



# City of Corpus Christi

1201 Leopard Street  
Corpus Christi, TX 78401  
cctexas.com

## Meeting Minutes

### City Council

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Tuesday, September 26, 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 11:32 a.m.

- B. Invocation to be given by Mrs. Dorothy Dundas, Texas Apostolic Prayer Network.**

Mrs. Dorothy Dundas led the invocation.

- C. Pledge of Allegiance to the Flag of the United States to be led by Billy Delgado, Emergency Management Coordinator.**

Emergency Management Coordinator Billy Delgado 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 29, 2017, "Corpus Christi IceRays Hockey Team's 20th Anniversary Season".  
Proclamation declaring September 30, 2017, "Coastal Bend Walk 'n Roll Celebration for Disability Awareness Day".  
Proclamation declaring October 3, 2017, "National Night Out".  
Proclamation declaring October 6, 2017, "Downtown Cultural District Day".  
Proclamation declaring October 8-14, 2017, "National Fire Prevention Week".  
Swearing-In of Newly Appointed Board, Commission and Committee Members

Mayor McComb recognized City Manager Margie C. Rose, Police Chief Mike Markle, Fire Chief Robert Rocha, and Emergency Management Coordinator Billy Delgado for their efforts during Hurricane Harvey.

Mayor McComb presented the proclamations and conducted the swearing-in ceremony for newly appointed board and committee members.

- 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. Wendy Herman, Executive Officer of the Coastal Bend Homebuilders' Association, and Trey Summers, Chief Operations Officer for Hogan Homes, expressed opposition to Item 31, a presentation related to a proposed Unified Development Code amendment to revise the warranty period on new residential street construction from one to two years and spoke regarding the flawed pavement condition index (PCI) test and how the amendment would impact costs for developers and homeowners. Terry Sweeney, Executive Director of the Downtown Management District (DMD), spoke in support of Agenda Item 12, a public hearing and first reading ordinance for the adoption of the Downtown Area Development Plan. J.R. Miller, 4402 Crosstown, thanked

the City Council, Nueces County, and West Oso Independent School District for their collaboration on the West Haven Park improvements project.

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

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

**a. OTHER**

1) Four City departments were recognized at the 14th Annual Risk Management Workshop and Safety Awards presentation for outstanding safety awareness and accident prevention. The winners included departments that had marked improvement during 2016: Health and Engineering Services Departments, Non-field Operations Category and Streets and Fleet Maintenance, Field Operations Category. 2) The Solid Waste Department and Coastal Bend Surfriders Foundation have partnered to install and replace 40 storm water inlet markers on storm water drains located throughout Cole Park. The markers indicating "No Dumping" and "Drains to Bay" remind citizens of the importance of protecting the bay. Residents can report illegal dumping by contacting the City's Call Center at 826-CITY (2489). 3) Tuesday, September 28, 2017 is "National Voter Registration Day". Members of the League of Women Voters are located in the atrium of City Hall until 2:00 p.m. to assist in the nationwide drive to register people to vote.

**G. MINUTES:**

2. Regular Meeting of September 19, 2017 and Workshop Meetings of September 13 and 14, 2017.

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

**H. BOARD & COMMITTEE APPOINTMENTS: (NONE)**

**I. EXPLANATION OF COUNCIL ACTION:**

**K. CONSENT AGENDA: (ITEMS 3 - 11)**

**Approval of the Consent Agenda**

Mayor McComb referred to the Consent Agenda. There were no comments from the public. A council member requested that Item 7 be pulled for individual consideration.

A motion was made by Council Member Garza, seconded by Council Member Vaughn, to approve the Consent Agenda. 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

**3. Service Agreement for Document Scanning Services for Development Services**

Motion authorizing City Manager, or designee, to execute a service agreement with MCCi, LLC of Tallahassee, Florida for document scanning services based on the Local Government Purchasing Cooperative dba Buyboard for a total amount not to exceed \$135,000. The term of this services agreement is for six months. Funds are budgeted in the Development Services Fund for FY 2016-2017.

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

Enactment No: M2017-151

**4. Engineering Testing Agreement for Cefé Valenzuela Landfill Groundwater Monitoring FY 2017-2018**

Motion authorizing the City Manager, or designee, to execute an engineering testing agreement with Tolunay-Wong Engineers, Inc. of Corpus Christi, Texas in the amount of \$138,900 for the Cefé Valenzuela Landfill Groundwater Monitoring FY 2017-2018.

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

Enactment No: M2017-152

**5. Engineering Testing Agreement for J.C. Elliott Landfill Groundwater Monitoring FY 2017-2018**

Motion authorizing the City Manager, or designee, to execute an engineering testing agreement with Tolunay-Wong Engineers, Inc. of Corpus Christi, Texas in the amount of \$131,500 for the J.C. Elliott Landfill Groundwater Monitoring FY 2017-2018.

