



City of Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes

City Council

Tuesday, April 29, 2025

11:30 AM

Council Chambers

Addendums may be added on Friday.

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

Mayor Guajardo called the meeting to order at 11:38 a.m.

B. Invocation to be given by Pastor Rob Bailey with Southside Community Church.

Pastor Rob Bailey with Southside Community Church gave the invocation.

C. Pledge of Allegiance to the Flag of the United States and to the Texas Flag to be led by Elizabeth Franco, 12th grader from Harold T. Branch Academy.

Elizabeth Franco, 12th grader from Harold T. Branch Academy, 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 Zaroni, City Attorney Miles Risley and City Secretary Rebecca Huerta

Present: 9 - Council Member Roland Barrera, Council Member Carolyn Vaughn, Council Member Gil Hernandez, Council Member Sylvia Campos, Mayor Paulette Guajardo, Council Member Eric Cantu, Council Member Mark Scott, Council Member Kaylynn Paxson, and Council Member Everett Roy

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

1. [25-0588](#) Introduction of Brook Kaufman, CEO, Visit Corpus Christi

City Manager Peter Zaroni introduced the new CEO of Visit Corpus Christi Brook Kaufman.

2. [25-0526](#) Recognition of Appointment - Fire Chief Brandon Wade, Texas Commission on Fire Protection

City Manager Peter Zaroni recognized the appointment of Fire Chief Brandon Wade to the Texas Commission on Fire Protection.

F. PUBLIC COMMENT

Mayor Guajardo opened public comment.

Stephen Klepper, Corpus Christi, TX, spoke in support of Item 22.

Susie Saldana, Corpus Christi, TX, spoke in opposition about elected officials filing lawsuits against the City and in support of desalination.

Dr. Kristina Nelson, Corpus Christi, TX, briefed Council on a matter on behalf of the Children's Advocacy Center of the Coastal Bend.

Jason Hale, Corpus Christi, TX, presented information about desalination and far field modeling studies.

Adam Rios, Corpus Christi, TX, advocated for the West Guth Park skate games on May 4th.

Isabel Araiza, Corpus Christi, TX, spoke about funding for the Crime Prevention Board.

Maggie Peacock, spoke against desalination in Corpus Christi Bay.

The following individuals submitted a written public comment which is attached to the minutes: Heath Armstrong, Austin, TX, and Emilio Lopez Pacetti, The Woodlands, TX.

G. BOARD & COMMITTEE APPOINTMENTS: (NONE)**H. EXPLANATION OF COUNCIL ACTION:****I. BRIEFINGS: (ITEM 3)**

3. [25-0581](#) General Fund Budget Financial Forecast for the fiscal year 2026 that begins on October 1, 2025

Mayor Guajardo referred to Item 3.

Director of Management and Budget Amy Cowley presented information on the following topics: general fund budget overview; overview of budget development process; city fund types-where do the funds come from; city fund types-how are the funds utilized; focus for today-general fund; FY 2025 general fund budget: \$343.8 million; revenues; property tax; property valuation timeline; property tax: existing vs. new; property tax assumptions FY 2026; property tax revenue (general fund); property tax rate; payment in lieu of tax (PILOT) assumptions; sales tax received by year; expenses; cost assumptions; reserves; change in general fund reserves (fund balance); forecast; general fund forecast for FY 2026-revenues; general fund forecast for FY 2026-expenses; general fund forecast for FY

2026; looking forward; planning for a balanced budget; state legislation; federal policy; and FY 2026 budget roadmap.

Council Members, City Manager Peter Zaroni, and Director Cowley discussed the following topics: a concern why debt service was not included in this presentation; and all departments are working diligently to identify efficiencies and savings opportunities.

J. CONSENT AGENDA: (ITEMS 4 - 25)

Approval of the Consent Agenda

Mayor Guajardo referred to the Consent Agenda. Items 11, 17, 19 and 25 were pulled for individual consideration.

Council Member Paxson moved to approve the consent agenda with the exception of Items 11, 17, 19 and 25, seconded by Council Member Scott. The motion carried by the following vote:

Aye: 9 - Council Member Barrera, Council Member Vaughn, Council Member Hernandez, Council Member Campos, Mayor Guajardo, Council Member Cantu, Council Member Scott, Council Member Paxson and Council Member Roy

Abstained: 0

4. [25-0589](#) Approval of the April 15, 2025 Regular Meeting Minutes

The Minutes were approved on the consent agenda.

