



City of Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes

City Council

Tuesday, January 9, 2018

11:30 AM

Council Chambers

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 11:34 a.m.

- B. Invocation to be given by Pastor Rob Baley, Southside Community Church.**

Pastor Rob Bailey gave the invocation.

- C. Pledge of Allegiance to the Flag of the United States to be led by Sarah DeLeon, Victim Case Manager, Police Department.**

City Hall Police Liaison Marc Harrod 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, 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 January 11, 2018, "National Human Trafficking Awareness Day".
Proclamation declaring January 15, 2018, "Martin Luther King Holiday Celebration and Commemorative March".
Swearing-in Ceremony for newly appointed Board, Commission, Committee and Corporation members.

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

G. MINUTES:

2. Regular Meeting of December 19, 2017.

Mayor McComb deviated from the agenda and referred to approval of the minutes. Council Member Vaughn made a motion to approve the minutes, seconded by Council Member Rubio and passed unanimously.

H. BOARD & COMMITTEE APPOINTMENTS:

3. Corpus Christi Aquifer Storage and Recovery Conservation District

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

Corpus Christi Aquifer Storage and Recovery Conservation District

Council Member Garza made a motion to confirm the appointment of the following officers: Fred Segundo (President), Dan McGinn (Vice-President), and Tom Tagliabue (Secretary), seconded by Council Member Lindsey-Opel and passed unanimously.

- 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. Jack Gordy, 4118 Bray, spoke regarding a blocked sidewalk located on Everhart Road near The Palms Nursing Home. Rick Milby, 4412 High Ridge Drive, requested that the City Council authorize waiving permit fees for a cross structure. Bobby Petty, U.S. Small Business Administration, provided an update on the number of loans approved to assist small business, homeowners, and renters in the area impacted by Hurricane Harvey. Joan Veith, 5701 Cain Drive, expressed gratitude to the Gas Department employees who responded to her call at her home. Sirfrederickvon USA King VII, 1442 Arlington, spoke regarding his recent arrest by the Corpus Christi Police Department in the City Hall parking lot. Bob Clements spoke regarding the stray and dead animal situation in Corpus Christi.

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:

c. OTHER

1) City Manager Rose provided a recap of the following items that City Council approved in the month of December related to the City Council's goals: Economic Development - the lease agreement for a flight school to operate at the Corpus Christi International Airport; and Streets - the work plan recommending streets for the 5th year of the Street Preventative Maintenance Program and a contract with LNV, Inc. to continue the implementation of the program in 2018, and initiating a Master Service Agreement for the proposed Bond 2018, Propositions 1, 2 and 3. 2) Collection of debris resulting from Hurricane Harvey began in Area 9 on Monday, January 8, 2018. The City is requesting that residents living in Area 10 begin setting out debris for collection by 7:00 a.m. beginning Monday, January 15, 2018. 3) In the ongoing efforts to keep citizens informed, the City has created a 2018 City of Corpus Christi calendar. The calendar features information regarding the 2017 service delivery throughout the organization and key information for 2018, including the brush and recycling schedules. The calendar is available for digital download and print from www.cctexas.com under the Info tab. Limited printed copies are available at the City Hall Information Desk. City Manager Rose thanked Director of Communications Kim Womack and her team for putting the calendar together in a short time period.

a. UTILITY BILLING SOFTWARE CONVERSION

Director of Financial Services Constance Sanchez stated that the purpose of this item is to provide a report on the Utility Billing Software Conversion. The presentation team included: Assistant City Manager Sylvia Carrillo-Trevino; Director of Information Technology Belinda Mercado; Utility Business Office Manager Margaret Morin; and Director of Communications Kim Womack. Ms. Sanchez reported that the utility billing conversion was successfully implemented and began on December 18, 2017. The City Hall Utility Business Office (UBO) has been open since that time. Customers may pay their utility accounts by mail, in person at Central Cashing or a substation, by phone and on the new online portal. Citizens paying online will need their new account numbers in order to register online. The new account numbers can be found on the December utility bills or by contacting UBO. If the lines are business, customers are asked to leave their name and number and a representative from UBO will contact them within 24 hours. In reference to sending out utility bills, staff has been doing their due diligence to ensure that bills are accurate. Because of this process and due to the holidays, the December bills were delayed. Due to the delay in sending out utility bills, due dates were compressed. Staff will work with customers if they are unable to pay their bill by the due date and will establish any payment arrangements if necessary. There were no late fees assessed for this month. Ms. Sanchez thanked staff for working on the conversion and acknowledged Project Manager Gloria Posada for her leadership during this process. Ms. Sanchez thanked the utility customers for their patience and ensured that staff will continue to improve their experience.