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

Enactment No: M2017-153

**6. Service Agreement for Software and Equipment Upgrades for Solid Waste Scale Systems at Landfills**

Resolution finding that the purchase and upgrade of software and equipment for the Solid Waste Department's scale systems is a sole

source procurement; and authorizing the City Manager, or designee, to execute a service agreement with A-1 Scale Service, Inc., of San Antonio, Texas, for upgrades of the scale system software and equipment for a total amount not to exceed \$85,600.00, with funding available in the FY2016-2017 General Fund.

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

Enactment No: 031250

**8. Second Reading Ordinance - Rezoning property located at 1840 Saratoga Boulevard (1st Reading 9/19/17)**

Case No. 0717-02 Bradley W. Shirley and Valerie V. Shirley: A change of zoning from the "RS-6" Single-Family 6 District to the "IL" Light Industrial District. The property is described as being Bohemian Colony Lands 6.379 acres out of Section 7, Lot 5, located north of Saratoga Boulevard and east of Greenwood Drive.

Planning Commission and Staff Recommendation (July 26, 2017):

Approval of the change of zoning from the "RS-6" Single-Family District to the "IL" Light Industrial District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by Bradley W. Shirley and Valerie V. Shirley Cox ("Owner"), by changing the UDC Zoning Map in reference to Bohemian Colony Lands 6.379 acres out of Sec. 7, Lot 5, from the "RS-6" Single-Family 6 District to the "IL" Light Industrial District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

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

Enactment No: 031251

**9. Second Reading Ordinance - Rezoning property located at 6802 Weber Road (1st Reading 9/19/17)**

Case No. 0617-03 CC Ventures Equities IV, LP: A change of zoning from the "CN-1" Neighborhood Commercial District to "CG-2" General Commercial District. The property is described as being 0.839 acres out of the west 170 feet of Foxwood Estates Phase III, Block 11, Lot 2, located along the east side of Weber Road, north of Bratton Road, and south of Saratoga Boulevard.

Planning Commission and Staff Recommendation (July 26, 2017):

Approval of the change of zoning from the "CN-1" Neighborhood

Commercial District to the “CG-2” General Commercial District.

Ordinance:

Ordinance amending the Unified Development Code (“UDC”), upon application by CC Ventures Equities (“Owner”), by changing the UDC Zoning Map in reference to the west 170 feet of Foxwood Estates Phase III, Block 11, Lot 2, from the “CN-1” Neighborhood Commercial District to the “CG-2” General Commercial District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

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

Enactment No: 031252

**10. Second Reading Ordinance - Accepting and appropriating State grant for Violence Against Women Act (VAWA) Program within the Police Department (1st Reading 9/19/17)**

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept a grant from the State of Texas, Criminal Justice Division in the amount of \$51,920.42 for the Violence Against Women Act (VAWA) Program within the Police Department with a cash match of \$12,926.93 and an in-kind match of \$8,280.00 for a total project cost of \$73,127.34; appropriating the \$51,920.42 in the No. 1061 Police Grants Fund for the VAWA grant in the Police Department; and authorizing the transfer of \$12,926.93 from the No. 1020 General Fund to the No. 1061 Police Grants Fund and appropriating the same for a total project cost of \$73,127.34.

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

Enactment No: 031253

**11. Second Reading Ordinance - Accepting and appropriating State grant funds for the FY 2017 Edward Byrne Memorial Justice Assistance Grant (JAG) Program within the Police Department (1st Reading 9/19/17)**

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept a grant from the Texas Office of the Governor, Criminal Justice Division through the U. S. Department of Justice, Bureau of Justice Assistance, in the amount of \$11,241.00 for the State FY 2017 Edward Byrne Memorial Justice Assistance Grant (JAG) Program; and appropriating the \$11,241.00 in the No. 1061 Police Grants Fund to fund the enhancement of law enforcement efforts by the Police Department.

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

Enactment No: 031254

**7. Service Agreement for Workers' Compensation Third-Party Administrator Services for one year at \$132,000 with four one-year options and a total potential multi-year amount of \$660,000.**

Motion authorizing the City Manager or designee to execute a service agreement with York Risk Services Group, Inc. of Parsippany, New Jersey for workers' compensation third-party administrator services in accordance with Request for Proposal (RFP) No. 1133, based on best value for a total amount not to exceed \$132,000, budgeted in FY2017-18. 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, with a total potential multi-year amount of up to \$660,000.