Consent - Second Reading Ordinances

5. [25-0395](#) Ordinance accepting \$53,897.31 from the State of Texas - Law Enforcement Officer Standards and Education for training courses and training-related travel for approximately 50 full-time sworn police officers for the Corpus Christi Police Department; and appropriating \$53,897.31 in the FY 2025 Police Grants Fund.

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

Enactment No: 033633

6. [25-0416](#) Ordinance accepting \$2,954.46 from the State of Texas - Criminal Justice Division for reimbursement for the costs of the Advanced Law Enforcement Rapid Response Training for four sworn officers from the Corpus Christi Police Department's Training Division; and appropriating \$2,954.46 in the FY 2025 Police Grants Fund.

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

Enactment No: 033634

7. [25-0456](#) Ordinance authorizing the acceptance of \$1,881.57 from the State of Texas -

Law Enforcement Officer Standards and Education for firearms training and ammunition for five arson investigators for the Corpus Christi Fire Department; and appropriating funds in the amount of \$1,881.57 to the FY 2025 Fire Grants Fund.

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

Enactment No: 033635

8. [25-0500](#) Ordinance authorizing acceptance of a grant from the Texas Department of Transportation for the FY24 Routine Airport Maintenance Program (RAMP) Grant in the amount of \$100,000.00 to fund airport maintenance at the Corpus Christi International Airport (CCIA); appropriating funds in the amount of \$100,000.00 to the Airport Grants Fund.

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

Enactment No: 033636

9. [25-0421](#) Zoning Case No. ZN8561, ADR Investments, LLC. (District 4). Ordinance rezoning a property at or near 820 Naval Air Station (NAS) Drive from the "CG-1" General Commercial District to the "CG-1/SP" General Commercial District with a Special Permit; 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: 033637

10. [25-0422](#) Zoning Case No. ZN8584, Daovone Xayasene (District 1). Ordinance rezoning properties at or near 2828 Ruth, 2830 Ruth, and 2816 Ruth Street from the "RS-6" Single-Family 6 District and the "CG-2" General Commercial District to the "RM-3" Multifamily 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: 033638

11. [25-0341](#) Ordinance approving the addition of 20 full-time positions and equipment to the Engineering Services Department budget; amending the FY 2025 Operating Budget as required for the last five months of the year with funding coming from the FY 2025 Capital Improvement Budget as required. The FY 2025 impact is \$1,705,243.00 including vehicle purchases with an FY 2026 recurring amount of \$1,969,676.00.

Mayor Guajardo referred to Item 11.

Council Member Hernandez requested to pull this Item to vote no.

Council Member Barrera moved to approve the ordinance, seconded by Council

Member Scott. The Ordinance failed with the following vote:

Aye: 4 - Council Member Barrera, Mayor Guajardo, Council Member Scott and Council Member Roy

Nay: 5 - Council Member Vaughn, Council Member Hernandez, Council Member Campos, Council Member Cantu and Council Member Paxson

Abstained: 0

12. [25-0178](#) Ordinance approving and authorizing an Advance Funding Agreement between the City of Corpus Christi and the Texas Department of Transportation for the Holly Road Train Trestle to Tourism Trail Project in an amount of \$11,797,839 from the Texas Department of Transportation, Transportation Alternatives Set-Aside (TASA) Program under the 2023 Call for Projects, with the design and construction managed by the City and appropriating \$1,300,000 of interest income from the American Rescue Plan Act (ARPA) Fund and amending the FY 2025 Capital Budget and FY 2025 Operating Budget.

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

Enactment No: 033639

Consent - Contracts and Procurement

13. [25-0160](#) Motion authorizing execution of a two-year supply agreement with Omicron Controls, Inc., of The Woodlands, Texas, in an amount not to exceed \$98,633.72, for the purchase of large flow meters utilized by the Corpus Christi Water Department, with FY 2025 funding of \$49,316.86 from the Water Fund.

This Motion was passed on the consent agenda.