Council members discussed the following topics: a council member publicly thanked Assistant Director of Financial Services Alma Casas for her customer assistance; increases to customer utility bills being attributed to a slightly longer billing cycle in December and not to the increase in wastewater rates effective January 1, 2018; clarification that the new account numbers can be found on the bill for utility usage for the month of December which will be received in January; and whether there was an additional fee for paying the utility bills online.

b. REVIEW OF WASTEWATER RATES

Assistant Director of Support Services with Water Utilities Reba George stated that the purpose of this item is to provide a review of the wastewater rates, specifically the recent change from the winter-averaging rate structure to the adopted rate structure based on water usage. The presentation team included: Assistant City Manager Mark Van Vleck and Executive Director of Utilities Dan Grimsbo. Ms. George presented the following information: assumptions for wastewater rates; the new wastewater structure including a minimum charge with a tiered rate structure; a summary of the previous and adopted rate structure; a comparison of sample bills for water and wastewater rates; a summary of wastewater rate structure for all rate classes; and a customer usage profile of residential customers.

Council members and staff discussed the following topics: the increase to December utility bills being based on the conversion process and not due to the adopted wastewater rates; the tiered rate structure based on actual usage;

an explanation of the sample bill for water and wastewater; the reduction in water usage today in comparison to 20 years ago; a council member presented statements received in a letter submitted by Robert Kent regarding: determining rates based on summer months; notices regarding the changed rate structure were only sent to customers who received paper bills and not to customers who receive electronic bills; comments made by staff during a meeting regarding the change in structure; the average usage by residential customers; a comparison of the winter-averaging structure to the new tiered structure; the new structure being a fair way to charge the entire community; charges for a secondary meter for irrigation; that the reasons presented to City Council for changing the rate structure from winter-averaging was because customers were confused about their billing; discussions regarding U.S. Environmental Protection Agency (EPA) and the threat of litigation; the need to have better communicated to customers the adopted changes; the rates being revenue neutral; the effects on the City's deteriorating wastewater infrastructure if the rates had not been changed; the use of technology which would allow customers to calculate their wastewater rates; the total amount of revenue received last year; City Manager Margie C. Rose reported on the media coverage to inform the public of the adopted changes; a communication plan which will include assistance from council members to get information out to the public; and researching what other cities across the state are doing to manage wastewater.

Mayor McComb called for comments from the public. Bob Kent, 326 Cape Cod, stated that he was not opposed to the city increasing wastewater rates. Mr Kent stated that he opposed changing the structure from winter-averaging to the amount of water usage for measuring wastewater rates. Mr. Kent stated he would like to see a reduction of the usage cap from 25,000 gallons to a lower amount. Virginia Jevric, 325 Cape Cod, stated that she supports a fee to support infrastructure improvements, but does not support paying for what is going into the wastewater system.

I. EXPLANATION OF COUNCIL ACTION:

BRIEFINGS: (ITEM 29)

29. SEAtown Proposal

Mayor McComb deviated from the agenda and referred to Item 29. Assistant City Manager Keith Selman stated that this item was requested to be placed on the agenda regarding a potential development within Corpus Christi's SEAtown located underneath the current Harbor Bridge. The presentation team included: Greg Perkes, President of PerkesWorks!; Duncan Kennedy, IDEAS Group; and Ron Benavides.

Mr. Perkes stated that the purpose of this item is to propose to present a proposal to conduct a master plan and implementation plan for the SEA District to become a premier destination in Corpus Christi. Mr. Perkes presented the following information: the partnership team; the purpose of the project; the scope of work; and deliverables. Mr. Kennedy provided information on: the IDEAS company; IDEAS snapshot; their partners for market intelligence and design and architecture; the value vectors; and examples of experience on other projects. Mr. Benavides concluded the presentation by thanking the City

Council for the opportunity to present the project.

