



City of Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes

City Council

Tuesday, February 18, 2020

11:30 AM

Council Chambers

Addendums may be added on Friday.

A. Mayor Joe McComb to call the meeting to order.

Mayor McComb called the meeting to order at 11:31 a.m.

B. Invocation to be given by Pastor Chuck Goodwin, Fish for Life Ministries.

Pastor Chuck Goodwin gave the invocation.

C. Pledge of Allegiance to the Flag of the United States and to the Texas Flag to be led by Gilbert Hernandez, Director of Municipal Court.

Gilbert Hernandez led the Pledge of Allegiance to the flag of the United States and the Texas Flag.

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

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

Charter Officers:

City Manager Peter Zanoni, City Attorney Miles K. Risley and City Secretary Rebecca L. Huerta.

Present: 9 - Mayor Joe McComb, Council Member Roland Barrera, Council Member Rudy Garza, Council Member Paulette Guajardo, Council Member Gil Hernandez, Council Member Michael Hunter, Council Member Ben Molina, Council Member Everett Roy, and Council Member Greg Smith

E. Presentation: Gulf Coast Growth Ventures Project Overview by Paul Guilfoyle

Gulf Coast Growth Ventures Executive Paul Guilfoyle presented information on the following topics: project overview; project timeline; our venture partners; early progress; new employees; good neighbor program; responsible growth-air monitors; a community partner; and upcoming events.

Council members and Mr. Guilfoyle discussed the following topics: local business outreach; average employee salaries for the project, and Portland residents' concerns regarding Voestalpine.

F. Proclamations / Commendations

1. Proclamation declaring February 18, 2020, "Taoist Tai Chi 50th Anniversary Day".
Proclamation declaring February 16-22, 2020, "National Engineer's Week".
Check Presentation by Parks Arts Leisure and Seniors (PALS) to Parks and Recreation Department.

The Proclamations were presented and the Check Presentation conducted.

- G. PUBLIC COMMENT - APPROXIMATELY 12:00 P.M. If you choose to speak during this public comment period regarding an item on the agenda, you may do so. You will not be allowed to speak again, however, when the Council is considering the item. Citizen comments are limited to three minutes. If you have a petition or other information pertaining to your subject, please present it to the City Secretary. Any electronic media (e.g. CD, DVD, flash drive) that the Public would like to use while they speak MUST be submitted a minimum of 24 hours prior to the Meeting. Please contact the Communication department at 361-826-3211 to coordinate. This is a public hearing for all items on this agenda.**

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

Jack Gordy, 4118 Bray Dr., spoke regarding sign permits; illegal signs and related enforcement efforts; and the collection of sign permit fees on state roadways. Ken Baker, 7421 Idle Hour Dr., spoke regarding the adequacy of Corpus Christi 's police force and the impact of economic incentives on the Police Department's staffing levels and funding. Daniel Pena, 2813 Hulbirt St., with the Hillcrest Area Residents Association, spoke regarding issues/concerns related to the Hillcrest area. Susie Saldana, 4710 Hakel Dr., spoke regarding the current condition, maintenance and demolition of North Beach bathrooms.

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

Mayor McComb referred to City Manager's Comments. City Manager Peter Zanoni reported on the following topics:

a. OTHER

1) The Great Texas Warrant Roundup begins February 29, 2020, the amnesty period for which is February 17-28, 2020. 2) Collective bargaining negotiations with the Corpus Christi Fire Department will begin March 2020. 3) Fire Chief Robert Rocha provided an update on the pipeline rupture fire that occurred on February 17, 2020 near Interstate 37 and Buddy Lawrence Dr. 4) City Manager Zanoni announced that the Corpus Christi Convention and Visitors Bureau has hired Brett Oetting as its new Chief Executive Officer/President (CEO) and thanked Alyssa Barrera Mason for having served as Interim CEO. 5) City Manager Zanoni provided an update on the current status of and future plans for the North Beach restrooms.

I. MINUTES: (NONE)**Q. BRIEFINGS: (ITEM 19)**

19. Corpus Christi Regional Economic Development Corporation (CCREDC) Quarterly Update to City Council for the quarter ending December 31, 2019

Mayor McComb deviated from the agenda and referred to Item 19.