**Mayor McComb referred to Item 7, a service agreement for Workers' Compensation Third-Party Administrator Services. City Manager Margie C. Rose and a council member discussed the following topics: the agenda item's caption capturing the total potential cost of the contract; the process that staff will use to inform City Council when exercising contract extension options; and clearly identifying who "the City" is referencing in agenda captions. There were no comments from the public.**

**Council Member Lindsey-Opel 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: M2017-154

**N. REGULAR AGENDA: (ITEMS 13 - 14)**

**13. Second Reading Ordinance - Adopting the City of Corpus Christi Operating Budget for Fiscal Year 2017-2018 (1st Reading 9/19/17)**

Ordinance adopting the City of Corpus Christi operating budget for the fiscal year 2017-2018 beginning October 1, 2017; to be filed with the County Clerk; appropriating monies as provided in the budget; and providing for severance.

**Mayor McComb referred to Item 13, adoption of the proposed FY2017-2018 Operating Budget. Director of Management and Budget Eddie Houlihan was available to respond to questions.**

**Mayor McComb stated that the proposed budget does not include the**

voter-approved charter amendment to establish a dedicated fund to address residential street reconstruction funded by a tax increase, not to exceed two cents per one hundred dollars assessed value per year. Mayor McComb presented a document titled Attachment A with an option to reduce each expenditure by organization listed in the General Fund by an estimated 1.43%, for a total amount of \$3,400,000, to honor the City Council's commitment to address residential streets.

Mayor McComb made a motion to amend the proposed FY2017-2018 operating budget by transferring funds, as shown in Attachment A, to the Residential Street Fund 1042; the reallocation of funds will not and shall not change the proposed total budget expenditures of \$876,546,132 as originally proposed in the FY2017-2018 City of Corpus Christi Proposed Budget which was properly posted on July 28, 2017, seconded by Council Member Smith.

Discussion on the motion to amend included: the impact the proposed reductions will have on departments and service levels; the opportunity for council members to identify alternate sources in the budget to fund residential streets; bond counsel's determination that appropriated bond funds can only be utilized for the purposes authorized until the projects are completed; and confidence that city staff will be able to operate at the reduced funding level.

City Manager Rose presented an alternate option titled "Potential Funding Sources for Residential Streets": 1) decreasing reserves for Police accrued pay by \$500,000; potential extra revenue from storm debris-\$500,000; eliminating General Fund contribution to Fleet Replacement for FY2018-\$1,039,000; decreasing the economic incentive to Schlitterbahn, which is anticipated to saved-\$500,000; no transfer from General Fund to Development Services-\$100,000; and utilizing street funds remaining for Bond 2008-\$500,000; for a total amount of \$3,139,000.

After City Manager Rose provided her option, the following issues were discussed: concern with decreasing the reserve for Police accrued pay; the current unreserved fund balance for Fleet Operations; the impact to Development Services of eliminating the transfer from the General Fund; clarification that Police accrued pay is associated with drag-up pay of accrued leave and not retirement; the ability to amend the budget in the future; concern that Mayor McComb's motion would reduce the Police Department's budget and impact improvements made at Municipal Court; opportunities to develop efficiencies in departments by implementing technology; consideration of a hybrid between Mayor McComb's motion and City Manager Rose's option; the voter-approved charter amendment of two cents during FY2018-2019 budget discussions to develop a long-term funding source for residential streets; and City Manager Rose's recommendation to utilize \$261,000 in reserve appropriations in the General Fund to bring the potential funding sources for residential streets to \$3.4 million.

Mayor McComb withdrew his motion. Council Member Smith withdrew his second.

Council Member Garza made a motion amending the proposed FY2017-2018 City of Corpus Christi Budget by transferring funds as provided in the document titled "Potential Funding Sources for Residential Streets", and reserve appropriations in the amount of \$261,000 to the Residential Street Fund 1042



for a total amount of \$3,400,000, seconded by Council Member Vaughn.

Mayor McComb called for comments from the public. Rick Milby, 4412 High Ridge Drive, thanked Mayor McComb and City Manager Rose for presenting options to identify funding for residential streets.

The Motion to amend was passed and approved with the following vote: Mayor McComb, Council Members Garza, Guajardo, Hunter, Lindsey-Opel, Molina, Rubio, Smith, and Vaughn, voting "Aye".

Council Member Garza made a motion to approve the budget as amended, seconded by Council Member Lindsey-Opel.

Council Member Rubio discussed the challenges associated with staffing Fire Station 18 and the impact utilizing existing staff from Fire Station 1 would have on response times. Council Member Rubio presented a diagram illustrating the following options: the impact of doing nothing to fund additional firefighter positions; breaking the cycle by increasing the authorized complement of firefighter positions and daily staffing funded by potential EMS billing and fee structure revenue; and meeting in the middle to properly staff Fire Station 18 by authorizing a complement of 429 firefighter positions, 100 daily staffing, and authorizing 15 additional firefighters.