Council members and the presentation team discussed the following topics: whether the group has met with property owners and stakeholders; the request for \$33,000 each from the City, Nueces County, and the Regional Transportation Authority (RTA); the companies where IDEAS has applied similar concepts; the need to go out for Request for Proposals (RFP); ownership of the property; whether IDEAS has done work in Corpus Christi; discussions with Nueces County and the RTA and whether there is support from those agencies; whether the presentation team has had discussions with Bill Durrill; a comment from a council member that the project is a private venture; what the initial investment would provide; and a request for the presentation team to provide a list of the members of the RTA and Nueces County they have contacted.

R. EXECUTIVE SESSION: (ITEMS 30 AND 32)

Mayor McComb deviated from the agenda and referred to Executive Session Items 30 and 32. The Council went into executive session at 1:50 p.m. The Council returned from executive session at 2:36 p.m.

- 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 legal issues related to personal injury claims against the City by Lawrence and Rhonda Balderas as a result of personal injuries sustained by Lawrence Balderas on or about April 11, 2017.

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

Motion to authorize the City Manager or designee to execute all documents necessary to settle claims against the City by Lawrence and Rhonda Balderas as a result of personal injuries sustained by Lawrence Balderas on or about April 11, 2017, in a total amount not to exceed \$100,000.

Council Member Vaughn 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: M2018-001

- 32. 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 case of *Beeville Water Supply District appeal of Raw Water Rates adopted by City of Corpus Christi* filed with the Public Utility Commission of Texas.
- This E-Session Item was discussed in executive session.**

L. RECESS FOR LUNCH

The recess for lunch was held during the executive sessions regarding Items 30 and 32.

K. CONSENT AGENDA: (ITEMS 4 - 10)**Approval of the Consent Agenda**

Mayor McComb referred to the Consent Agenda. Council members requested that Items 8 and 10 be pulled for individual consideration. A citizen requested to speak regarding Item 10. City Secretary Rebecca L. Huerta announced that Council Member Smith was abstaining on Item 8.

A motion was made by Council Member Lindsey-Opel, seconded by Council Member Garza, to approve the Consent Agenda. The consent agenda was 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

4. Resolution approving the Director of the Corpus Christi Nueces County Public Health District's appointment of Dr. William Burgin, Jr. to serve as the Local Health Authority for the Public Health District for a two-year term

Resolution approving the Director of the Corpus Christi Nueces County Public Health District's appointment of Dr. William Burgin, Jr. to serve as the Local Health Authority for the Public Health District for a two-year term beginning December 18, 2017 and ending December 18, 2019.

This Resolution was passed on the consent agenda.

Enactment No: 031329

5. Resolution authorizing Food Purchase for Senior Center Meals Program

Resolution authorizing the City Manager to execute all documents necessary to purchase up to \$329,944.00 in food supplies for the City Senior Center Meals Program through the Coastal Bend Council of Governments ("CBCOG") participation in the TEXAS 20 Purchasing Cooperative as organized and administered by the Education Service Center, Region 20; and ratifying the purchase of food supplies for said program in October-December 2017 through the CBCOG participation in the TEXAS 20 Purchasing Cooperative in amount of \$50,133.00 from

Labatt Food Services and \$8,468.00 from Hill Country Dairies.

This Resolution was passed on the consent agenda.

Enactment No: 031330

6. Resolution authorizing an Interlocal Agreement with Regional Education Service Center #2 - Goodbuy Purchasing Cooperative

Resolution authorizing the City Manager, or designee, to execute an interlocal participation agreement with local Regional Education Service Center #2 in order to participate in their cooperative purchasing program for the benefit of the City.

This Resolution was passed on the consent agenda.

Enactment No: 031331

7. Second Reading Ordinance - Amending the Unified Development Code to revise the duration of the materials and workmanship warranty for all private and public infrastructure improvements (1st Reading 12/19/17)

Ordinance amending the Unified Development Code ("UDC") by Amending Article 8, Section 8.1, subsection 8.1.6.A entitled "Acceptance of Improvements" of the UDC by revising the duration of the materials and workmanship warranty for streets from one to two years from the date of final (100%) acceptance; and providing for severance, penalties, and publication.

