



# City of Corpus Christi

1201 Leopard Street  
Corpus Christi, TX 78401  
forward.cctexas.com

## Meeting Minutes

### City Council

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Tuesday, September 12, 2017

11:30 AM

Council Chambers

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**Public Notice - - THE USE OF CELLULAR PHONES AND SOUND ACTIVATED PAGERS ARE PROHIBITED IN THE CITY COUNCIL CHAMBERS DURING MEETINGS OF THE CITY COUNCIL.**

**MEMBERS OF THE AUDIENCE WILL BE PROVIDED AN OPPORTUNITY TO ADDRESS THE COUNCIL AT APPROXIMATELY 12:00 P.M. CITIZEN COMMENTS WILL BE LIMITED TO THREE MINUTES. Please speak into the microphone located at the podium and state your name and address. 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 to the City Council MUST be submitted a minimum of 24 hours prior to the meeting. Please contact the Public Communications department at 361-826-3211 to coordinate.**

- 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 Claude Axel, Mount Pilgrim Baptist Church.**

Pastor Claude Axel gave the invocation.

- C. Pledge of Allegiance to the Flag of the United States to be led by Steve Viera, Director of Human Resources.**

Director of Human Resources Steven Viera led the Pledge of Allegiance.

- 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 Margie C. Rose, City Attorney Miles K. Risley, and City Secretary Rebecca L. Huerta.

**Present:** 9 - Mayor Joe McComb, Council Member Rudy Garza, Council Member Paulette Guajardo, Council Member Michael Hunter, Council Member Debbie Lindsey-Opel, Council Member Ben Molina, Council Member Lucy Rubio, Council Member Greg Smith, and Council Member Carolyn Vaughn

## **E. Proclamations / Commendations**

1. Proclamation declaring September 2, 2017, "Foy H. Moody High School 50th Anniversary Day".  
Proclamation declaring September 8, 2017, "International Literacy Day" and September 2017, "International Literacy Month".  
Proclamation declaring September 11, 2017, "9/11 Day of Service and Remembrance".  
Proclamation declaring September 17, 2017, "Mission of Mercy 10-Year Anniversary - A Decade of Healing Through Love Day"  
Proclamation declaring September 30, 2017, "Corpus Christi Out of the Darkness Walk".  
Presentation donating to "Mayor's Hurricane Harvey Fund" by Nathaniel Villarreal - Age 7.  
Swearing-In Ceremony for Newly Appointed Board, Commission and Committee Members.

Mayor McComb presented the proclamations; accepted a donation to the "Mayor's Hurricane Harvey Fund" from Nathaniel Villarreal; and conducted the swearing-in ceremony for a newly appointed committee member.

- J. **PUBLIC COMMENT FROM THE AUDIENCE ON MATTERS NOT SCHEDULED ON THE AGENDA WILL BE HEARD AT APPROXIMATELY 12:00 P.M.** A recording is made of the meeting; therefore, please speak into the microphone located at the podium and state your name and address. 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 Public Communications department at 361-826-3211 to coordinate.

Mayor McComb deviated from the agenda and referred to comments from the public. Kevin Kieschnick, Nueces County Tax Assessor, spoke regarding Agenda Item 14, an ordinance adopting the FY2018 Property Tax Rate, providing information to the City Council on the state law requirements and deadlines related to adopting the tax rate; the timeline of procedures for Nueces County to provide consolidated tax statements to property owners; the impact of Hurricane Harvey to entities in Nueces County and the Governor's ability to waive or extend the deadline calendar; and the requirements should the City Council consider a tax rate higher than the posted rate of \$0.606264 per \$100 valuation. Jack Gordy, 4118 Bray Drive, spoke regarding blocked

sidewalks and requested that City Council place this discussion on a future agenda. Tony H. Garza, 579 Tuna Street, spoke regarding issues with the 2-1-1 registry for citizens needing assistance during a disaster and the City not contacting him during the hurricane event to take him to safety. Margareta Fratila, 3606 Tripoli, requested that the City Council develop an Adopt-An-Evacuee Program to assist individuals affected by the hurricane. Cheryl Martinez, 3938 Surfside, spoke regarding the following topics: the Special City Council meeting on September 8, 2017 related to Hurricane Harvey did not include a report on Animal Control; the phenomenal job performed by Animal Control during the hurricane event; and clarified inaccurate information regarding resources offered to Animal Control after the hurricane. Susie Luna Saldana, 4710 Hakel, commended the Police Department's efforts during the hurricane and the need for additional police officers.

Mayor McComb stated that false information was being reported on social media regarding insurance claims being denied because a mandatory evacuation was not issued during the hurricane. Mayor McComb encouraged residents that have been denied coverage for this reason to contact his office and he will forward the information to the Texas Department of Insurance and the Attorney General.

**F. CITY MANAGER'S COMMENTS / UPDATE ON CITY OPERATIONS:**

Mayor McComb referred to City Manager's Comments. City Manager Margie C. Rose reported on the following topics:

**a. OTHER**

1) The Storm Water Treatment Division of the Utilities Department has been awarded a Gold Level in Project Management and a Gold Level in Innovation for the MS4 Program. The MS4 Program is a system of drainage ditches and storm water mains that discharge storm water and runoff. Interim Water Quality Manager Crystal Ybanez submitted information to the Water Environment Federation and the National Municipal Storm Water and Green Infrastructure Awards Program. The award recognizes high performers in project management and innovation. An example of this proactive measure of the City's storm water system is the basket inlet cleaning program. 2) The Texas Commission on Arts has recently designated downtown Corpus Christi as the state's newest Cultural District. The City Council adopted a resolution of support which helped secure this designation. A cultural district is a special zone that harnesses the power of cultural resources to stimulate economic development and community revitalization. The Corpus Christi Downtown Cultural District will be eligible for grants and unique opportunities as a result of the designation. 3) Due to increased contamination entering the recycling stream, the Communications and Solid Waste Departments have teamed up to help educate residents about proper recycling. City Manager Rose provided a sneak peak of the new Recycle-Right Campaign.

