come. I am open to giving a presentation to the Council in open meeting and taking questions. If not, I am open to meeting with the Council in groups less than a quorum. Just let me know.

Regards,

John Weber



# PORTCORPUS CHRISTI®

May 30, 2024

Via E-Mail: [peterz@cctexas.com](mailto:peterz@cctexas.com)

Mr. Peter Zanoni  
City Manager  
City of Corpus Christi  
P.O. Box 9277  
Corpus Christi, Texas 78469

Re: Letter Agreement between the Port of Corpus Christi Authority of Nueces County, Texas ("Authority"), and the City of Corpus Christi ("City") regarding the City's use of Authority's EFDC+ hydrodynamic model and/or associated input or validation data.

Dear Peter:

The Authority remains committed to supporting the City, as the regional water provider, in developing a drought-proof water supply for our region. ~~As requested by Drew Molly, Chief Operating Officer for Corpus Christi Water earlier this month, the~~ The purpose of this letter is to formalize ~~our the Authority's agreement regarding to provide~~ the City's ~~use of with a copy of the input and output files, in their native format, that were used to develop~~ the Authority's EFDC+ hydrodynamic model for the Corpus Christi Bay System and associated input or validation data. The Authority and the City agree as follows:

The Authority remains committed to supporting the City, as the regional water provider, in developing a drought-proof water supply for our region. ~~As requested by Drew Molly, Chief Operating Officer for Corpus Christi Water earlier this month, t~~The purpose of this letter is to formalize ~~our~~ the Authority's agreement ~~regarding to provide the City's use of with a copy of the input and output files, in their native format, that were used to develop~~ the Authority's EFDC+ hydrodynamic model for the Corpus Christi Bay System and associated input or validation data. The Authority and the City agree as follows:

- In 2021, Authority engaged LRE Water/Dr. Jordan Furnans to develop the EFDC+ hydrodynamic model of the Corpus Christi Bay System for use in modeling the fate and transport of desalination brine discharges (i.e. far field modeling) to inform Authority's permitting efforts for potential desalination facilities on property owned by Authority. ~~After significant delay due to extenuating circumstances (unrelated to the project), this work was completed in the Fall of 2023.~~
- ~~The EFDC platform is effective for simulating high salinity, high temperature, and/or low dissolved oxygen plume movements and is recommended by Texas Water Development Board staff and endorsed by US EPA, which distributes the model from its website.~~
- ~~Dynamics Solutions International updated the EFDC model to make it easier to use and to include simulation of brine discharges. The upgraded model, EFDC+, is available as a fully compiled and supported software package, complete with graphical user interfaces and pre- and post-processing programs for displaying and developing model inputs and outputs. EFDC+ was thus selected by LRE Water as the preferred platform for Authority's purposes. The Authority understands that the EFDC+ model software is available by subscription as part of the EE Modeling System~~



distributed by DSI, Inc. The Authority also understands that the EFDC+ software is a modified version of the Environmental Fluid Dynamics Code (EFDC) model originally developed by Dr. John M. Hamrick and freely distributed by the US Environmental Protection Agency.

- The EFDC+ model software contains tools for developing model simulations, as well as for processing models, troubleshooting model runs, and visualizing or analyzing model results. Dr. Furnans has stated that LRE Water did not modify any of the EFDC+ model source code as part of its modeling efforts for the Authority, and only utilized functionalities already present within the EFDC+ software.
- All model files used by LRE Water in its EFDC+ modeling efforts for the Authority are stored within an external hard drive maintained by LRE Water, with a copy provided to the Port of Corpus Christi.
- City has expressed interest in potentially conducting far-field modeling in association with the City's proposed desalination facility in the Inner Harbor requested copies, in native format, of all model files used by LRE Water in its EFDC+ modeling efforts for the Authority.
- Within three days of the date of this agreement, Authority grants will provide the City with a copy, in native format, of all model files used by LRE Water in its EFDC+ modeling efforts for the Authority access to the EFDC+ model for the Corpus Christi Bay System and associated input or validation data developed by Dr. Furnans on behalf of Authority for the limited purpose of assisting the City in conducting its own far-field modeling for the City's proposed desalination facility in the Inner Harbor.



~~the Authority access to the EFDC+ model for the Corpus Christi Bay System and associated input or validation data developed by Dr. Furnans on behalf of Authority for the limited purpose of assisting the City in conducting its own far field modeling for the City's proposed desalination facility in the Inner Harbor.~~

- ~~• City is responsible for funding all work performed at the request of the City by third party service providers, including Dr. Furnans, to utilize the model/data in association with the City's proposed project. Viewing and processing of the model data requires a software license from [www.eemodelingsystem.com](http://www.eemodelingsystem.com). City is also responsible for any costs associated with acquiring EFDC+ software license(s) by service providers, if applicable.~~
- ~~• The release or use of the model or input or validation data (published or unpublished) by Dr. Furnans on behalf of the Authority is expressly limited to the City, as well as its experts and service providers, for the limited purpose stated herein.~~
- ~~• Information developed by Dr. Furnans for Authority, as well as all information in whatever form or medium supplied to Dr. Furnans by Authority in connection with his engagement which is not generally available to the public, is proprietary to the Authority and constitutes confidential information of the Authority. The City will make no oral or written disclosure of such information to third parties, except as approved in writing by Authority or as otherwise required by law. In the event the City becomes aware that confidential information associated with the model files used by LRE Water in its EFDC+ modeling efforts for the Authority must be disclosed by law, City will notify Authority of the required disclosure and the affected information.~~

This letter agreement may be executed in a portable document format (i.e., scanned as a .pdf file) and ".pdf" file signatures shall be deemed to be the same as original signatures. If the foregoing correctly sets forth



400 Harbor Drive 78401 | PO Box 1541 78403 Corpus Christi, Texas | T 361 882 5633 F 361 882 7110

577 words

Text Predictions: On

file signatures shall be deemed to be the same as original signatures. If the foregoing correctly sets forth



400 Harbor Drive 78401 | PO Box 1541 78403 Corpus Christi, Texas | T 361 882 5633 F 361 882 7110

our understanding, please execute one copy of this letter in the space provided below and return a scanned copy of it to me as an email attachment.

Sincerely,

Kent A. Britton  
Chief Executive Officer

AGREED TO AND ACCEPTED THIS \_\_\_\_ DAY OF MAY, 2024  
BY THE CITY OF CORPUS CHRISTI, TEXAS

Bv:

577 words Text Predictions: On

RE: Letter agreement for model delivery

Andrew Molly [Drew]

To: ☐ Pollack, Jeff


Cc: ☐ Britton, Kent; ☐ Dane Bruun; ☒ Peter Zanon; ☐ Michael Rodriguez; ☒ Miles Risley;  
☐ Jason Hill (jason@jthill.com)

Hey Drew.

In reviewing the suggested edits to the agreement, it sounds as if the City is only interested in the input and validation files, not the actual EFDC+ model that Jordan for Corpus Christi Bay on our behalf. If that's the case, we can share the input and validation files without an agreement in place, as they consist of publicly available data that Jordan compiled.

I will email Jordan with you on copy authorizing him to transfer these data to Earnest.

Jeff

 Jeffrey Pollack, AICP, ENV SP  
Chief Strategy and Sustainability Officer  
Port of Corpus Christi  
361.885.6230