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

Enactment No: 031332

9. Second Reading Ordinance - Closing of a drainage easement and right-of-way located east of Rand Morgan Road, between Leopard Street and Oregon Trail (1st Reading 12/19/17)

Ordinance abandoning and vacating a 4.385 acre drainage easement and right-of-way out of a portion of Artemus Roberts Subdivision, Lots 3, 6, and 11, located east of Rand Morgan Road, between Leopard Street and Oregon Trail and requiring the owner, MPM Development, LP, to comply with the specified conditions.

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

Enactment No: 031333

8. Second Reading Ordinance - Rezoning property located at 8154

**Leopard Street and 8128 Leopard Street (Public Hearing 12/12/17)
(1st Reading 12/19/17)**

Case No. 0917-02 Ardoin Inc.: A change of zoning from the “CG-2/SP” General Commercial District with Special Permit to the “IL” Light Industrial District. The property is described as being Suntide Industrial Park, Block 2, Lots 1 and 2, located along the north side of Leopard Street, east of Tuloso Road, and west of Suntide Road.

Planning Commission and Staff Recommendation (November 1, 2017):
Approval of the change of zoning from the “CG-2/SP” General Commercial District with Special Permit to the “IL” Light Industrial District.

Ordinance:

Ordinance amending the Unified Development Code (“UDC”), upon application by Ardoin Inc. (“Owner”), by changing the UDC Zoning Map in reference to Suntide Industrial Park, Block 2, Lots 1 and 2, from the “CG-2/SP” General Commercial District with Special Permit to the “IL” Light Industrial District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

Mayor McComb referred to Item 8, rezoning of property located at 8154 and 8128 Leopard Street. In response to a council member, Interim Director of Development Services Bill Green stated that the requirements agreed upon by the neighborhood and the applicant are not incorporated in the ordinance and would be conditions of the building site plan development approval. A brief discussion ensued regarding tabling the ordinance and directing staff to bring back the ordinance with a special permit to include the conditions. Council Member Smith abstained on this item.

Council Member Vaughn made a motion to table this item, seconded by Council Member Rubio. This item was tabled with the following vote:

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

Abstained: 1 - Council Member Smith

10. Second Reading Ordinance - Construction Contract for the Oso Water Reclamation Plant Headworks and Lift Station (Capital Improvement Program) (1st Reading 12/19/17)

Ordinance rejecting the apparent low bid of COBRA/CYMI JV as non-responsive and authorizing the City Manager or designee to execute a construction contract with CSA Construction, Inc. of Houston, Texas as the lowest responsive, responsible bidder in the amount of \$22,865,540 for the Oso Water Reclamation Plant Headworks and Lift Station for the Total Base Bid plus Additive Alternate No. 1. (Capital Improvement

Program (CIP))

Mayor McComb referred to Item 10. Director of Engineering Services Jeff Edmonds stated that the purpose of this item is to reject the apparent low bid submitted by COBRA/CYMI JV as non-responsive and award a construction contract to CSA Construction, Inc. as the lowest, responsive, responsible bidder in the amount of \$22,865,540 for the Oso Water Reclamation Plant Headworks and Lift Station. Mr. Edmonds explained that the design engineer and staff are recommending that COBRA/CYMI JV be deemed non-responsive for failure to demonstrate their statement of experience of completed projects that are similar in size and complexity to the project being bid. Dan Leyendecker, LNV, Inc., was available to respond to questions.

Mayor McComb called for comments from the public. Issa Dadoush, representative of COBRA/CYMI JV, 815 Walker, Suite 1140, Houston, Texas, spoke regarding the City's budget constraints and questioned why the City would support a bid that is \$1,080,010 more than the bid submitted by COBRA/CYMI. Mr. Dadoush stated that he strongly disagreed with LNV, Inc.'s recommendation; questioned the competitive bidding process; and addressed the lack of communications with staff. Mr. Dadoush urged the City Council to reject the recommendation and award the project to COBRA/CYMI JV. Council members questioned Mr. Dadoush regarding: his comments regarding the competitive bidding process; communications with LNV, Inc. as the consultant representing City staff; and whether COBRA/CYMI JV met the requirements of the bidding process. Joseph Ramirez spoke in support of awarding the project to COBRA/CYMI JV to save the taxpayers' money. A citizen identified as Rachel spoke regarding saving \$1 million in taxpayer funds and using those funds to address infrastructure.