Enactment No: M2025-043

14. [25-0449](#) Motion authorizing execution of a one-year service agreement, with four one-year options to renew, with American Generator Services, LLC, of Sandia, Texas, for generator preventative maintenance and repairs for Corpus Christi Water, for an amount of \$146,500.00, with a potential amount of \$732,500.00 if options are exercised, with FY 2025 funding of \$83,584.00 from the Water Fund.

This Motion was passed on the consent agenda.

Enactment No: M2025-044

15. [25-0405](#) Motion authorizing execution of a service agreement, through the BuyBoard Cooperative, with Firetrol Protection Systems, Inc., of Irvine, California, with an office in Corpus Christi, to replace the access control system at the Corpus Christi International Airport in an amount not to exceed \$189,236.60, with FY 2025 funding from the Airport Fund.

This Motion was passed on the consent agenda.

Enactment No: M2025-045

16. [25-0346](#) Motion authorizing a one-time purchase of gas meters from Wilnat, Inc., dba Koons Gas Measurement, of Tulsa, Oklahoma, in an amount not to exceed \$408,750.00 for Gas Operations, with FY 2025 funding from Gas CIP Funds.

This Motion was passed on the consent agenda.

Enactment No: M2025-046

Consent - Capital Projects

17. [25-0314](#) Motion awarding a construction contract to RUTS Construction, LLC of Haslet, Texas in an amount up to \$2,500,000.00 with two renewal options to be administratively authorized for a total amount up to \$7,500,000.00 for the Citywide Large-Size Water Line Cathodic Protection System Indefinite Delivery Indefinite Quantity (IDIQ) Project, located Citywide, with FY 2025 funding available from the Water Capital Fund.

Mayor Guajardo referred to Item 17.

Council Members and Director of Water Systems Nick Winkelmann discussed the following topics: a concern about only receiving one bid, as well as the price increase; and what type of Cathodic Protection System will be used.

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

Aye: 9 - Council Member Barrera, Council Member Vaughn, Council Member Hernandez, Council Member Campos, Mayor Guajardo, Council Member Cantu, Council Member Scott, Council Member Paxson and Council Member Roy

Abstained: 0

Enactment No: M2025-047

18. [25-0501](#) Motion awarding a construction contract to Camacho Demolition, LLC, Corpus Christi, Texas, for the Flour Bluff Elevated Storage Tank Demolition project to decommission and demolish the Flour Bluff Elevated Storage Tank in an amount not to exceed \$216,495.00, located in Council District 4, with FY 2025 funding available from the Water Capital Fund.

This Motion was passed on the consent agenda.

Enactment No: M2025-048

19. [25-0424](#) Motion awarding a construction contract to Barcom Construction, Inc., of Corpus Christi for construction of a new Wastewater Maintenance Building in an amount up to \$8,476,293.00, located at the City's Greenwood Wastewater Treatment Plant in District 3, for the project approved by City Council in FY 2022, FY 2023, FY 2024 and FY 2025 with FY 2025 funding available from the Wastewater Capital Fund.

Mayor Guajardo referred to Item 19.

Director of Water System Infrastructure Wesley Nebgen presented information on the following topics: project location; conceptual renderings; and current location.

Council Members, City Manager Peter Zanoni, and Director Nebgen discussed the following topics: concerns with the cost of this new facility in that it will impact the ratepayers, as well as a desire to focus on other priorities; the purpose of the new building is for preventative maintenance, repair of wastewater capital equipment, protecting equipment parts and supplies, and additional work space; the average residential customer will notice a three cent per year increase on their utility bill; to consider leasing a new building, rather than constructing a new facility; and rainwater capture was not included in the design for this project.

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

Aye: 7 - Council Member Barrera, Council Member Vaughn, Council Member Campos, Mayor Guajardo, Council Member Cantu, Council Member Scott and Council Member Roy
Nay: 2 - Council Member Hernandez and Council Member Paxson
Abstained: 0

Enactment No: M2025-049

20. [25-0467](#) Resolution awarding a construction contract to Bay Ltd., of Corpus Christi for the reconstruction of Bonner Drive from Everhart Road to Flynn Parkway with new asphalt pavement, sidewalks, curbs and gutters, ADA-compliant curb ramps, signage, pavement markings, upgraded street illumination, and utility improvements in an amount up to \$3,618,872.60, located in Council District 3 with FY 2025 funding available from the Street Bond 2022, Storm Water, Water, Wastewater, and Gas Funds.