Council Member Rubio made a motion to amend the proposed FY2017-2018 budget to include in the Fire Department budget expenditures to fully fund properly staffing Fire Station 18 this fall which increases the authorized complement to 429 and daily staffing to 100, seconded by Council Member Guajardo.

Fire Chief Robert Rocha, Assistant Fire Chief Kenneth Erben, and council members discussed the following topics: an explanation of the funding source; the number of years necessary before firefighters can be placed in the field; utilizing existing personnel and overtime in order to staff Fire Station 18; revenue generated by Texas Ambulance Supplemental Payment Program (TASPP) reimbursements as a source of funding to staff firefighters at Fire Station 18; in response to a council member, City Attorney Miles K. Risley read Section 2-311(8)(e) of the City's Code of Ethics; staff's recommendation to shift existing personnel from Fire Station 1 to man Fire Station 18; how long TASPP reimbursement funding has been available; consideration to sell Fire Station 5; the Fire Department's current use of Fire Station 5; the fee study to update fee scheduling; TASPP funding being unavailable until September 2018; Fire Station 18 being scheduled to open in November 2018; liability concerns with understaffing Fire Station 1; a survey performed by a council member of how other cities are utilizing TASPP reimbursements; how the Fire Department currently addresses large incident responses; a suggestion to amend the budget after receiving a staffing plan and to update the EMS fee schedule; response times for Mustang Island; and information provided by City Manager Rose of expenditures to fund firefighters over the next five years at: 1) the current level of 414 firefighters, 2) the addition of 15 firefighters in 2019, and 3) the addition of 5 firefighters in 2019, 2020, and 2021, and a projection of potential revenues from TASPP and potential revenues in excess of \$6 million.

The Motion to amend failed with the following vote: Council Members Guajardo, Molina, and Rubio, voting "Aye"; Mayor McComb, Council Members

Garza, Hunter, Lindsey-Opel, Smith, and Vaughn, voting "No". Council members voting in opposition requested that staff bring back a plan to address staffing at Fire Station 18.

**MOTION OF DIRECTION**

Council Member Guajardo made a motion directing the City Manager to use the revenue generated from TASPP, that was directed by City Council to go directly into the Fire Department budget, as additional funding and not in lieu of; seconded by Council Member Rubio.

Discussion on the motion of direction included: deferring action until the City Council can receive a comprehensive plan on the TASPP funding; and the City not receiving TASPP funding until September 2018 and at which time the funds will need to be appropriated.

**RESTATED MOTION OF DIRECTION**

Council Member Guajardo made a motion of direction requesting that the City Manager return to City Council to provide at the time TASPP funds are received, for acceptance and appropriation by City Council, seconded by Council Member Rubio.

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

City Manager Rose recommended that an additional \$30,000 be allocated from the fund balance to the Art Museum of South Texas due to issues resulting from Hurricane Harvey.

Council Member Hunter made a motion to amend the budget to allocate an additional \$30,000 to the Art Museum of South Texas, seconded by Council Member Molina. This Motion to amend was passed and approved with the following vote: Mayor McComb, Council Members Garza, Guajardo, Hunter, Lindsey-Opel, Molina, Rubio, Smith, and Vaughn, voting "Aye".

City Secretary Rebecca L. Huerta referred to the motion made by Council Member Garza to approve the ordinance as amended, seconded by Council Member Lindsey-Opel. This Ordinance was passed on second reading as amended 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: 031255

Mayor McComb made a motion to ratify the property tax increase reflected in FY2017-2018 Operating Budget, that will raise more revenue from property taxes than in the previous fiscal year, as reflected in the adopted budget, seconded by Council Member Garza. This Motion was passed and approved

with the following vote: Mayor McComb, Council Members Garza, Guajardo, Hunter, Lindsey-Opel, Molina, Rubio, Smith, and Vaughn, voting "Aye".

- 14. Ordinance to ratify increase of \$4,034,005 in property tax revenues from last year's operating budget as reflected in the 2017-2018 operating budget; and declaring an emergency.**

Mayor McComb referred to Item 14. Director of Management and Budget Eddie Houlihan stated that the purpose of this item is to ratify the increase of \$4,034,005 in property tax revenues from last year's Operating Budget as reflected in the 2017-2018 Operating Budget. There were no comments from the Council or the public.

Council Member Lindsey-Opel made a motion to approve the ordinance, seconded by Council Member Garza. This Ordinance was passed on emergency 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: 031256

**L. RECESS FOR LUNCH:**

Mayor McComb recessed the Council meeting at 2:58 p.m. Mayor McComb reconvened the Council meeting at 3:31 p.m.