Council members, staff and Mr. Leyendecker discussed the following: whether the statement of experience was limited to projects completed in Texas; LNV, Inc.'s willingness to waive the Texas experience requirement; statements made regarding a competitive advantage for certain bidders; changes from the original bid and addendum #5; contact with COBRA/CYMI's references; the number of bids received for this project; cost versus experience; the engineer's opinion of probable construction cost of \$27,526,000; and the ability of bidders to ask for clarification during the bidding process.

Council Member Vaughn made a motion to approve the ordinance, seconded by Council Member Lindsey-Opel. 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: 031334

M. PUBLIC HEARINGS: (ITEM 11)

- 11. Public Hearing and First Reading Ordinance - Rezoning Property Located at 602, 606, and 646 South Clarkwood Road (Requires $\frac{3}{4}$**

vote)

Case No. 1017-01 Yiu, Inc.: A change of zoning from the “R-MH” Manufactured Home District and “IL” Light Industrial District to the “RV” Recreational Vehicle Park District. The property is described as being a 15.8695-acre tract of land out of Assessors Map 148 Tract M, Survey 402 ABS 988, located on the east side of South Clarkwood Road approximately 1,880 feet south of State Highway 44.

Planning Commission and Staff Recommendation (November 15, 2017): Approval of the change of zoning from the “R-MH” Manufactured Home District and “IL” Light Industrial District to the “RV” Recreational Vehicle Park District.

Ordinance

Ordinance amending the Unified Development Code (“UDC”), upon application by Yiu, Inc. (“Owner”), by changing the UDC Zoning Map in reference to a 15.8695-acre tract of land out of Assessors Map 148 Tract M, Survey 402 ABS 988, from the “R-MH” Manufactured Home District and “IL” Light Industrial District to the “RV” Recreational Vehicle Park 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 development of a 172-pad recreational vehicle park. Mr. Green stated that the Planning Commission and staff are in favor of the zoning change. Mr. Green reported that 29.28% opposition was received and approval will require three-fourths vote of the City Council.

Council members and staff discussed the following topics: the reasons identified for opposing the rezoning; use of the property as currently zoned; the location of the property; and the requested zoning being less intensive than the current zoning.

Mayor McComb opened the public hearing. Amanda Morales, representative of Yes Communities which owns Sea Mist Mobile Home Park, stated that her company was in opposition to the zoning change. Mayor McComb closed the public hearing.

Council Member Vaughn 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

N. REGULAR AGENDA: (ITEMS 12 - 13)**12. Resolution to issue a Request for Qualifications for a Public-Private Partnership Program Manager**

Resolution authorizing the City Manager or designee to proceed with the issuance of a Request for Qualifications (RFQ) for a Public-Private Partnership (P3) Program Manager to act as the City's Representative for the Wastewater Management Program Implementation.

Mayor McComb referred to Item 12. Director of Engineering Services Jeff Edmonds stated that the purpose of this item is to authorize the City Manager or designee to proceed with the issuance of a Request for Qualifications (RFQ) for a Public-Private Partnership (PE) Program Manager to act as the City's representative for the Wastewater Management Program Implementation. On the direction of City Council, Engineering Services published a Request for Information (RFI) for Wastewater Management Program Implementation and received responses in November.

Council members and staff discussed the following topics: whether the City has ever done the P3 process; whether staff has had discussions with the Port of Corpus Christi Authority or other entities regarding their experience with the P3 process; information provided from the Stantec report; concern that the City discuss this issue with the City's new financial advisor to verify whether the City can afford to proceed with the program and the effect on ratepayers; the importance of hiring a program manager to guide staff through the process; the condition of the wastewater plants; a council member's comments that timing is critical and moving forward with the RFQ process; moving forward with the RFQ process would not require a commitment from the City to proceed; directing staff to meet with the financial advisor while proceeding with the RFQ process; reducing the number of responses to the RFI; the timeframe for the RFQ process; who is anticipated to respond to the RFQ; the group that will vet the qualifications provided in the RFQ; a comparison of the American Bank Center to the P3 process; how the contract will be structured; and the difference between an owner's representative and a P3 provider.