This Resolution was passed on the consent agenda.

Enactment No: 033640

General Consent Items

21. [25-0394](#) Resolution authorizing the renewal of property insurance, including All Other Perils, Flood, Named Storm, Wind/Hail, Earth Movement, and Equipment Breakdown insurance, through Acrisure, Broker of Record, for the upcoming policy year (May 4, 2025-May 4, 2026), for an annual premium of \$3,178,178.61.

This Resolution was passed on the consent agenda.

Enactment No: 033641

22. [25-0568](#) Motion to approve the 2025 Annual Audit Plan

This Motion was passed on the consent agenda.

Enactment No: M2025-050

Consent - First Reading Ordinances

23. [25-0484](#) Ordinance accepting a grant totaling \$247,669.00 from the State of Texas Governor's Homeland Security Grants Division for Operation Stonegarden (drug and human trafficking) for overtime, fringe benefits, one replacement Chevy Tahoe police vehicle, and fuel/maintenance; and appropriating \$247,669.00 in the Police Grants Fund.

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

24. [25-0488](#) Ordinance authorizing the acceptance of a grant totaling \$30,734.00 from the Firehouse Subs Public Safety Foundation for funding to purchase two replacement Paratech lifting bags, two replacement Paratech lifting cushions, and one additional Multiforce bag used for rescue operations for the Corpus Christi Fire Department; and appropriating \$30,734.00 in the FY 2025 Fire Grants Fund.

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

25. [25-0460](#) Ordinance authorizing the acceptance and appropriation of \$15,092,700.00 from the Texas General Land Office, Community Development Block Grant - Mitigation Program, under the FY2024 Regional Mitigation Grant to improve operational resiliency at the Greenwood and Oso Wastewater Treatment Plants; and amending the Water Grant Fund and FY2025 Capital Budget.

Mayor Guajardo referred to Item 25.

Council Members and Director of Water System Infrastructure Wesley Nebgen discussed the following topic: the purpose of this project is to assist with flood mitigation at the wastewater plants.

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

Aye: 9 - Council Member Barrera, Council Member Vaughn, Council Member Hernandez, Council Member Campos, Mayor Guajardo, Council Member Cantu, Council Member Scott, Council Member Paxson and Council Member Roy

Abstained: 0

K. RECESS FOR LUNCH

Mayor Guajardo recessed the Council meeting for lunch at 1:29 p.m. Executive Session Items 29-31 were held during the lunch recess. Mayor Guajardo reconvened the meeting at 4:22 p.m.

L. PUBLIC HEARINGS: (NONE)**M. INDIVIDUAL CONSIDERATION ITEMS: (ITEMS 26- 28)**

26. [25-0567](#) Motion to reject a potential Mediation Settlement with outside city limits ("OCL") water customers regarding Council-approved OCL water rates effective January 1, 2024, in Public Utility Commission Docket No. 56427.

This Item was withdrawn.

27. [25-0351](#) Resolution awarding a construction contract to RAVA Construction, LLC, of Houston, TX for the Greenwood Wastewater Treatment Plant Dissolved Air Flotation (DAFT) Unit Rehabilitation and Odor Control project in an amount up to \$102,000,000.00, located in Council District 3, with FY 2025 funding from the Wastewater Capital Fund.

Mayor Guajardo referred to Item 27.

Director of Engineering Services Jeff Edmonds presented information about the bid process.

Council Members and Director of Water System Infrastructure Wesley Nebgen discussed the following topics: the odor at the Greenwood Wastewater Treatment Plant will be improved; and whether the cost of this project is under the Environmental Protection Agency consent decree.

Mayor Guajardo opened public comment.

There were no comments from the public.

Mayor Guajardo closed public comment.