**G. MINUTES:**

2. Regular Meeting of August 29, 2017 and Workshop of August 10, 2017.

Mayor McComb referred to approval of the minutes. Council Member Garza made a motion to approve the minutes, seconded by Council Member Molina and passed unanimously.

**H. BOARD & COMMITTEE APPOINTMENTS:**

3. Corpus Christi Downtown Management District  
Museum of Science and History Advisory Board  
Parks and Recreation Advisory Committee

Mayor McComb referred to board and committee appointments. The following appointments were made:

Corpus Christi Downtown Management District

Council Member Garza made a motion to appoint Eric R. Gutschow (Property Owner), seconded by Council Member Lindsey-Opel and passed unanimously.

Museum of Science and History Advisory Board

Mayor McComb made a motion to realign Anita Eisenhower from Advisory, Non-Voting to the Community Advocate category and Ruben E. Rocha, Jr., from Advisory, Non-Voting to the K-12 Education category, seconded by Council Garza and passed unanimously.

Mayor McComb made a motion to appoint Claudia C. Huerta (Friends of the Museum Nominee) and Suzette F. Chopin (Community Advocate), seconded by Council Member Hunter and passed unanimously.

Parks and Recreation Advisory Committee

Council Member Rubio made a motion to appoint Donnie Contreras, seconded by Council Member Vaughn and passed unanimously.

**I. EXPLANATION OF COUNCIL ACTION:**

**K. CONSENT AGENDA: (ITEMS 4 - 10)**

Mayor McComb referred to the Consent Agenda. There were no comments from the public. Council members requested that Items 4, 5, 6, 7, and 8 be pulled for individual consideration.

**4. Service Agreement for Health and Welfare Consulting Services**

Motion authorizing the City Manager or designee to execute service agreement with IPS Advisors, LLP of Dallas, Texas for health and welfare benefits consulting services in accordance with Request for Proposal (RFP) No. 973, based on best value for a total amount not to exceed \$59,000 for the initial year, with a step price increase throughout the

option years. The initial year's funding will be requested for FY 2017-18. The term of this agreement is for one year with option to extend for up to four additional one-year periods, subject to the sole discretion of the City.

**Mayor McComb referred to Item 4, execution of a service agreement for health and welfare benefits consulting services. In response to council members, Director of Human Resources Steven Viera stated that the purpose of this item is to hire a benefits consultant that will provide a robust service level to address the City's needs related to insurance and benefits. The consultant will assist with the bidding process, request for proposals (RFP), build benefits programs that are sustainable and sufficient; and provide actuarial services. The consultant was selected through an RFP process and will provide assistance and develop initiative programs to lower costs. There were no comments from the public.**

**Council Member Hunter announced that he was abstaining from this item.**

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

**Aye:** 8 - Mayor McComb, Council Member Garza, Council Member Guajardo, Council Member Lindsey-Opel, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

**Abstained:** 1 - Council Member Hunter

Enactment No: M2017-133

## **Approval of the Consent Agenda**

**Mayor McComb referred to Consent Agenda Items 9 and 10. Council Member Garza made a motion to approve the consent agenda, seconded by Council Member Rubio. The consent agenda items were passed and approved by one vote as follows:**

**Aye:** 9 - Mayor McComb, Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member Lindsey-Opel, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

**Abstained:** 0

## **9. Supply Agreement for Cement Stabilizing Sand**

Motion authorizing City Manager, or designee, to execute a supply agreement with Aaron Concrete Contractors, of Aransas Pass, Texas for the supply of cement stabilizing sand in response to Request for Bid No. 1152 based on the lowest responsive, responsible bid for a total amount not to exceed \$297,828.94, with an estimated expenditure of \$24,819.08 in FY2016-2017. The term of the agreement is for one year with an option to extend for up to two additional one year periods, subject to the sole discretion of the City.

**This Motion was passed on the consent agenda.**

Enactment No: M2017-138

**10. Supply Agreement for Sodium Hypochlorite for Water and Wastewater Plants**

Motion authorizing City Manager, or designee, to execute a supply agreement with Brenntag Southwest, Inc., of Longview, Texas for the purchase of Sodium Hypochlorite ("chemical") in response to Request for Bid No. 1149 based on the lowest responsive, responsible bid for a total amount not to exceed \$1,498,465.05, with an estimated expenditure of \$124,872.09 in FY2016-2017 and funded by the Utilities Fund. The term of the agreement is for one year with an option to extend for up to two additional one-year periods, subject to the sole discretion of the City.

**This Motion was passed on the consent agenda.**

Enactment No: M2017-139

**5. Purchase and Installation of Playground Equipment for Captain Falcon Park (4712 Oso Parkway) and Crestmont Park (3521 Cresthill Drive)**

Motion approving the purchase and installation of playground equipment at Captain Falcon Park from Park Place Recreation Designs, Inc., of San Antonio, Texas for \$52,152.65, and the purchase and supervision of installation of playground equipment at Crestmont Park from Exerplay, Inc., of Cedar Crest New Mexico for \$61,059.75, for a total not to exceed of \$113,212.40 based on the cooperative purchasing agreement with the Local Government Purchasing Cooperative dba BuyBoard.