President/Chief Executive Officer of the Corpus Christi Regional Economic Development Corporation (CCREDC) Iain Vasey presented information on the following topics: mission statement; employment by sector for the Corpus Christi and Metropolitan Statistical Area (MSA); business attraction and recruitment; business retention and expansion; what we are working on.

Council members, City Manager Peter Zanoni and Mr. Vasey discussed the following topics: the CCREDC's participation in enhancements to the Corpus Christi International Airport (CCIA); the number of daily flights to and from Corpus Christi; the CCIA's impact on economic development; infrastructure improvements in the Calallen area related to the Steel Dynamics facility being constructed in Sinton, Texas; the City's funding of infrastructure in the Calallen area and its anticipated return on investment; the CCREDC's building workforce plans; job training; a traffic study, related to safety, being conducted in the Calallen area; developing the "right way" in this period of rapid growth; the labor gap between available jobs and persons qualified to fill those jobs; the importance of a drug-free labor force and associated challenges; that the latest training methods are needed locally; manpower coming from outside the region; industry's monetary participation in the provision of local training programs; employing and training veterans; preferences in hiring veterans utilized by companies; and the Corpus Christi Convention and Visitors Bureau's involvement in securing additional flights into and out of the CCIA.

J. BOARD & COMMITTEE APPOINTMENTS:

2. Committee for Persons with Disabilities (4 vacancies)
Reinvestment Zone No. 2 Board (1 additional member)
Sister City Committee (1 vacancy)

Mayor McComb referred to Item 2.

Committee for Persons with Disabilities
City Secretary Rebecca L. Huerta announced that appointments to the Committee for Persons with Disabilities are being rescheduled for the February 25, 2020 Council meeting.

Reinvestment Zone No. 2 Board
Council Member Smith made a motion to appoint Brent Chesney (Nueces County), seconded by Council Member Hunter and passed unanimously.

Sister City Committee

Council Member Molina made a motion to appoint Fernando Moral-Iglesias, seconded by Council Member Hunter and passed unanimously.

K. EXPLANATION OF COUNCIL ACTION:

L. CONSENT AGENDA: (ITEMS 3 - 13)

Approval of the Consent Agenda

Mayor McComb referred to the Consent Agenda. Council members requested that Items 7 and 9 be pulled for individual consideration.

There were no comments from the public.

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

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

Abstained: 0

Consent - Second Reading Ordinances

3. Zoning Case No. 1119-03, Morteza Shafinury and Abdolrhim Aminzadeh (District 5). Ordinance rezoning property at or near 7121 Saratoga Boulevard (State Highway 357) from the "RM-1" Multifamily 1 District and "CG-2" General Commercial District to the "IL" Light Industrial District. Planning Commission and Staff recommend Denial and in lieu thereof approval of the "CG-2/SP" General Commercial District with a Special Permit with conditions.
This Ordinance was passed on second reading on the consent agenda.
Enactment No: 032021
4. Zoning Case No. 1219-03, MVR Construction Company (District 4). Ordinance rezoning property at or near 2301 Flour Bluff Drive from the "RS-6" Single-Family 6 District and "CG-2" General Commercial District to the "RS-4.5" Single-Family 4.5 District. Planning Commission and Staff recommend Approval.
This Ordinance was passed on second reading on the consent agenda.
Enactment No: 032022
5. Ordinance amending the Urban Transportation Plan map of MobilityCC, a transportation element of the City's Comprehensive Plan, to adjust the location of the future Oso Parkway relative to the Oso Creek flood zones; to eliminate a north-south Collector street that becomes unnecessary

when Oso Parkway is shifted westward; to adjust the connection between CR 43 East and Oso Parkway; and to connect CR 20A with Oso Parkway. (Located near Council District 5)

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

Enactment No: 032023

6. Ordinance authorizing a Wastewater Force Main and Lift Station Construction and Reimbursement Agreement with Tamez Development Corporation to construct wastewater force main and lift station for a planned residential subdivision located on CR-43 with a completion date of February 28, 2022; transferring \$300,000 from the Sanitary Sewer Collection Line Trust Fund and \$200,000 from the 4030 Water Distribution Main Trust Fund to the Sanitary Sewer Trunk System Trust Fund; and appropriating \$1,965,620.00 from the Sanitary Sewer Trunk System Trust Fund to reimburse the Developer per the agreement. (District 5)

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

Enactment No: 032024

7. Ordinance authorizing a Type B Affordable Housing agreement with TG 110 Village at Greenwood GP, LLC in the amount of \$1,250,000 for a \$12.7 million dollar development with 30 affordable housing rental units out of a total of 60 multi-family, mixed income units to be paid over two years; appropriating funds in the amount of \$625,000 from the Type B Affordable Housing Fund; and amending the budget.