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

Aye: 9 - Council Member Barrera, Council Member Vaughn, Council Member Hernandez, Council Member Campos, Mayor Guajardo, Council Member Cantu, Council Member Scott, Council Member Paxson and Council Member Roy

Abstained: 0

Enactment No: 033642

28. [25-0527](#) Motion authorizing IDIQ construction contracts with JE Construction Services, Anderson Columbia Co, Inc., and Tex-Mix Paving, all firms located in Corpus Christi, Texas, in an amount up to \$18,000,000 each, for a combined aggregate total not-to-exceed amount of \$35,187,388.41, to deliver the voter approved Bond 2024 Residential Streets project with a budget of \$35,000,000 out of

which \$33,000,000 to be encumbered for street construction, minor stormwater and ADA improvements, \$1,000,000 to be encumbered for design and inspection of the ADA improvements and \$1,000,000 budgeted for Engineering and Administration reimbursements, as planned in the Rapid Pavement Program FY 2026, located city-wide with funding available through Street Bond 2024, Wastewater, Water and Gas Funds.

Mayor Guajardo referred to Item 28.

A Council Member commended staff for their work.

Mayor Guajardo opened public comment.

There were no comments from the public.

Mayor Guajardo closed public comment.

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

Aye: 9 - Council Member Barrera, Council Member Vaughn, Council Member Hernandez, Council Member Campos, Mayor Guajardo, Council Member Cantu, Council Member Scott, Council Member Paxson and Council Member Roy

Abstained: 0

Enactment No: M2025-051

N. EXECUTIVE SESSION: (ITEMS 29 - 32)

29. [25-0583](#) **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 the potential long-term agreement with 1PointFive USA, LLC (aka 1P5, a subsidiary of Occidental Petroleum Corporation) to purchase reclaimed water from the City's Greenwood Wastewater Treatment Plant and potential easements or other property rights to be purchased by 1P5 from the City in areas adjacent to or near the Greenwood Plant and **Texas Government Code § 551.072** to discuss and deliberate the potential purchase or value of the aforementioned property rights because deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person

This E-Session Item was discussed in executive session.

30. [25-0599](#) **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 proposed or potential state and federal legislation, rulemaking, appropriations, loans, and other funding related to the development of water supplies, economic development, appointments to

governmental entities, and development of infrastructure for the Coastal Bend region

This E-Session Item was discussed in executive session.

31. [25-0597](#) **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 employment complaints and/or grievances associated with the City Auditor

This E-Session Item was discussed in executive session.

32. [25-0596](#) **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 *Sylvia Campos v. City of Corpus Christi* and KRISTV and other actual and potential lawsuits

This executive session was not discussed.

O. **ADJOURNMENT**

There being no further business, Mayor Guajardo adjourned this meeting at 5:16 p.m.



Tuesday, April 29, 2025

Public Comment & Input Form

For City Council Meetings, Board Meetings, & Commission Meetings

To submit a service request, ask a question, report a violation, browse city-required permit forms or access services online, click here:

[Access Online Services](#)

To continue submitting a **written public comment** click Next below.

Public Comment & Input Form

For City Council Meetings, Board Meetings, & Commission Meetings

Date of Meeting

Tuesday, April 29, 2025

Name

Heath Armstrong

Address

100 Congress Ave
Austin, Select, 78711

Please select the Board, Committee, or governing body that your comments are directed to:

City Council

Are you a resident of Corpus Christi?

No

Topic

April 29th City Council Meeting

Agenda Item Number

Agenda Item No. 26

Comment

Please see the uploaded letter regarding comments on Agenda Item No. 26, the Mediated Settlement Agreement between the City and Affordable Water for Corpus Christi.

Upload supporting images or documents.



AWCC Letter to City of Corpus Christipdf

Provide an email to receive a copy of your submission.

harmstrong@jw.com

April 28, 2025

Mayor Paulette M. Guajardo
Honorable Council Members
City of Corpus Christi
1201 Leopard Street
Corpus Christi, TX 78401

Re: Council Agenda Item No. 26

Mayor Guajardo, and honorable council members:

My name is Heath Armstrong and I am a partner at Jackson Walker, LLP. I am counsel for Affordable Water for Corpus Christi (AWCC) which represents the interests of residential, commercial, and large volume rate payers outside the city limits of Corpus Christi. I am providing the comments below on behalf of AWCC and urge adoption of the 2024 Mediated Settlement Agreement between AWCC and the City of Corpus Christi.