**M. PUBLIC HEARINGS: (ITEM 12)**

- 12. Public Hearing and First Reading Ordinance for the Adoption of the Downtown Area Development Plan**

Ordinance adopting a new Area Development Plan for the City of Corpus Christi titled "The Downtown Area Development Plan; Rescinding the Central Business Development Plan adopted by City Council ordinance #025658; providing for severance; and providing for publication.

Mayor McComb deviated from the agenda and referred to Item 12. Assistant Director of Development Services Daniel McGinn stated that the purpose of this item is to present and hold a public hearing on the proposed Downtown Area Development Plan (DTADP). The presentation team included: Ben Carlson, consultant Goody Clancy; Senior Planner Keren Costanzo; and Business Liaison Alyssa Barrera.

Mr. Carlson presented the following information: a description of the study area; the process used for communication and research; 2017 community engagement; the vision themes and goals including: encouraging market-driven development, creating more housing choices, completing a

waterfront park and trail network, reconnecting neighborhoods, and celebrating a unique place to live, work and play; the real estate reinvestment initiatives including: Tax Increment Reinvestment Zone #3 (TIRZ #3), public/private partnerships, activate vacant properties, improve key streets and parks, more efficient parking, organize event traffic; the infrastructure initiative to re-connect streets; the great places for people initiatives including: focusing on intensifying destinations, embracing the waterfront, and cleanliness and safety; the district framework; and development guidelines.

Council members and the presentation team discussed the following topics: parking, accessibility, and traffic issues associated with the closure of Shoreline Boulevard; previous direction by the City Council to omit the North Beach Area Development Plan to allow additional stakeholder discussions; whether action on the DTADP can be deferred until the North Beach Area Development Plan is completed; when stakeholder meetings were held; the number of residents in the downtown area; the parking action plan for the downtown area; implementation of the plan; concern from a council member that the language in the plan is subjective; eliminating language that targets specific funding sources; concern with the perception that the City Council is showing preference to downtown over other areas in the City; the amount of time invested in wayfinding; the list of infrastructure initiatives; the Downtown Traffic Analysis; whether there are investors currently interested in the downtown or Washington/Coles Areas; the previous area development plan for downtown; stakeholders and public outreach; survey results; and a detailed fiscal impact analysis.

Mayor McComb opened the public hearing. Carolyn Moon, 4902 Calvin, spoke in support of the plan and discussed the parking and accessibility issues associated with the closure of Shoreline Boulevard. Ms. Moon requested that the plan include areas to charge electric cars. Mayor McComb closed the public hearing.

Council Member Garza made a motion to table this item, seconded by Council Member Molina. This item was tabled 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

**N. REGULAR AGENDA: (ITEMS 15 - 19)**

**15. Construction Contract for North Padre Island Beach Access Road 2 (Bond 2014, Proposition 2)**

Motion authorizing the City Manager, or designee, to execute a construction contract with Mo-Con Services, Inc. of Corpus Christi, Texas in the amount of \$446,996.46 for North Padre Island Beach Access Road 2 for Total Base bid plus Additive Alternate No.1 and Additive Alternate No. 2. (Bond 2014, Proposition 2)

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 in the amount of \$446,996.46 for North Padre Island Beach Access Road 2, Bond 2014, Proposition 2. Mr. Edmonds presented the following information: the project location; vicinity maps of North Padre Island Beach Access Roads 3A and 2; the proposed cross sections with continuously reinforced concrete pavement; the scope of work; and schedule. There were no comments from the public.

Council members and staff discussed the following topics: the street being constructed with continuously reinforced concrete pavement; designing the project based on the conditions in the area; and the location of Beach Access Road 3A.

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: M2017-155

**16.**

**Construction Contract for Staples Street from Alameda Drive to Morgan Avenue (Bond 2014, Proposition 1)**

Motion authorizing the City Manager, or designee, to execute a construction contract with MAX Underground Construction, LLC of Corpus Christi, Texas in the amount of \$3,844,135.12 for Staples Street from Alameda Drive to Morgan Avenue for a total Base Bid 2 (flexible pavement). (Bond 2014 Proposition 1)

Mayor McComb referred to Item 16. Director of Engineering Services Jeff Edmonds stated that the purpose of this item is to execute a construction contract for Staples Street from Alameda Drive to Morgan Avenue, Bond 2014 Proposition 1 in the amount of \$3,844,135.12. Mr. Edmonds presented the following information: a location map; other street projects in the vicinity; the proposed cross section; the pavement section with hot mix asphalt; scope of work; and construction schedule. There were no comments from the public.

Council members and staff discussed the following topics: the location of the project in proximity to Corpus Christi Egg Co.; the progress being made on bond projects; issues related to utilities; and the contractor's performance on the Creekview project.