**Mayor McComb referred to Item 5, the purchase and installation of playground equipment for Captain Falcon and Crestmont Parks. In response to a council member, Director of Parks and Recreation Jay Ellington stated that the work for Crestmont Park is on schedule and expected to be completed within 60 to 90 days. There were no comments from the public.**

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

**Aye:** 9 - Mayor McComb, Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member Lindsey-Opel, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

**Abstained:** 0

Enactment No: M2017-134

**6. Construction Contract for the Aquatic Facility Upgrades and**

**Improvements - West Guth Pool Project**

Motion authorizing the City Manager, or designee, to execute a construction contract with Progressive Commercial Aquatics, Inc. of Houston, Texas in the amount of \$1,512,189 for the Aquatic Facility Upgrades and Improvements - West Guth Pool project for the base bid plus additive alternates 1, 2 and 3. (Bond 2012 Proposition 4)

**Mayor McComb referred to Item 6, execution of a construction contract for Aquatic Facility Upgrades and Improvements - West Guth Pool project. Director of Parks and Recreation Jay Ellington, Executive Director of Public Works Valerie Gray and council members discussed the following topics: whether a company specializing in pools provided a bid for the improvements and maintenance; the project scope; responsibility for pool maintenance; the improvements to the pavilion; the total funding for Bond 2012, Proposition 4; the amount of funding spent on Collier Pool; the length of time West Guth Pool will be closed for improvements; and the estimated date of completion. There were no comments from the public.**

**Council Member Vaughn made a motion to approve the motion, seconded by Council Member Lindsey-Opel. This Motion was passed and approved with the following vote:**

**Aye:** 9 - Mayor McComb, Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member Lindsey-Opel, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

**Abstained:** 0

Enactment No: M2017-135

**7.**

**Professional Services Contract for the Bridge Rehabilitation Project (Capital Improvement Program)**

Motion authorizing the City Manager, or designee, to execute a professional services contract with LJA Engineering, Inc., of Corpus Christi, Texas in the amount of \$114,950 for the Bridge Rehabilitation project. (Capital Improvement Program) (CIP) The term of this agreement is for one year with option to extend for two additional one-year periods subject to the sole discretion of the City based on sufficient funding and successful performance by the engineering firm.

**Mayor McComb referred to Item 7, execution of a professional service contract for the Bridge Rehabilitation Project. In response to a council member, Director of Engineering Services Jeff Edmonds stated that the budget of \$114,950 will cover the cost of the project scope and the language authorizing the City Manager to administratively exercise the two-additional one-year options only being necessary to extend the period of performance. Mr. Edmonds said no additional funding is being authorized.**

**Council Member Smith made a motion to approve the motion, seconded by Council Member Lindsey-Opel. This Motion was passed and approved with the**

following vote:

**Aye:** 9 - Mayor McComb, Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member Lindsey-Opel, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

**Abstained:** 0

Enactment No: M2017-136

## **8. Supply Agreement for Concrete**

Motion authorizing City Manager, or designee, to execute a supply agreement with Custom-Crete, LLC, of Euless, Texas for the purchase of concrete in response to Request for Bid No. 958 based on the lowest responsive, responsible bid for a total amount not to exceed \$105,700.00 with an estimated expenditure of \$8,808.33 in FY2016-2017 and funded by the Storm Water Fund. The term of the agreement is for one year with an option to extend for up to two additional one-year periods, subject to the sole discretion of the City.

**Mayor McComb referred to Item 8, a supply agreement for concrete. Director of Street Operations Andy Leal, Assistant Director of Financial Services Kim Baker and council members discussed the following topics: the cost per yard for concrete; the current cost per yard to the public; the delivery charge of \$50.00; whether the City receives discounts for larger supplies of concrete; the competitive bidding process; only having one contractor participate in the bidding process; the ability to contact other suppliers; notification to bidders; the fluctuating cost of concrete; whether staff is experiencing difficulties with companies applying to supply concrete to Corpus Christi; and requesting that staff come back with ways to increase suppliers participation in procurements. There were no comments from the public.**

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

**Aye:** 9 - Mayor McComb, Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member Lindsey-Opel, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

**Abstained:** 0

Enactment No: M2017-137

## **M. PUBLIC HEARINGS: (ITEMS 11 - 12)**

### **11. Public Hearing and First Reading Ordinance - Rezoning property located at 325 North Staples Street**

Case No. 0717-04 J R Electric Company: A change of zoning from the

“IL” Light Industrial District to “CI” Intensive Commercial District. The property is described as Bluff, Block B, Lot 6, located at the intersection of North Staples Street and Comanche Street on the southwest corner, south of Lipan Street, and north of Caldwell Street.

Planning Commission and Staff Recommendation (August 9, 2017):

Approval of the change of zoning from the “IL” Light Industrial District to the “CI” Intensive Commercial District.