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

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

Nay: 2 - Council Member Garza and Council Member Vaughn

Abstained: 0

Enactment No: 031335

13. Second Reading Ordinance - Nueces Electric Cooperative Electric Franchise (28-Day Delay Required) (1st Reading 11/7/17)

Ordinance Granting To Nueces Electric Cooperative, Its Successors And Assigns, A Non-Exclusive Franchise To Construct, Maintain And Operate Lines And Appurtenances And Appliances For Conducting Electricity In, Over, Under And Through The Streets, Avenues, Alleys And Public Rights-Of-Way Of The City Of Corpus Christi, Texas.

Mayor McComb referred to Item 13. City Attorney Miles K. Risley stated that the purpose of this item is to grant a new electric franchise to Nueces Electric Cooperative. There were no comments from the Council or the public.

Council Member Smith made a motion to approve the ordinance, seconded by Council Member Lindsey-Opel. 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: 031336

O. FIRST READING ORDINANCES: (ITEMS 14 - 16)

14. First Reading Ordinance - Accepting four grants from the Texas Office of the Governor Homeland Security Grant Division

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept 4 grants totaling of \$141,817.88 from the Texas Office of the Governor - Homeland Security Grant Division, Homeland Security Grant Program for training and equipment; and appropriating \$141,817.88 from the Texas Office of the Governor - Homeland Security Grant Division, Homeland Security Grant Program into the No. 1062 Fire Grants Fund to carry out homeland security projects.

Mayor McComb referred to Item 14. Fire Chief Robert Rocha stated that the purpose of this item is to accept four grants from the Texas Office of the Governor - Homeland Security Division. There were no comments from the Council or the public.

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

15. First Reading Ordinance - Amending the Code of Ordinances to Allow a Third-Party Inspection Reporting System (Council Priority - Water)

Ordinance amending Corpus Christi Code of Ordinances, Sections 14-281 & 14-291 authorizing third-party inspection reporting system for backflow preventers; authorizing the execution of one year auto renewing agreement with Brycer, LLC, of Warrenville, IL for a third-party inspection reporting system; providing for penalties and publication.

Mayor McComb referred to Item 15. **Interim Director of Development Services Bill Green** stated that the purpose of this item is to amend the City's Code of Ordinances to allow a third-party inspection reporting system for backflow preventers and authorize the execution of a one-year auto-renewing agreement with Brycer, LLC for a third-party inspection reporting system. The presentation team included: **Building Official** and **Interim Assistant Director of Development Services Gene Delauro** and **Assistant Fire Chief Randy Paige**. There were no comments from the public.

Council members and the presentation team discussed the following topics: removing the reference to an auto-renewal of the agreement and bringing the agreement back to City Council for approval; the City's access to the reports; whether the Development Services Department will have a shortfall in revenue by a third-party contracting the process; and existing staff currently performing the functions being reassigned to other department functions.

Council Member Vaughn made a motion to remove the auto-renewal to bring back for City Council approval every year, seconded by Council Member Guajardo and passed unanimously.

Council Member Lindsey-Opel made a motion to approve the ordinance as amended, seconded by Council Member Molina. This ordinance was passed on first 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

16. First Reading Ordinance - Authorizing a five-year lease agreement for cattle grazing at the Former Westside Landfill - 75 acres

Ordinance authorizing the City Manager or designee to execute a five-year lease agreement with John Steven (Steve) Twilligear to utilize 74.84 acres at the former Westside Landfill for grazing cattle in consideration of a total annual lease payment of \$2,170.36 for a total lease term amount of \$10,851.80 based on \$29 per acre.

Mayor McComb referred to Item 16, the execution of a five-year lease

agreement at the former Westside Landfill for grazing cattle. Director of Solid Waste Operations Lawrence Mikolajczyk and council members discussed the following topics: the total annual lease payment; the proximity of the landfill to the Castle River Subdivision; and whether the Solid Waste Department has received complaints regarding odor. There were no comments from the public.