Mayor McComb referred to Item 7.

Council members, City Manager Peter Zanoni, City Attorney Miles K. Risley, Chief Financial Officer (CFO) Constance Sanchez and Homeless & Housing Administrator Barton Bailey discussed the following topics: if adjustments can be made to this Item by Council and what changes would necessitate the Item being reconsidered by the Corpus Christi B Corporation (CCBC); if increases or decreases in the dollar amount of the Item may be made by Council; how the amount being recommended in this Item was established with respect to the Corpus Christi Business and Job Development Corporation (CCBJDC) policy relating to affordable housing; the City's first-time home buyer program; the funding source(s) for this Item; CCBC guidelines for this type of Item; the difference between the City's first-time homebuyer program and its affordable housing program; reasons for having transitioned from the collection of Type A to Type B taxes; various Type A-funded affordable housing programs and associated funding levels; the sufficiency of funding available for the first-time homebuyer program; setting a precedent with the high per-unit funding amount recommended in this Item; a council member alleging a perception of a conflict of interest related to a member of the CCBC in relation to this Item; the history of the first-time homebuyer program; the impact of banks' lending requirements on changes previously made to the amount available through the first-time homebuyer program; the significance of the cost of land to developments; affordable land in City Council District 3 (District 3); the

consequences of this project's cost on currently affordable land prices in District 3; why single-family homes are not being built in District 3; the return on investment associated with this Item; state funding of affordable housing developments; if this large of a subsidy has ever been approved by the City before; the CCBC's \$500,000 per year limit toward affordable housing and associated reasons for being able to spend more than that amount due to unspent monies having been rolled over from previous years; the status of the Community Development Corporation of Brownsville's affordable housing project on former park land in Corpus Christi; a request from a council member for legal clarification on the City's ability to expend monies in excess of the CCBC's \$500,000 per year limit toward affordable housing; the consistency of accumulating funds over years and expending those accumulated funds in a single year; why Type A funds are not being utilized for this Item; a history of the CCBJDC's funding of past projects; first-time home buyers' ability to purchase a home, but concern regarding their ability to pay for the ongoing expenses associated with home ownership; the importance of reviewing first-time home buyers' debt-to-income ratio; difficulties associated with qualifying individuals for the first-time homebuyer program; and perceptions regarding this Item.

Council Member Barrera made a motion to approve the ordinance, seconded by Council Member Smith.

Council members, City Manager Zanoni, City Attorney Risley, CFO Sanchez and Administrator Bailey discussed the following topics: the impact on the proposed project of not approving this Item; a council member's experience in residential lending; individual versus household income-to-debt ratio; the reasons the City modified the amount offered through the City's first-time homebuyer program from \$20,000 to \$10,000 per homebuyer; the number of first-time homebuyers assisted at the \$10,000 level per homebuyer versus the number of applicants; actual cost to build versus soft costs related to this Item; if the CCBC should review soft project costs; that the source of state funding for this proposed project is related to one-time Hurricane Harvey-related funding through the Texas General Land Office (GLO); and the long-term value of this project.

A council member and Ray Lucas with TG 110 Village at Greenwood GP, LLC discussed the following topics: time constraints associated with the \$8.1 million in funding from the GLO; that the developer must close by May 15, 2020; that cost overruns are covered by the developer whereas cost savings are realized by the City via a contractual claw back provision; the work that needs to be completed before May 15, 2020; the requirement for the developer to provide cost certifications to the State of Texas; and the approval process for draws during the proposed project.

Council members, CFO Sanchez and Director Bentancourt discussed the following topics: the one-time nature of the \$8.1 million in state funding with respect to setting a precedent related to cost per unit; comparable property values; the history of the subject land; recently approved projects in comparison to this Item, using Type B monies for home ownership versus rental properties; a council member's request that the City Manager schedule a workshop on housing tax credits and affordable housing; safeguarding Type B funding; revitalization and infill development; the economic impact of projects in the area; and the benefits of affordable housing projects.