Ordinance:

Ordinance amending the Unified Development Code (“UDC”), upon application by J R Electric Company (“Owner”), by changing the UDC Zoning Map in reference to the property described as Bluff, Block B, Lot 6, from the “IL” Light Industrial District to “CI” Intensive Commercial District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

**Mayor McComb referred to Item 11. Interim Director of Development Services Bill Green stated that the purpose of this item is to rezone the subject property to allow for the enclosure of a 1,848 square foot non-conforming accessory structure built within the property's rear setback. Mr. Green presented the following information: an aerial view of subject property; the zoning pattern; and the Unified Development Code (UDC) requirements. Mr. Green stated that the Planning Commission and staff are in favor of the zoning change.**

**Council members and staff discussed the following topics: the zoning violations on the subject property; whether approval of the zoning change will resolve the violations; when the structure was built; and questions related to attendance of Planning Commission members.**

**Mayor McComb opened the public hearing. Luciano Leal, Jr., applicant, stated that he was not previously aware the structure was not in compliance and requested approval of the rezoning. Mayor McComb closed the public hearing.**

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

**Aye:** 9 - Mayor McComb, Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member Lindsey-Opel, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

**Abstained:** 0

## **12. Public Hearing and First Reading Ordinance - Adopting the 2017 National Electrical Code**

Ordinance amending Corpus Christi Code of Ordinance, Chapter 14, Sections 14-201 & 14-241 to adopt the National Electrical Code, 2017 Edition, with local amendments, amending sections 14-1306, 14-1316,

14-1311, & 14-1313 to remove electrician licensing, registration, and special fee and clarifying building permit fees; providing for penalties, severance, effective date and publication.

Mayor McComb referred to Item 12. Interim Director of Development Services Bill Green stated that the purpose of this item is to amend the City's Code of Ordinances to align with Texas state laws including adoption of the 2017 National Electric Code per the Texas Department of Licensing and Regulation and an amendment of the Texas Occupations Code, by recent passage of HB 3329, which eliminates collection of fees for local registration or electrical permit fees from licensed electricians. The state law requirements went into effect September 1, 2017. Electrical registration and permit fees for stand-alone work are currently being administratively waived until City Council approval of the proposed ordinance. Mr. Green stated that staff advised the City's Electrical Advisory Board of the proposed changes and conducted outreach and educational training with local electricians. Building Official and Interim Assistant Director of Development Services Gene DeLauro and Senior Assistant City Attorney Buck Brice were present to respond to questions.

Council members and staff discussed the following topics: participation at the educational training; the number of local electricians; additional communication regarding the proposed amendments; and whether the reduction of fees was included in the proposed budget.

Mayor McComb opened the public hearing. There were no comments from the public. Mayor McComb closed the public hearing.

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

**Aye:** 9 - Mayor McComb, Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member Lindsey-Opel, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

**Abstained:** 0

- J. PUBLIC COMMENT FROM THE AUDIENCE ON MATTERS NOT SCHEDULED ON THE AGENDA WILL BE HEARD AT APPROXIMATELY 12:00 P.M.** A recording is made of the meeting; therefore, please speak into the microphone located at the podium and state your name and address. 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 Public Communications department at 361-826-3211 to coordinate.

Mayor McComb deviated from the agenda and returned to comments from the public. Gene Pasahow spoke regarding local doctors not taking Tri-Care and

other insurances used by older individuals.

**L. RECESS FOR LUNCH**

Mayor McComb called for a recess at 1:30 p.m. Mayor McComb reconvened the Council meeting at 2:04 p.m.

**N. REGULAR AGENDA: (ITEMS 13 - 16)**

**13. Resolution Amending City Council Policies**

Resolution Amending City Council Policies - Service on More Than One Board, Commission, Committee or Corporation.

Mayor McComb referred to Item 13. City Secretary Rebecca L. Huerta stated that the purpose of this item is to amend the City Council Policies to allow the City Council to appoint a person to serve as a director of both a Type A and Type B Corporation, concurrently. There were no comments from the public.

Council members and staff discussed the following topics: consideration to appoint two members of the City Council to the Type B Corporation; a legal opinion on whether City Council is eligible to service on the Type B Corporation; state law provisions allowing City Council members to serve on the Type B Corporation; the benefits of having council members serve on the Type B Board based on passed experiences with the Type A Board; the approval process for expenditure of Type B funds; whether council members have ever served on the Type A Corporation; whether the Type B Corporation has been created; concern that council members on the Type B Corporation would cause undue influence; options to eliminate the disconnection and improve communications between the Type B Corporation and the City Council; and work already performed by staff related to a Motion of Direction at the August 22, 2017 City Council meeting to advertise and bring back for appointment two additional representatives to serve on the Type B Corporation.

Mayor McComb made a motion to approve the resolution, seconded by Council Member Guajardo. This resolution was passed and approved with the following vote:

**Aye:** 9 - Mayor McComb, Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member Lindsey-Opel, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

**Abstained:** 0

Enactment No: 031242

**MOTION TO RECONSIDER**

Council Member Rubio made a motion to reconsider the Motion of Direction approved by the City Council on August 22, 2017 to advertise and bring back for appointment two additional representatives to serve on the Type B

Corporation, seconded by Council Member Vaughn.

The Motion to Reconsider failed with the following vote: Vaughn, Hunter, Lindsey-Opel, Rubio and Smith, voting "Aye"; Mayor McComb, Council Members Garza, Guajardo, and Molina, voting "No".

14.

#### **Ordinance Adopting the Fiscal Year 2018 Property Tax Rate**

Ordinance setting a property tax rate of \$0.606264 per \$100 valuation which is effectively a 3.11% increase over the effective tax rate; and declaring an emergency.

Mayor McComb referred to Item 14. Director of Financial Services Constance Sanchez stated that the purpose of this item is to approve an ordinance setting the property tax rate for FY2018 of \$0.606264 per \$100 valuation. Since this tax rate is above the effective tax rate of \$0.587958 per \$100 valuation, the City is required by the Property Tax Code to disclose the percentage of 3.11% in the caption of the ordinance. The two required public hearings were held on August 22, 2017 and August 29, 2017. There were no comments from the public.