Council Member Molina made a motion to approve the motion, seconded by Council Member Hunter. 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: M2017-156

**17. Master Service Agreement for Indefinite Delivery/Indefinite Quantity (IDIQ) Major Ditch Improvements (Capital Improvement Program)**

Motion authorizing the City Manager, or designee, to execute a Master Service Agreement (MSA) with Lockwood, Andrews and Newnam, Inc. (LAN) of Corpus Christi, Texas in the amount of \$300,000 for IDIQ (Indefinite Delivery/Indefinite Quantity) Major Ditch Improvements. (Capital Improvement Program)

**Mayor McComb referred to item 17. Interim Executive Director of Water Utilities Dan Grimsbo stated that the purpose of this item is to execute a Master Service Agreement to develop and implement the Indefinite Delivery/Indefinite Quantity (ID/IQ) Major Ditch Improvements. Mr. Grimsbo stated that based on discussions at the City Council workshop on August 10, 2017, staff is recommending approval of the project which includes: evaluation and hydraulic modeling of the major ditches and developing construction strategies to reduce flooding and maintenance costs. There were no comments from the public.**

**Council members and staff discussed the following topics: the number of studies related to La Volla Creek; the project scope and implementation; information regarding the workshop being excluded in the background information; use of retaining ponds; how project budget costs are determined; and the project timeline.**

**Council Member Rubio made a motion to approve the motion, seconded by Council Member Hunter. 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: M2017-157

**18. Contract Amendment for Employee Assistance Program Services**

Motion authorizing the City Manager or designee to execute an amendment to the contract with Family Counseling Services of Corpus Christi, Texas, not to exceed \$20,000. The value of the service

agreement for the full contract period of September 26, 2013 through September 30, 2017 is a not-to-exceed amount of \$69,958.

**Mayor McComb referred to Item 18. Director of Human Resources Steven Viera stated that the purpose of this item is to execute an amendment to the contract for employee assistance program services with Family Counseling Services of Corpus Christi for the full contract period ending September 30, 2017. Family Counseling Services provides employee assistance programs for city employees needing counseling for relationship issues, abuse, depression, anxiety, grief or loss, as well as drug and alcohol dependency. In response to a council member, Mr. Viera stated that the purpose of Item 19 is to execute a contract with Family Counseling Services for FY2017-2018. There were no comments from the public.**

**Council members and staff discussed the following topics: the reason the City offers counseling for employees; the ability of city employees to use their insurance for counseling services; the difference in costs between Items 18 and 19; the reason for the delay in presenting Item 18 to City Council at the end of the contract period; the number of employees utilizing the program; clarification on cases referred for suspicion of drug and alcohol dependency and self-reporting by employees; how long the employee assistance program has been in place; the provision of employee assistance programs among municipalities; the cost benefits associated with retaining employees in need of assistance versus the cost associated with hiring new staff; examples of cases where employees would need counseling services; and the program being a risk management prevention technique.**

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

**Aye:** 7 - Mayor McComb, Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member Lindsey-Opel, Council Member Molina and Council Member Smith

**Nay:** 2 - Council Member Rubio and Council Member Vaughn

**Abstained:** 0

Enactment No: M2017-158

**19. Service Agreement for Employee Assistance Program for a not to exceed amount of \$15,840 and a total potential multi-year amount of up to \$79,200.**

Motion authorizing City Manager, or designee, to execute an agreement with Family Counseling Service of Corpus Christi, Texas to provide employee assistance program services for the Corpus Christi City employees and their families in response to Request for Bid No. 1244 based on the lowest responsive, responsible bid for a total amount not to exceed \$15,840, and is being budgeted in FY2017-18 through the annual budget appropriations. The term of the agreement is for one year with an option to extend for up to four additional one-year periods, subject to the

sole discretion of the City, with a total potential multi-year amount of up to \$79,200.

Mayor McComb referred to Item 19. This item was discussed during the discussion on Item 18.

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

**Aye:** 7 - Mayor McComb, Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member Lindsey-Opel, Council Member Molina and Council Member Smith

**Nay:** 2 - Council Member Rubio and Council Member Vaughn

**Abstained:** 0

Enactment No: M2017-159

**Q. BRIEFINGS: (ITEM 31)**

**31. Unified Development Code - Public and Private Improvements - Warranty Period**

Mayor McComb deviated from the agenda and referred to Item 31. Interim Director of Development Services Bill Green stated that the purpose of this item is to provide information related to the future consideration of an amendment to the Unified Development Code (UDC) to revise the warranty period on public and private infrastructure improvements from a one-to two-year period. Mr. Green presented the following information: the motion of direction by City Council at the April 27, 2017 City Council workshop to amend the warranty period; the timeline for presenting the amendment to the Planning Commission; the current public infrastructure process; data collection and analysis of the pavement condition index (PCI); and a survey of public infrastructure policies in other municipalities. Mr. Green stated that staff is recommending revising the warranty period from one to two years. The Planning Commission recommended retaining the one year warranty and evaluating an alternate consideration of one-year warranty with a maintenance bond of 50% surety value of the public infrastructure contract price. Building Official and Interim Assistant Director of Development Services Gene Delauro and Trey Summers, Chief Operations Officer with Hogan Homes, participated in the discussion on this item.