As an initial matter, AWCC is disappointed to learn that the City Attorney is proposing that the City Council reject the November 11, 2024 Mediated Settlement Agreement. By way of explanation, let me provide some background and context that the City Council members may not be aware. In March of last year, AWCC filed a petition with the Public Utility Commission of Texas (Commission) appealing the City's 2024 water rates on behalf of residential, commercial and large volume customers residing outside the city limits. The posted 2024 rates reflected substantial increases for most rate classes, with volumetric rates going up as much as 102 percent, and meter rates going up as much as 200 percent depending on the rate class.

On November 11, 2024, the City and AWCC participated in an in-person mediation at Corpus Christi City Hall. The City Attorney, City Manager, employees of the City's water department, and representatives of AWCC and its members attended and actively participated in the mediation. At the conclusion of the mediation, the parties reached a settlement which was memorialized in a Mediated Settlement Agreement that was executed by both parties. The agreement documented the negotiated rates for 2024, subject to the approval of the City Council. Importantly, the signed agreement included a commitment by the "undersigned representatives of the City" to recommend approval of the agreement to the City Council, no later than November 20, 2024. However, those same representatives now appear to be advising the City Council members to reject the Mediated Settlement Agreement in violation of the terms of that agreement.

Following execution of the Mediated Settlement Agreement, five extensions over six months were requested by the City to "finalize" the documentation for the settlement. In the spirit of cooperation, AWCC agreed to every extension requested by the City's representatives. However, last Monday, a week before the City Council is to consider the Mediated Settlement Agreement and without any notice to AWCC, the City Attorney reversed course and proposed

rejection of the agreement contrary to its express terms committing the parties to support approval. This was obviously a surprise to AWCC and honestly very disappointing. AWCC remains ready to enter into the Mediated Settlement Agreement negotiated and agreed to by the parties last November. However, representatives of the City appear to be advising the City Council to head toward an unnecessary and costly contested case hearing before the Commission despite their written agreement to advise the City Council to the contrary. To be clear, the Mediated Settlement Agreement is a negotiated compromise by both parties and if approved by the City Council, avoids additional time, effort, and expense for all involved on these issues. For those reasons, I hope that the City Council will seriously consider voting to approve the executed November 11, 2024 Mediated Settlement Agreement.

I thank you for the opportunity to provide comments to this Council.

Sincerely,



Heath D. Armstrong
Attorney



Tuesday, April 29, 2025

Public Comment & Input Form

For City Council Meetings, Board Meetings, & Commission Meetings

To submit a service request, ask a question, report a violation, browse city-required permit forms or access services online, click here:

[Access Online Services](#)

To continue submitting a **written public comment** click Next below.

Public Comment & Input Form

For City Council Meetings, Board Meetings, & Commission Meetings

Date of Meeting

Tuesday, April 29, 2025

Name

Emilio Lopez Pacetti

Address

1725 Hughes Landing Blvd, Suite 1200
The Woodlands, Texas, 77380

Please select the Board, Committee, or governing body that your comments are directed to:

City Council

Are you a resident of Corpus Christi?

No

Topic

Greenwood WWTP. Project No.18069A

Agenda Item Number

25-0351

Comment

Dear Honorable City Council Members,

My name is Emilio Lopez, and I am the President of Webber Waterworks LLC. I would like to respectfully request that you consider our proposal, as laid out in the attached letter that was emailed to you on Friday, the 25th, before you decide regarding this agenda item.

In case you have any doubt about whether our proposal can be accepted without a rebid, we took the liberty to ask for a legal opinion from an external law firm, which we are attaching as well. We remain at your entire disposal.

Kind Regards,

Upload supporting images or documents.



2025-04-25 Greenwood WWTP Project.pdf



Legal opinion.pdf

Provide an email to receive a copy of your submission.

eflopez@wwebber.com

webber
A Ferrovial company

April 25, 2025

Mr. Peter Zanoni, City Manager
Mr. Drew Molly, Chief Operating Officer CCW
Mr. Jeff Edmonds, Director of Engineering Services
City of Corpus Christi
CC: City of Corpus Christi Council Members
Email Transmittal

Re: RFB 6160 - Greenwood WWTP-DAFT Unit Rehabilitation and Odor Control Project, Project No. 18069A. City Council meeting on 29th April.