Council members and staff discussed the following topics: clarification regarding the difference between the 3.11% increase over the effective tax rate and the total tax rate effectively being raised by 4.69%; the letter submitted by Mayor McComb to Governor Greg Abbott requesting that the tax calendar deadlines be extended due to Hurricane Harvey; the voter-approved charter amendment to establish a dedicated fund to address residential street reconstruction funded by a tax increase, and not to exceed two cents per one hundred dollars assessed value per year.

#### **MOTION OF DIRECTION**

Mayor McComb made a motion directing the City Manager to prepare documents necessary to provide for an increase of 2 cents, for a total tax rate of \$0.626264 per \$100 valuation, dedicated to residential streets, seconded by Council Member Rubio.

Discussion on the motion of direction included: concern that increasing the tax rate two cents would subject the tax rate to a referendum; an explanation of the referendum process; state legislative restrictions; the amount set aside in the FY2017-2018 proposed budget for residential streets; the need to have quality residential streets; the amount of revenue generated by increasing the tax rate by two cents; the revenue generated by the street maintenance user fee; and concern on how an increase on property taxes will affect homeowners.

The Motion of Direction was passed and approved with the following vote: Mayor McComb, Council Members Garza, Lindsey-Opel, Molina, Rubio, and Smith, voting "Aye"; Council Members Vaughn, Guajardo, and Hunter, voting "No".

City Manager Rose stated that, based on the Motion of Direction, staff will advertise in the newspaper on Friday, September 15, 2017 and two public hearings will need to be held on Friday, September 22, 2017 and Monday, September 25, 2017, with final action by the City Council on Thursday, September 28, 2017.

**15. Construction Contract for O.N. Stevens Water Treatment Plant Intermediate Sludge Removal Phase 1 FY 2018 (Capital Improvement Program)**

Motion authorizing the City Manager, or designee, to execute a construction contract with American Process Group, Inc., of Tacoma, Washington in the amount of \$3,750,000 for the O.N. Stevens Water Treatment Plant (ONSWTP) Intermediate Sludge Removal Phase 1 FY 2018 for Base Bid Part A plus Additive Alternate No. 1. (Capital Improvement Program) (CIP)

Mayor McComb referred to Item 15. Director of Engineering Services Jeff Edmonds stated that the purpose of this item is to execute a construction contract with American Process Group, Inc. for the O.N. Stevens Water Treatment Plant Intermediate Sludge Removal Phase 1 FY2018 for Base Bid Part A plus Additive Alternate No. 1. Mr. Edmonds provided a brief overview of the project background and timeline. There were no comments from the public.

Council members and staff discussed the following topics: the evaluation of street impacts with track hauling and whether the transportation adjustment factor will be included in future bid evaluations; approval of the the base bid allowing for an interim solution on sludge removal for an estimated six years; working toward a permanent solution to address sludge removal; staff's recommendation to approve the base bid and increase tonnage; the impact on ratepayers of increasing tonnage up to the budgeted amount; and consideration to amend the motion to the bid value.

Council Member Smith made a motion to amend the motion for the Base Bid Part A plus Additive Alternate No. in the amount of \$2,640,640.12, seconded by Council Member Guajardo and passed unanimously.

Council Member Lindsey-Opel made a motion to approve the motion as amended, seconded by Council Member Smith. This Motion was passed and approved as amended with the following vote:

**Aye:** 9 - Mayor McComb, Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member Lindsey-Opel, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

**Abstained:** 0

Enactment No: M2017-142

**16. Second Reading Ordinance - Adjusting Water and Wastewater Utility Rates (1st Reading 8/15/17)**

Ordinance amending the Code of Ordinances, City of Corpus Christi, Chapter 55, Utilities, regarding water and wastewater rates; providing for

publication and effective date of January 1, 2018.

Mayor McComb referred to Item 16, water and wastewater utility rates. City Manager Margie C. Rose stated that this second reading of this item was pulled from the City Council Agenda on August 22, 2017 to allow staff the opportunity to re-evaluate the rate model. As a result, a revised ordinance is being presented to City Council with a lower water rate.

Assistant Director of Support Services for Water Utilities Reba George stated that the purpose of this item is to amend the City's Code of Ordinances with revisions adjusting the water and wastewater utility rates, with an effective date of January 1, 2018. Ms. George presented the following information: the revised rate review schedule; the proposed water rate summary; and a sample bill of the current and revised water rates. There are no revisions to the wastewater rates.

Council members and staff discussed the following topics: whether the revised rates cover operating costs; clarification on the sample water rates; aligning usage to rates; concern with increasing rates; capital improvement projects associated with the water boil and the obligations made to the public to ensure water quality; and cash funding versus acquiring debt for capital improvements.

Council Member Garza made a motion to amend the utility rate ordinance, prior to the second reading, by reducing rates as stated in the document titled, "Utility Rate Ordinance August 29, 2017", seconded by Council Member Molina. This Motion to amend was passed and approved with the following vote: Mayor McComb, Council Members Garza, Lindsey-Opel, Molina, and Smith, voting "Aye"; Council Members Vaughn, Guajardo, Hunter, and Rubio, voting "No".

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

**Aye:** 5 - Mayor McComb, Council Member Garza, Council Member Lindsey-Opel, Council Member Molina and Council Member Smith

**Nay:** 4 - Council Member Guajardo, Council Member Hunter, Council Member Rubio and Council Member Vaughn

**Abstained:** 0

Enactment No: 031244

**O. RECESS TO CORPORATION MEETING: (ITEM 17)**

Mayor McComb recessed the regular Council meeting to hold the Annual Board of Directors Meeting of the Corpus Christi Community Improvement Corporation.