Mayor McComb called for comments from the public. Gloria Scott, 4422 S. Alameda St., recommended that the Council attend a workshop on affordable housing before making a decision on this Item.

A council member, Assistant City Attorney Aimee Alcorn Reed and CFO Sanchez discussed if the City's financial advisor had been consulted regarding this Item.

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

Aye: 6 - Mayor McComb, Council Member Barrera, Council Member Hunter, Council Member Molina, Council Member Roy and Council Member Smith

Nay: 3 - Council Member Garza, Council Member Guajardo and Council Member Hernandez

Abstained: 0

Enactment No: 032025

- 8.** Ordinance authorizing a purchase from Twincrest Technologies, of Fort Worth, Texas for the Wavetronix Radar Detection System for a total amount of \$1,102,665 for Public Works/Street Operations Department to be used for traffic signal vehicle detection and funded by the Streets Fund; and amending the budget to appropriate \$1,102,665 in Street Operation Reserves.

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

Enactment No: 032026

Consent - Contracts and Procurement

- 9.** Motion authorizing an amendment to Supply Agreement No. 1903 with Chemtrade Chemicals US, LLC., of Parsippany, New Jersey for an additional 36-month term for an amount not to exceed to \$5,185,200.00, allowing a price reduction per wet ton for a cost savings of \$2,536,746.00 over three years for the purchase of liquid aluminum sulfate for the water treatment process at the O.N. Stevens Water Treatment Plant with funding in the amount of \$1,113,600.00 made available in the FY 2020 Water Fund.

Mayor McComb referred to Item 9.

Council members and Director of Water Utilities Kevin Norton and Director of Contracts and Procurement Kim Baker discussed the following topics: a multi-year discount; the term of the original agreement; if the vendor is the only vendor that provides the product; expanding the existing agreement versus bidding out liquid aluminum sulfate; and the reasons to anticipate savings from this item in the coming years.

There were no comments from the public.

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

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

Abstained: 0

Enactment No: M2020-050

Consent - Capital Projects

- 10.** Motion to award a contract to Bath Engineering for engineering design services for mechanical, electrical, and plumbing (MEP) upgrades at the Frost Bank building in the amount of \$63,180 for the Fire Headquarters and Emergency Operations Center project, located in Council District 1, work beginning upon issuance of notice to proceed, and funding is available from Bond 2018 Public Safety Improvement funds.

This Motion was passed on the consent agenda.

Enactment No: M2020-051

- 11.** Motion approving Amendment No.1 to a contract with Bath Engineering for design, bid and construction phase services for the Museum of Science & History mechanical improvements, in the amount of \$26,415 for a total restated contract amount of \$63,645, located in City Council District 1, effective upon notice to proceed, with funding approved and available from Bond 2018 Libraries and Cultural Facilities.

This Motion was passed on the consent agenda.

Enactment No: M2020-052

General Consent Items

- 12.** Resolution authorizing an interlocal agreement with the Texas Department of Public Safety for the Failure to Appear Program which denies the renewal of a driver's license of a person who fails to appear in Municipal Court for a complaint or citation or fails to pay or satisfy a judgment.

This Resolution was passed on the consent agenda.

Enactment No: 032027

- 13.** Resolution nominating Flint Hills Resources Corpus Christi, LLC to the Office of the Governor Economic Development & Tourism through the Economic Development Bank as a single enterprise project pursuant to

the Texas Enterprise Zone Act.

This Resolution was passed on the consent agenda.

Enactment No: 032028

P. FIRST READING ORDINANCES: (ITEM 18)

18. Ordinance approving a five-year Business Incentive Agreement between the Type B Corporation and LiftFund Inc. in the amount of \$100,000 for the Dream Makers Fund, a revolving loan fund for small businesses within the city limits of Corpus Christi, effective upon signature of the City Manager or designee; appropriating funds in the amount of \$100,000 from the Type B Economic Development Fund; and amending the budget.

Mayor McComb referred to Item 18.

Chief Operating Officer of the Corpus Christi Economic Development Corporation Mike Culbertson stated that the purpose of this Item is to consider an agreement with LiftFund, Inc. in the amount of \$100,000 for seed money for a revolving loan to be loaned to small businesses; that defaults on loans will be made up by LiftFund, Inc.; other cities in Texas that utilize this type of initiative; the history of approval related to this Item; and the percent of the U.S. economy that is comprised of small businesses.