Dear Mr. Zanoni, Mr. Molly and Mr. Edmonds,

Based on the recently published agenda for the upcoming City Council meeting on 29th April, it has come to Webber Waterworks, LLC's ("Webber") attention that the City of Corpus Christi (the "City") intends to award the construction contract for the Greenwood WWTP Dissolved Air Flotation Unit Rehabilitation and Odor Control project (the "Project") to Rava Construction, LLC ("RAVA") in contravention to a prior ruling by the City that RAVA had submitted a non-responsive bid.

After RAVA submitted a non-responsive bid, the City held private one-on-one meetings with Rava twice, on January 30th, 2025, and March 31st, 2025. After the second meeting, a City Council agenda item that would have awarded the Project to Webber was suddenly withdrawn without explanation. Meanwhile, as the apparent lowest responsible bidder on the Project, Webber sent a letter to the City on March 19th, 2025, offering to work collaboratively to "*optimize the project....in both cost and schedule*" but we have not been afforded the opportunity to meet and discuss at any time.

Webber understands that the City has considered the cost savings from Rava's bid price and determined the benefit to be worth waiving RAVA's outright failure to meet the Project's public bid requirements and qualifications. Webber has continued working diligently over the last months with our subcontractors and vendors and we have identified potential savings and optimizations of \$8,054,081.00 from our initial bid, resulting in an adjusted price of \$100,897,133.20. Given that Webber is the actual lowest responsible bidder for the Project, the City and Webber may negotiate contract terms prior to contract execution, and the adjusted contract price would be reflected in the final executed contract.

Webber has extended, as requested by the City, our bid bond validity and it can be extended again if needed. Webber has a proven record of performance with the City and will continue to be a dedicated construction partner. That is why we would like to formally request that the City adopt the original recommendation of its Project bid selection team and award the project to Webber—an action that was recommended by the City's Engineering, Legal, and Procurement departments as well as the City's independent Engineer of Record Ardurra—for a contract price of \$100,897,133.20. We would appreciate it if you granted us the opportunity to meet and explain our position. We are at your disposal to meet as necessary to discuss this issue.

Please let me know if you have any questions.

Sincerely,



Emilio Lopez Pacetti
President
Webber Waterworks, LLC

CC: City of Corpus Christi Council Members

Nathan V. Graham

Partner | Admitted in Texas and Wyoming
ngraham@bradley.com
713.576.0305 direct



April 29, 2025

City Council
City of Corpus Christi, Texas
1201 Leopard St
Corpus Christi, TX 78401

Re: RFB 6160 - *Greenwood Wastewater Treatment Plant (WWTP) Dissolved Air Flotation (DAFT) Unit Rehabilitation and Odor Control project* (the "Project").

Dear City Council,

At the request of our client, Webber Waterworks, LLC we are sending this letter to address the question of whether or not the City of Corpus Christi (the "City") may award the Project to Webber Waterworks, LLC ("Webber") without re-bidding the Project.

On October 14, 2024, the Contracts and Procurement Department of the City issued a Request for Bids (RFB #6160) for the Greenwood Wastewater Treatment Plant (WWTP) Dissolved Air Flotation (DAFT) Unit Rehabilitation and Odor Control project. On December 20, 2024, the City received three bids.

BID SUMMARY		
#	Contractor	Base Bid
1	RAVA Construction, LLC	\$102,000,000.00
2	Webber Waterworks, LLC	\$108,951,214.20
3	Thalle Construction Co., Inc.	\$152,450,000.00

Although RAVA was the lowest bidder, the Engineer of Record (Adurra) recommended that RAVA not be awarded the contract because:

- RAVA did not meet the minimum work experience of five years.
- RAVA's largest construction project is \$30M, significantly less than the total bid price.
- During the January 30, 2025, administrative hearing, RAVA was not able to convince the selection panel that RAVA's experience sufficiently met the bid requirements.

In contrast, Webber has successfully completed several projects with comparable scopes of work for local municipalities, including:

- City of Pearland: Construction of a 10 MGD WTP at a cost of \$137M. Completed in 2024.
- North Texas Municipal Water District: Improvements to existing WWTP at a cost of \$49M. Completed in 2022.
- City of Midland: Renovation and improvements to an existing WWTP at a cost of \$60M.
- City of Corpus Christi: PLW Waterworks, LLC has successfully completed O.N. Stevens Water Treatment Plant High Service Pump Building No. 3 and O.N. Stevens Water Treatment Plant Maintenance Building. These projects, with a combined cost of \$26M, were successfully completed by PLW Waterworks which is a division of Webber.