The following topics were discussed: whether streets are being built to a 30-year standard; the condition of roads in a subdivision located off Slough Road and Breeding Drive; the reason contractors and developers should be concerned with the change in warranty duration if the roads are built correctly; the inspection process for newly constructed streets; residential streets being damaged by large construction and utility services trucks after the street has been constructed; the requirement that streets are fully constructed in a subdivision prior to homes being built; data measurement of PCI; whether other cities are experiencing warranty issues on newly constructed roads; consideration of adopting concrete street standards for newly constructed



residential streets; the costs to developers and homeowners of increasing the warranty period; and a request that staff and developers recommend alternate solutions to address the condition of newly constructed streets after the one-year warranty.

**N. REGULAR AGENDA: (ITEM 20)**

**20. Second Reading Ordinance - Appropriating Fund Proceeds for Fiscal Year 2016-2017 (1st Reading 9/19/17)**

Ordinance appropriating amounts of: (a) \$29,800.19; (b) \$1,328,756.52; (c) \$1,822,527.28; (d) \$112,416.90; and (e) \$172,471.79; into the Airport CIP, Bond Proceeds, Utility Revenue Bond, Specialty Bond Proceeds and other Unappropriated Funds, respectively, for the following purposes: City's match for future FAA Grant Projects, Bayfront, Public Facilities, Fire, Police, Public Health and Safety, Sanitary Landfill, Library, Convention Center, Parks, and Streets, and as further detailed in Attachment 1; changing the FY 2017 Capital Improvement Budget adopted by Ordinance No. 030936 to increase expenditures accordingly.

**Mayor McComb** deviated from the agenda and referred to Item 20. **Director of Financial Services Constance Sanchez** stated that the purpose of this item is to appropriate a total of \$3,465,972.68 of unappropriated interest earnings, reimbursements and miscellaneous revenue received during the year in the respective Capital Improvement Program funds from which they were earned. There were no comments from the Council or the public.

**Council Member Smith** made a motion to approve the ordinance, seconded by **Council Member Hunter**. This Ordinance was passed on second 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

Enactment No: 031257

**O. FIRST READING ORDINANCES: (ITEMS 21)**

**21. First Reading Ordinance - Closing of a utility easement located at 6024 Crosstown Expressway**

Ordinance abandoning and vacating 0.303 acre of an existing utility easement out of a part of Bohemian Colony Lands, Block 7, Lot 2, located at 6024 Crosstown Expressway and requiring the owner, AEP Texas Central Company, to comply with the specified conditions.

**Mayor McComb** referred to Item 21. **Interim Director of Development Services**

Bill Green stated that the purpose of this item is to abandon and vacate an existing utility easement to allow for AEP Texas Central Company to construct a new service center. There were no comments from the public.

Council members thanked AEP Texas for their commitment and investment in Corpus Christi.

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

**Aye:** 9 - Mayor McComb, Council Member 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

**P. FUTURE AGENDA ITEMS: (ITEMS 22 - 30)**

Mayor McComb referred to Future Agenda Items. City Manager Margie C. Rose stated that staff had a planned presentation on Item 25. Mayor McComb requested information on Item 22.

**22. Resolution Adopting the Nueces County Multi-Jurisdictional Hazard Mitigation Action Plan**

A resolution of the City Council of the City of Corpus Christi, Texas adopting the Nueces County Multi-Jurisdictional Hazard Mitigation Action Plan.

This Resolution was recommended to regular agenda.

**23. Resolution for a Supply Agreement for the Purchase of Chemkeys and Reagents for O.N. Stevens Water Treatment Plant for a total not to exceed amount of \$825,780.23 for the three-year term**

Resolution finding that the purchase of chemkeys and reagents for O.N. Stevens Water Treatment Plant is a sole source procurement; and authorizing the City Manager, or designee, to execute a supply agreement with Hach Company of Loveland, Colorado, for the purchase of chemkeys and reagents for a total amount not to exceed \$825,780.23 for a three-year term, with an annual step price increase.

This Resolution was recommended to the consent agenda.