Council members and Mr. Culbertson discussed the following topics: the benefits of the program; a council member's personal experience with the program; and monies spent by LiftFund, Inc. on consultants.

There were no comments from the public.

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

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

Abstained: 0

S. EXECUTIVE SESSION: (ITEM 21)

Mayor McComb deviated from the agenda and referred to Executive Session Item 21. City Secretary Rebecca L. Huerta announced that Council Member Smith was recusing himself from Executive Session 21. The Council went into executive session at 2:04 p.m. The Council returned from executive session at 2:57 p.m.

21. **Executive session pursuant to Texas Government Code 551.071 and Texas Disciplinary Rules of Professional Conduct Rule 1.05 to**

consult with attorneys concerning potential litigation between Valero Refining - Texas, L.P. and other similarly situated commercial property and Nueces County Appraisal District, Corpus Christi ISD, City of Corpus Christi, County of Nueces, Del Mar College, and Nueces County Hospital District related to value or appraised value of Valero property in Nueces County for tax years 2018, 2019, and 2020.

This E-Session Item was discussed in executive session.

M. RECESS FOR LUNCH

The recess for lunch was held during Executive Session Item 21.

N. PUBLIC HEARINGS: (NONE)

O. REGULAR AGENDA: (NONE)

P. FIRST READING ORDINANCES: (ITEMS 14 - 17)

- 14. Ordinance accepting a grant in the amount of \$10,000 from The Hartford to be used to support fire safety education efforts and programming; and appropriating the funds into the FY2020 Fire Grant Fund.

Mayor McComb referred to Item 14.

Fire Chief Robert Rocha stated that the purpose of this Item is to accept a grant in the amount of \$10,000 from The Hartford to be used to support fire safety education efforts and programming; and appropriating the funds into the FY2020 Fire Grant Fund.

There were no comments from the Council or the public.

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

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

Absent: 1 - Council Member Hernandez

Abstained: 0

- 15. Ordinance authorizing acceptance of a grant from the Texas Division of Emergency Management in the amount of \$54,887.82 for the 2019 Emergency Management Performance Grant with a City cash match of \$54,887.82 from the FY2020 Emergency Management General Fund; and appropriating \$54,887.82 in the FY2020 Emergency Management

Grants Fund.

Mayor McComb referred to Item 15.

Fire Chief Robert Rocha stated that the purpose of this Item is to authorize acceptance of a grant from the Texas Division of Emergency Management in the amount of \$54,887.82 for the 2019 Emergency Management Performance Grant with a City cash match of \$54,887.82 from the FY2020 Emergency Management General Fund; and appropriating \$54,887.82 in the FY2020 Emergency Management Grants Fund.

There were no comments from the Council or the public.

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

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

Absent: 1 - Council Member Hernandez

Abstained: 0

- 16.** Ordinance accepting a \$180,000 donation for the Games of Texas from the P.A.L.S. Fund (Parks, Arts, Leisure and Seniors Fund), a Texas nonprofit corporation; and appropriating in the General Fund.

Mayor McComb referred to Item 16.

There were no comments from the Council or the public.

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

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

Abstained: 0

- 17.** Ordinance amending City Code of Ordinances, Chapter 12, Section 12-10, establishing a 200-foot restricted zone as required by Texas Commission on Environmental Quality through Texas Administrative Code Title 30 Chapter 290, Section 290.41(e) (2) (C) at the City's raw water intake on the Nueces River; and providing penalties.

Mayor McComb referred to Item 17.

In response to a council member's question, City Manager Peter Zanoni stated

that the State of Texas is allowing the City to impose a 200-foot restricted zone at the City's raw water intake on the Nueces River, in lieu of the City having to purchase property necessary for same.

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

In response to a council member's question, Director Norton discussed the proximity of this restriction zone to the location at which the City of Robstown, Texas draw their water.

There were no comments from the public.

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

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

Abstained: 0

R. ELECTRICAL ADVISORY BOARD APPEAL (ITEM 20)

The Appeal will proceed using the following format:

- 20.** City Council consideration of an appeal of Lamp Lighter Electrical Contractor's six-month suspension of City electrical registration by the Corpus Christi Electrical Advisory Board on November 21, 2019

Mayor McComb referred to Item 20.