**17. Annual Board of Directors Meeting of the Corpus Christi Community Improvement Corporation (CCCIC)**

**This Corporation Meeting was held.**

**P. RECONVENE CITY COUNCIL MEETING:**

Mayor McComb reconvened the regular Council meeting.

**REGULAR AGENDA: (ITEM 14)****14. Ordinance Adopting the Fiscal Year 2018 Property Tax Rate**

Ordinance setting a property tax rate of \$0.606264 per \$100 valuation which is effectively a 3.11% increase over the effective tax rate; and declaring an emergency.

Mayor McComb deviated from the agenda and returned to Item 14, adoption of the FY2018 Property Tax Rate. City Manager Margie C. Rose received confirmation from the City Council to publish in the Caller Times on Friday, September 15, 2017 that the City Council will hold two public hearings on Friday, September 22, 2017 at 11:30 a.m. and Monday, September 25, 2017 at 11:30 a.m., with adoption of the property tax rate on Thursday, September 28, 2017 at 4:00 p.m.

**Q. FIRST READING ORDINANCES: (ITEMS 18 - 19)****18. First Reading Ordinance - Approving the Fiscal Year 2017-2018 Capital Budget and Capital Improvement Planning Guide**

Ordinance approving the Fiscal Year 2017 - 2018 Capital Budget and Capital Improvement Planning Guide in the amount of \$142,224,600.

Mayor McComb referred to Item 18. Assistant City Manager Mark Van Vleck stated that the purpose of this item is to approve the FY2017-2018 Capital Budget and Capital Improvement Planning (CIP) Guide in the amount of \$142,224,600. There were no comments from the public.

Council members and staff discussed the following topics: the need to address improvements to City Hall including fencing and lighting; the ability to include City Hall improvements in the CIP; issues associated with fencing at City Hall; and the need to find a funding source.

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

**Aye:** 9 - Mayor McComb, Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member Lindsey-Opel, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

**Abstained:** 0

**19. First Reading Ordinance - Accepting and appropriating funds for the 2018 Comprehensive Selective Traffic Enforcement Project (STEP) within the Police Department**

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept a grant from the Texas Department of Transportation (TXDOT) in the amount of \$155,000.09 for the 2018 Comprehensive Selective Traffic Enforcement Project (STEP) within the Police Department, for Driving While Intoxicated (DWI), speed enforcement, and distracted driving overtime, with a city match of \$47,166.67, for a total project cost of \$202,166.76 and appropriating \$155,000.09 in the No. 1061 Police Grants Fund.

Mayor McComb referred to Item 19. Police Chief Mike Markle stated that the purpose of this item is to accept and appropriate a grant from the Texas Department of Transportation in the amount of \$155,000.09 for the 2018 Comprehensive Selective Traffic Enforcement Project (STEP) within the Police Department to provide for overtime funding for DWI, speed enforcement, and distracted driving. There were no comments from the public.

A council member asked questions regarding distracted driving enforcement efforts.

Council Member Lindsey-Opel made a motion to approve the Ordinance, seconded by Council Member Vaughn. This Ordinance was passed on first reading and approved with the following vote:

**Aye:** 9 - Mayor McComb, Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member Lindsey-Opel, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

**Abstained:** 0

**R. FUTURE AGENDA ITEMS: (ITEMS 20 - 26)**

Mayor McComb referred to Future Agenda Items. City Manager Margie C. Rose stated that staff had a planned presentation on Item 21. A council member requested information on Item 22.

**20. Service Agreement for Tire Repair and Replacement Services for the Corpus Christi Fire Department**

Motion authorizing City Manager, or designee, to execute an agreement with Beasley Tire Services, Inc. of Houston, Texas for the repair and replacement services of tires for the Corpus Christi Fire Department in response to Request for Bid No. 978 based on the lowest responsive, responsible bid for a total amount not to exceed \$116,510.00, and budgeted in FY2017-18. The term of the agreement is for one year with an option to extend for up to two additional one-year periods, subject to the sole discretion of the City.

This Motion was recommended to the consent agenda.

**21. Professional Services Contract for Tourist Area Amenities - Wayfinding Initiative Project**

Motion authorizing the City Manager or designee to execute a professional services contract with Freese and Nichols, Inc. of Corpus Christi, Texas in the amount of \$251,860 for the Tourist Area Amenities - Wayfinding Initiative project.

This Motion was recommended to regular agenda.

**22. Resolution to Execute an Advance Funding Agreement (AFA) for the Sports, Entertainment, and Arts (SEA) District Pedestrian Improvements project (Bond 2012, Proposition 8)**

Resolution authorizing the City Manager, or designee, to execute an Advance Funding Agreement (AFA) with the Texas Department of Transportation (TxDOT) for the Sports, Entertainment, and Arts (SEA) District Pedestrian Improvements project with City's required payment to TxDOT in the amount of \$21,000 for reimbursement of direct state costs. (Bond 2012, Proposition 8)

This Resolution was recommended to consent agenda.

**23. Construction Contract for Citywide Collection System Pipe Bursting Indefinite Delivery/Indefinite Quantity (IDIQ) Part C (Capital Improvement Program)**

Motion authorizing the City Manager, or designee, to execute a multi-year ID/IQ construction contract with PM Construction & Rehab, LLC dba IPR South Central, LLC, of Pasadena, Texas in the amount of \$2,000,000 for Citywide Collection System Pipe Bursting ID/IQ Part C. This is a one (1) year base contract with four (4) optional one (1) year renewals to be approved administratively subject to availability of funding and satisfactory contractor performance. (Capital Improvement Program) (CIP)

This Motion was recommended to the consent agenda.