**24. Supply Agreement for the Purchase of Liquid Ammonium Sulfate Solution for the O.N. Stevens Water Treatment Plant for a not to exceed amount of \$350,941.00 with a potential multi-year amount of up to \$2,105,646.00**

Motion authorizing the City Manager, or designee, to execute a supply agreement with Chemtrade Chemicals US, LLC, of Parsippany, New Jersey for the purchase of liquid ammonium sulfate solution in response to Request for Bid (RFB) No. 1261, based on the lowest responsive, responsible bid, for a total amount not to exceed \$ 350,941.00, of which \$175,470.50 will be funded by the Water Fund in FY2017-18. The term of the agreement is for two years with an option to extend for two additional two-year periods, subject to the sole discretion of the City, with a total potential multi-year amount of up to \$2,105,646.00.

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

**25. Resolution authorizing the submission of a grant application for the Texas Military Preparedness Commission's Defense Economic Adjustment Assistance Grant Program**

Resolution authorizing the City Manager, or designee, to submit a grant application in the amount of up to five million dollars (\$5,000,000) to the Office of the Governor for funding from the Texas Military Preparedness Commission's Defense Economic Adjustment Assistance Grant Program.

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

**26. Small Business Agreement for Del Mar College Internship Program**

Resolution to approve a Small Business Incentives Agreement between the Corpus Christi Business and Job Development Corporation and Del Mar College (Del Mar) to provide grant up to \$150,000 for their internship program to assist small businesses.

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

**27. Small Business Agreement for Texas A&M University - Corpus Christi Internship Program**

Resolution to approve a Small Business Incentives Agreement between the Corpus Christi Business and Job Development Corporation and Texas A&M University - Corpus Christi (TAMU-CC) to provide grant up to \$150,000 for their internship program to assist small businesses.

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

**28. Small Business Agreement for LiftFund, Inc.**

Resolution to approve the Small Business Incentives Agreement between the Corpus Christi Business and Job Development Corporation and LiftFund, Inc. (LiftFund) to provide a grant up to \$250,000 for their loan

buy-down program to assist small business.

This Resolution was recommended to the consent agenda.

**29. Small Business Agreement for Service Corps of Retired Executives (SCORE) Chapter 221**

Resolution to approve a Small Business Incentives Agreement between the Corpus Christi Business and Job Development Corporation and Service Corps of Retired Executives (SCORE) Chapter 221 to provide a grant up to \$52,600 for their small business assistance program.

This Resolution was recommended to the consent agenda.

**30. Small Business Agreement for Del Mar College Procurement Technical Assistance Center**

Resolution approving a Small Business Incentives Agreement between the Corpus Christi Business and Job Development Corporation and Del Mar College (Del Mar) to provide a grant up to \$48,490 for their Procurement Technical Assistance Center (PTAC) to assist small business.

This Resolution was recommended to the consent agenda.

**R. RECESS TO CORPORATION MEETING: (ITEM 32)**

Mayor McComb recessed the regular Council meeting at 6:30 p.m. to hold the Annual Board meeting of the Corpus Christi Housing Finance Corporation.

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

This Corporation Meeting was held.

**S. RECONVENE COUNCIL MEETING:**

Mayor McComb reconvened the regular Council meeting at 7:51 p.m.

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

Mayor McComb referred to the day's executive sessions. The Council went into executive session at 7:53 p.m. The Council returned from executive session at 8:37 p.m.

**33. 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 City's professional service management agreement for the Corpus Christi Museum of Science and History.**

This E-Session Item was discussed in executive session.

34. **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, Financing Agreement and other legal documents related to loans provided by State Water Implementation Revenue Fund of Texas (SWIRFT), professional services agreements for the provision of services tied to said funding, desalination, potential interlocal agreements with water districts and other governmental entities involving water or other utility services, utility rate regulation, reuse, provisions of the Texas Utility Code, TCEQ Regulations, EPA regulations, and other laws and regulations, potential agreements for the 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, including, but not limited to local government corporation(s), and pursuant to **Texas Gov't 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, potential contracts for the provision of water to said business prospect(s).

This E-Session Item was discussed in executive session.

35. **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, pending litigation, potential settlement, attorney's fees, and/or other potential legal matters regarding lawsuit of *Corpus Note LLC vs. City of Corpus Christi*.

Mayor McComb referred to Item 35 and the following motion was considered:

Motion to authorize the City Manager or her authorized representative to execute the attached Settlement Agreement with Corpus Note Acquisitions, LLC to provide for the Owner to make improvements to 625 Gordon Street, with signature page and exhibits as approved by the City Attorney.

Council Member Molina made a motion to approve the motion, seconded by Council Member Rubio. 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: M2017-160

**U. IDENTIFY COUNCIL FUTURE AGENDA ITEMS**

Mayor McComb referred to Identify Council Future Agenda Items. Council Member Garza made a motion to bring back an item related to affordable housing options (tax credits) for the City's inner core, seconded by Council Member Vaughn. The Motion was approved by consent of the City Council.

**V. ADJOURNMENT**

The meeting was adjourned at 8:40 p.m.