City Secretary Rebecca L. Huerta stated that electricians and electrical contractors are required to have a City Electrical Registration to operate within the City limits; the Corpus Christi Code also authorizes the Electrical Advisory Board to suspend or revoke such registration for misconduct in the performance of electrical work within the jurisdiction of the city; any such revocation or suspension may be appealed to City Council; this is an appeal of the Electrical Advisory Board's Suspension of City Electrician's Registration for Lamp Lighter Electrical Contractor; City Council will be evaluating the transcript of the Electrical Advisory Board's Suspension Hearing and arguments made at today's appeal; the appeal will proceed with Statement of Facts, followed by Appellant's Oral Presentation and City Staff's response; each section will be limited to 3 minutes; after the City Staff's Response, City Council may deliberate.

a. Statement of Facts. Assistant City Attorney Buck Brice presented the following statement of facts: on August 14, 2019, City Inspector Ruben Hernandez observed unlicensed individuals performing electrical work on site at 6633 Evans Drive; on August 28, 2019, City Inspector Ruben Hernandez observed electrical work in progress at 6901 New York Drive by an unlicensed electrician on site; on October 1, 2019, City Inspector Richard Rios witnessed

an unlicensed individual working on the building's electrical system at 1517 Westridge Boulevard; on October 17, 2019, the Electrical Advisory Board (Board) voted to hear the violations alleged against Lamp Lighter Electrical Contractor; on October 21, 2019, Notice of Hearing was sent by certified mail; on November 21, 2019, the Board held a hearing for the violations alleged against Lamp Lighter Electrical Contractor with Lamp Lighter Electrical Contractor present; Pursuant to Section 14-206 of the Corpus Christi Code, the Board found Lamp Lighter Electrical contractor guilty of gross negligence, incompetency, or misconduct in the performance of electrical work on three occasions; the Board suspended Lamp Lighter Electrical Contractor's Electrical Registration for a term of 6 months; on December 11, 2019, Lamp Lighter Electrical Contractor filed an appeal of Electrician's Registration suspension; the suspension is stayed for the appeal; City staff supports the decision of the Board; the use of unlicensed and/or unsupervised electrical workers is a violation of the Texas Department of Licensing & Regulations and the City of Corpus Christi regulations, creates an unacceptable safety risk to building occupants and the public; creates an unfair business advantage over a company operating in accordance with the rules; and City Council may deny the appeal, modify the Board's decision or reverse the Board's decision. City staff supports denial of the appeal.

b. Appellant's Oral Presentation of Written Notice of Appeal. Gabriel Oliva, on behalf of Gamaliel Oliva, stated that: he, Gabriel Oliva, was out of the country when the Board held its hearing; he, Gabriel Oliva, was in charge of some of the jobs; at the school of science and technology, there were some unlicensed individuals working on the job site; at the suggestion of the superintendent to try to meet the deadlines for the 800 students that were going to be starting school, the project got started three months late; 3 individuals who were not licensed, were hired to help transport light fixtures, trash, ladders and scaffolding, jobs that did not require an electrician; if the 3 individuals were deducted, there were 2 journeymen and 6 apprentices present at the job site, which is a ratio of 1 journeyman to 3 apprentices; but the 3 additional workers made it to where it was more than the ratio; all employees and subcontractors are currently licensed; the new policy is that every three months licenses are checked; they no longer hire unlicensed workers, whether they are cleaning, disposing of trash, etc.; and they have adopted better practices within the business to help communicate more efficiently with the inspectors.

Council members, Gabriel Oliva and Building Official Gene Delauro discussed the following topics: that 3 workers without licenses were the cleaning crew; the number of journeymen and apprentices with active licenses; discrepancies between the transcript of the Board meeting and statements made by the appellant today; that 4029 Redwood St. is Gamaliel Oliva's address; that Gamaliel Oliva did not receive the certified letter sent to him by the City in October 2019 because he was out of the country; that the 3 helpers were part of the 11 total workers; the required ratio of licensed electricians to journeymen electricians; if members of a cleaning crew are required to be licensed; that only 3 individuals could produce a license; if an individual named, "Juan Garcia" was an employee of Lamp Lighter Electrical Contractor and if he was being supervised by an individual with an appropriate license; the prevalence of electrical contractors having an inactive license or not being licensed; the frequency with which the City conducts license checks in the field; Development Services' stepped up enforcement of in-field license checks; if Development Services notifies contractors that license checks are going to be

performed, before they are performed; and electrical contractors lodging complaints about other electrical contractors' use of unlicensed electrical workers.