**24. Service Agreement for Preventative and Emergency Maintenance for Various Lift Stations for Wastewater**

Motion authorizing City Manager, or designee, to execute a service agreement with ADK Environmental, Inc., of Odem, Texas for preventative and emergency maintenance for various lift stations for Wastewater Division in response to Request for Bid No. 1247 based on

the lowest responsive, responsible bid for a total amount not to exceed \$158,362.50, and budgeted in FY2017-18. The term of the agreement is for one year with an option to extend for up to two additional one-year periods, subject to the sole discretion of the City.

**This Motion was recommended to the consent agenda.**

**25. Annual Joint Funding Agreement for Water Resources Investigation with the United States Geological Survey (USGS)**

Motion authorizing the City Manager or designee to renew an annual Joint Funding Agreement for Water Resources Investigation with the United States Geological Survey (USGS), U.S. Department of the Interior, for automated river gauging stations to gather and maintain accurate records of stream flows for rivers associated with the City's reservoirs, with the City's cost to be \$157,060. This Contract runs from October 1, 2017 to September 30, 2018.

**This Motion was recommended to the consent agenda.**

**26. Approving funds subject to reimbursement for services provided by Texas A&M Health Science Center (Coastal Bend Health Education Center) [CBHEC] utilizing Diabetes Care Team for the Corpus Christi-Nueces County Public Health District (CCNCPHD)**

Motion approving up to but not to exceed \$250,000.00 to pay for services provided by Texas A&M Health Science Center (Coastal Bend Health Education Center) [CBHEC] utilizing Diabetes Care Team for the Corpus Christi-Nueces County Public Health District (CCNCPHD) for the City contract period that ended May 2, 2017 and invoices between the City contract and the County contract that begins in August 1, 2017. Nueces County to reimburse full amount of paid funds per interlocal agreement.

**This Motion was recommended to the consent agenda.**

**S. FUTURE CORPORATION MEETING: (ITEM 27)**

**27. Annual Board Meeting of the Corpus Christi Housing Finance Corporation**

**This Corporation Meeting was recommended to be held.**

**T. BRIEFINGS: (ITEM 28)**

**28. Discussion regarding Appointments to the Charter Review Ad Hoc Committee**

Mayor McComb referred to Item 28. City Secretary Rebecca L. Huerta stated that the purpose of this item is to provide a briefing on the appointment of a

Charter Review Ad Hoc Committee. City Secretary Huerta provided a overview of the key topics discussed at the March 28, 2017 City Council meeting. Staff initially informed the City Council that the first available election date to amend the City Charter was November 5, 2019. The Texas Secretary of State's Office has clarified that the election can be held on any uniform election date in 2019. There was a discussion regarding a target election date, including the pros and cons, but no clear consensus to hold an election in November 2019 or November 2020. The City Council decided on a comprehensive review of the Charter. The Council discussed creating a Charter Review Committee comprised of citizens with in-house legal support. The Council discussed simplifying the language in the City Charter to make it easier to understand. The appointment process discussed included: individual council members would make nominations which would be subject to confirmation by the City Council; the City Council would appoint the Chairperson; and that the Council was to revisit the issue after the May 2017 Special Mayoral Election; and Council Member Rubio having made a motion at the July 11, 2017 City Council meeting to add a future agenda item regarding the appointment of the Charter Review Commission to a future agenda.

City Secretary Huerta stated that prior to the creation of a committee, staff will need direction from the Council regarding the target election date and clarification on the definition of "comprehensive" in order to create a timeline. City Secretary Huerta provided information on the timeline of previous Charter Review Committees; delays in the review process related to City Council terms; and costs and turnout related to elections.

Council Member Rubio thanked City Secretary Huerta for the information and stated that she did not support a Special Election for a Charter review. Council Member Rubio stated that the comprehensive review should include a complete review of the charter, from beginning to end, to simplify and address loopholes in the language. Council Member Rubio expressed support for creating a committee after City Council elections in 2018, to be comprised of citizens, with in-house legal support.

#### **REGULAR AGENDA: (ITEM 14)**

#### **14. Ordinance Adopting the Fiscal Year 2018 Property Tax Rate**

Ordinance setting a property tax rate of \$0.606264 per \$100 valuation which is effectively a 3.11% increase over the effective tax rate; and declaring an emergency.

Mayor McComb deviated from the agenda and returned to Item 14, adoption of the FY2018 Property Tax Rate.

Mayor McComb made a motion setting September 28, 2017 as the date of the adoption of the ad valorem tax rate of \$0.626264 per \$100 valuation, seconded by Council Member Garza. This Motion was passed and approved with the following vote:

Aye: 6 - Mayor McComb, Council Member Garza, Council Member Lindsey-Opel, Council Member Molina, Council Member Rubio, and Council Member Smith

**Nay: 3 - Council Member Guajardo, Council Member Hunter, and Council Member Vaughn**

**Enactment No.: M2017-140**

**Mayor McComb made a motion to consider a tax increase and to set a public hearing on the ad valorem tax rate for September 22, 2017 and a second public hearing for September 25, 2017 during Special City Council meetings beginning at 11:30 a.m. in the Council Chambers at City Hall, 1201 Leopard Street, Corpus Christi, Texas, seconded by Council Member Garza. This Motion was passed and approved with the following vote:**