After a review of the Project bids by the City's Engineering, Legal, and Contracts and Procurement Departments, it was recommended that RAVA's bid be disqualified and that the Project be awarded to the second-lowest bidder, Webber. Notwithstanding this, it appears that the City may choose to override the recommendation to award the project to Webber and instead award it to RAVA, despite the noncompliant bid.

The Texas Local Government Code provides that if a competitive sealed proposal requirement applies to a procurement contract awarded by a municipality that "the contract must be awarded to the responsible offeror whose proposal is determined to be the most advantageous to the municipality considering the relative importance of price and the other evaluation factors^[1] included in the request for proposals." Tex. Loc. Gov't. Code § 252.043(h); *See Labrado v. Cnty. of El Paso*, 132 S.W.3d 581, 597–98 (Tex. App.—El Paso 2004, no pet.) ("The term 'lowest responsible bidder' involves compliance with statutory requirements relating to competitive bidding. The term 'competitive bidding' contemplates that each bidder will bid on the same material terms and will receive fair and equal treatment. Therefore, to be 'responsible,' a bidder must comply with the material specifications of the requests for bids.").

The Texas Local Government Code does allow for "revisions... after submissions and before the award of the contract" in order to obtain "the best final offers" *but* "Offerors shall be treated fairly and equally with respect to any opportunity for discussion and revision of proposals." Tex. Loc. Gov't. Code § 252.042(b).

¹ In addition to the purchase price, other factors a municipality should consider in deciding whether a contract is "most advantageous" include (among others): i) "the reputation of the bidder and of the bidder's goods or services;" ii) "the quality of the bidder's goods or services;" iii) "the extent to which the goods or services meet the municipality's needs;" and iv) "the bidder's past relationship with the municipality[.]" Tex. Loc. Gov't. Code § 252.043(b). It is generally within the discretion of the municipality how to weigh each of these factors in the determination of whether a contract is the "most advantageous". *See generally City of Austin v. Util. Associates, Inc.*, 517 S.W.3d 300, 311 (Tex. App.—Austin 2017, pet. denied).

Based on our review we are of the opinion that the City has the authority to determine that Webber is the lowest “responsible” bidder based on a multitude of factors which stretch beyond the purchase price. The overwhelming opinion of the City’s departments and officials—including the City’s Engineering, Legal, and Contracts and Procurement Departments and the Project’s engineer of record—all show a reasonable basis for the City to determine that Webber is the lowest “responsible” bidder who provided the most advantageous proposal to the City. Further, it is clear that the City has a reasonable justification for disqualifying RAVA’s bid because it indisputably did not meet the minimum requirements set forth in the invitation to bid. Because it is within the City’s authority to accept Webber’s conforming bid (and to disqualify RAVA’s non-conforming bid) there would be no need to issue a new request for bids/proposals prior to awarding the Project to Webber.

Further, to the extent that the City Manager now seeks to make revisions to the bid process after submission of bids (by allowing RAVA’s non-compliant bid), the City Manager must do so in a fair manner. The City Manager could potentially do this by submitting a request for Best and Final Offers to both RAVA and Webber, with both being provided equal opportunity to comment and revise their bids. We understand that if such a request for Best and Final Offer were to be made, that Webber would be able to actually provide a bid at a price lower than RAVA’s original bid of \$102 million. This would mean that there is no reasonable justification for the City to accept RAVA’s bid. Again, the request for Best and Final Offer would not require new RFP process but would simply require that RAVA and Webber be treated fairly and equally and given an opportunity to submit an additional bid, with the intent of saving the City money.

In conclusion, we are of the opinion that the City is within its discretion to disqualify RAVA’s bid as non-complying and to award the Project to Webber as the lowest “responsible” bidder. If the City requests Best and Final Offers, then it will be free to receive the benefit of Webber’s lowered bid. I can be available to discuss this matter with you if any additional questions arise.

Sincerely,

A handwritten signature in blue ink that reads "Nathan V. Graham". The signature is fluid and cursive, with the first name "Nathan" and last name "Graham" clearly legible.

Nathan V. Graham
Partner