Gabriel Oliva stated that the State of Texas was not taking any licensure-related action against Lamp Lighter Electric Contractor at this time; that this is the first such incident in Lamp Lighter Electric Contractor's history of being in business since 1981; and the severity of the penalty imposed by the Board for a first-time offense.

Council members, Building Official Gene Delauro and Assistant City Attorney Buck Brice discussed the following topics: if the City routinely checks licenses of workers on site; that the purpose of Development Services' inspections is to inspect electrical work; if Development Services makes unannounced visits to job sites; the last time a complaint was filed with the Board that resulted in this outcome; that additional suspensions are forthcoming; the City's need for consistent enforcement efforts; clarification regarding the types of licenses required for individuals on job sites; the need for regular enforcement by the City; if lifting the suspension, but imposing probation for Lamp Lighter Electrical Contractor was an option; that all of Lamp Lighter Electrical Contractor's workers' licenses are currently active; if the City's process allows for hardships regarding Board hearings in relation to a death in the family of a contractor, as was the case in this instance; if the electricians on Lamp Lighter Electrical Contractor jobs knew that Development Services was scheduled to perform an inspection; that sanctions imposed by the Board are at the Board's discretion; reasons for the Board's issuance of a six-month suspension in relation to multiple violations at multiple job sites over multiple days; and options available to Council.

c. **City Staff Response.** Building Official Delauro presented information on the following topics: the composition of the Board; and contractors' heightened awareness regarding the requirement for proper and active licensure.

d. **Council Action.** Council member and Building Official Delauro discussed the following topics: reasons the Board decided on the six-month suspension; administrative penalties available to the Texas Department of Licensing and Regulation; if the City is subject to legal liability if the City Council were to reverse the Board's decision; that Electrical Lamp Lighter Contractor has served 20 days of the six-month suspension; various concerns expressed to a council member by electrical contractors; and that the City should enforce regulations relating to contractor licensure.

Council Member Smith made a motion to amend the Corpus Christi Electrical Advisory Board's six-month suspension of Lamp Lighter Electrical Contractor's electrical registration to a suspension of 20 days, retroactive to the 20-day suspension already served by Lamp Lighter Electrical Contractor, seconded by Council Member Hunter.

Council members and Building Official Delauro discussed the following topics: the number of Lamp Lighter Electrical Contractor's employees on-site who had an active license and the number of employees who were required to have a license; if particular individuals were employees of Lamp Lighter Electrical Contractor; if a member of the Board should have recused himself from the Board's vote to suspend Lamp Lighter Electrical Contractor's City electrical

registration; the reasonableness of the Board's six-month suspension; amending the Board's decision to the 20-day suspension already served and the imposition of six months of probation; modifying the controlling ordinance to include probation as an option for future cases; willful noncompliance with regulations; the consequences of noncompliance; reasons some companies do not comply with regulations; the public's awareness of the City's enforcement efforts relating to licensure requirements; implementing a stair-step procedure for first, second and third violations versus the imposition of an arbitrary punishment by the Board; that the suspension of Lamp Lighter Electrical Contractor's electrical registration only affected their ability to pull new permits and that they continued work in progress during the 20-day suspension; a contractor's ability to work outside the city limits of Corpus Christi while suspended; that Lamp Lighter Electrical Contractor had to pass on new electrical work during the 20-day suspension; that the suspension was stayed beginning when Lamp Lighter Electrical Contractor filed its appeal of the Board's decision; the number of permits Lamp Lighter Electrical Contractor now has open; and the average length of time of a residential and commercial job.

There were no comments from the public.

This motion was passed and approved by the following vote:

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

Nay: 2 - Council Member Hernandez and Council Member Molina

Abstained: 0

Enactment No: M2020-053

T. IDENTIFY COUNCIL FUTURE AGENDA ITEMS

Mayor McComb referred to Identify Council Future Agenda Items.

Council members discussed the following items: a request from a council member to have a workshop on affordable housing and housing tax credits; and the inclusion of probation and a tiered structure for addressing violations relating to the City's electrical code, in relation to Item 20 in this agenda.

U. ADJOURNMENT

The meeting was adjourned at 4:16 p.m.