**Aye: 6 - Mayor McComb, Council Member Garza, Council Member Lindsey-Opel, Council Member Molina, Council Member Rubio, and Council Member Smith**

**Nay: 2 - Council Member Guajardo and Council Member Hunter**

**Absent: 1 - Council Member Vaughn**

**Enactment No: M2017-141**

**U. EXECUTIVE SESSION: (ITEMS 29 - 31)**

**Mayor McComb referred to the day's executive sessions. The Council went into executive session at 5:36 p.m. The Council returned from executive session at 7:40 p.m.**

- 29. 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 water supplies for industrial and other development, existing or potential agreements with water districts and other governmental entities involving the sale or purchase of water, wastewater, water rights or other utility services, potential economic development agreement(s) with business prospects that are considering the construction, expansion, and/or ownership of industrial facilities that will be consumers of water and/or wastewater services, potential creation of entities that could provide or assist in the provision of the aforementioned services, desalination, water reuse, and state regulations related to the aforementioned topics, and pursuant to Texas Government Code § 551.087 to discuss confidential commercial or financial information pertaining to the aforesaid business prospect(s) that the City seeks to have locate, stay or expand in or near the territory of the City and with which the City may conduct economic development negotiations and/or deliberate possible economic development issues concerning said business prospect(s), including, but not limited to, the provision of water to said business prospect(s) and the**

management, sale, or acquisition of rights to water for said business prospect(s).

**This E-Session Item was discussed in executive session.**

**30.**

**Executive Session pursuant to Texas Government Code § 551.071** and Texas Disciplinary Rules of Professional Conduct Rule 1.05 to consult with attorneys concerning claims and potential litigation related to the contract for the construction of the Mary Rhodes Pipeline Phase 2 - Pump Station/Sedimentation Basin and potential authorization of professional services agreement(s) with expert(s) for analysis of aforementioned claims.

**Mayor McComb referred to Item 30 and the following motion was considered:**

**Motion to authorize the execution of Amendment No. 1 to a Professional Services Agreement for consulting engineering claims analysis and other expert services for anticipated litigation in the Mary Rhodes Pipeline Phase 2, Pump Station/Sedimentation Basin, Project No. E10008 in an additional amount not to exceed \$90,000 with the consulting/engineering/expert firm of Spire Consulting Group, LLC and authorize carry-over of unexpended funds into the following fiscal years.**

**Council Member Lindsey-Opel 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 Garza, Council Member Guajardo, Council Member Hunter, Council Member Lindsey-Opel, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

**Abstained:** 0

Enactment No: M2017-143

**31.**

**Executive session pursuant to Texas Government Code § 551.074** (Personnel Matters) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Manager.

**This E-Session Item was discussed in executive session.**

#### **REGULAR AGENDA: (ITEM 14)**

**14.**

#### **Ordinance Adopting the Fiscal Year 2018 Property Tax Rate**

Ordinance setting a property tax rate of \$0.606264 per \$100 valuation which is effectively a 3.11% increase over the effective tax rate; and declaring an emergency.

**Mayor McComb deviated from the agenda and returned to Item 14, adoption of the FY2018 Property Tax Rate. Mayor McComb stated that he submitted a letter**

to Governor Abbott requesting an extension of the deadlines for adopting the tax rate. There is a provision in the statute for posting a proposed tax rate by September 1st. Mayor McComb explained that the City will proceed with the approved calendar to increase the tax rate to \$.626264 per \$100 valuation. Mayor McComb stated that should the Governor not approve the request for extension, it is recommended that the City Council adopt the existing tax rate for the record.

Mayor McComb made a motion to approve the Ordinance setting a property tax rate of \$0.606264 per \$100 valuation, which is effectively a 3.11% increase over the effective tax rate; and declaring an emergency, seconded by Council Member Garza. This Ordinance failed with the following vote:

**Aye: 5 - Mayor McComb, Council Member Garza, Council Member Lindsey-Opel, Council Member Molina, and Council Member Smith**

**Nay: 4 - Council Member Guajardo, Council Member Hunter, Council Member Rubio and Council Member Vaughn**

#### **MOTION TO RECONSIDER**

Council Member Hunter made a motion to reconsider Item 14, seconded by Council Member Rubio. This Motion to Reconsider passed with the following vote:

**Aye: 6 - Mayor McComb, Council Member Garza, Council Member Lindsey-Opel, Council Member Molina, Council Member Rubio and Council Member Smith**

**Nay: 3 - Council Member Guajardo, Council Member Hunter, and Council Member Vaughn**

Mayor McComb made a motion to approve the Ordinance setting a property tax rate of \$0.606264 per \$100 valuation which is effectively a 3.11% increase over the effective tax rate; and declaring an emergency, seconded by Council Member Garza. This Ordinance was passed and approved on emergency with the following vote:

**Aye: 6 - Mayor McComb, Council Member Garza, Council Member Lindsey-Opel, Council Member Molina, Council Member Rubio and Council Member Smith**

**Nay: 3 - Council Member Guajardo, Council Member Hunter and Council Member Vaughn**

**Abstained: 0**

Enactment No: 031243

## **V. IDENTIFY COUNCIL FUTURE AGENDA ITEMS**

Mayor McComb referred to Identify Council Future Agenda Items. Council Member Vaughn made a motion to bring back a future discussion related to funding for Old Bayview Cemetery, seconded by Council Member Hunter. The Motion was approved by consent of the City Council.

**W. ADJOURNMENT**

The meeting was adjourned at 7:56 p.m.