Council Member Smith made a motion to approve the ordinance, seconded by Council Member Guajardo. 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 17 - 27)

Mayor McComb referred to Future Agenda Items. City Manager Margie C. Rose stated that staff had planned presentations on Items 21, 22, and 24. A council member requested information on Item 17.

17. Purchase of Police Vehicles

Motion approving the purchase of 45 police vehicles from Caldwell Country Ford dba Rockdale Country Ford, of Rockdale, Texas, based on the cooperative purchasing agreement with Texas Local Government Purchasing Cooperative, dba BuyBoard for the total amount not to exceed \$1,389,685.00. Funds have been approved for FY2017-2018.

This Motion was recommended to the consent agenda.

18. Purchase of Two 15-Passenger Vans for the Police Department

Motion approving the purchase of two 15-passenger vans from Caldwell Country Chevrolet from Caldwell, Texas, based on the cooperative purchasing agreement with Texas Local Government Purchasing Cooperative, dba BuyBoard for the total amount not to exceed \$58,788.00, funded in FY2017-18.

This Motion was recommended to the consent agenda.

19. Purchase of three 2018 Medic Units for the Fire Department

Motion approving the purchase of three 2018 Medic Units from Knapp Chevrolet, of Houston, Texas, based on the cooperative purchasing agreement with Local Government Purchasing Cooperative dba BuyBoard, for a total amount not to exceed \$669,725.00, for which funds

are budgeted for FY2017-18 in the Fleet Maintenance Service Fund.

This Motion was recommended to the consent agenda.

20. Resolution amending the Reformed Cooperative Agreement with Nueces County for operation of the Corpus Christi-Nueces County Public Health District

Resolution authorizing the City Manager or designee to execute a Second Amendment to the Reformed Cooperative Agreement between the City of Corpus Christi and the County of Nueces County, Texas to Operate a Public Health District, to provide for additional cost-shares of expenditures from the County to the City.

This Resolution was recommended to the consent agenda.

21. Professional Services agreements for Geotechnical and Construction Materials Testing (Council Priority - Streets)

Motion authorizing the City Manager, or designee, to execute three (3) separate two-year Master Services Agreements (MSAs) with not-to-exceed amounts of \$800,000 each with Professional Service Industries, Rock Engineering & Testing Laboratory, and Tolunay-Wong Engineers for geotechnical engineering and construction materials testing. The aggregate not-to-exceed value of these three contracts is \$2,400,000.

This Motion was recommended to the consent agenda.

22. Accepting Reimbursement funds for Debris Removal Costs Associated with Hurricane Harvey

Motion authorizing the City Manager, or designee, to execute all documents necessary to accept \$502,449.01 reimbursement from Texas Department of Public Safety of the City's local cost share expended for debris removal costs under Federal Emergency Management Agency's (FEMA's) Public Assistance Disaster Grant Program for Hurricane Harvey.

This Motion was recommended to the consent agenda.

23. Professional Services Contract for Solid Waste Air Compliance and Gas System Monitoring 2018

Motion authorizing the City Manager, or designee, to execute a professional services contract with Stearns, Conrad and Schmidt, Consulting Engineers, Inc., (SCS) of Bedford, Texas in the amount of \$158,840 for Solid Waste Air Compliance and Gas System Monitoring

2018.

This Motion was recommended to the consent agenda.

24. Engineering Design Contract for Greenwood Wastewater Treatment Plant Electrical Improvements to Ultraviolet System (Capital Improvement Program)

Motion authorizing the City Manager, or designee, to execute a professional services contract with Lockwood, Andrews, and Newnam, Inc. (LAN) of Corpus Christi, Texas in the amount of \$537,441 for Greenwood Wastewater Treatment Plant (WWTP) Electrical Improvements to Ultraviolet (UV) System for design, bid, and construction phase services. (Capital Improvement Program - CIP)

This Motion was recommended to the consent agenda.

25. Purchase of a Pump Motor for O.N. Stevens Water Treatment Plant (Council Priority - Water)

Motion authorizing the City Manager or designee to approve the purchase of a Teco Westinghouse pump motor for O.N. Stevens Treatment Plant from Weisinger Incorporated of Conroe, Texas in accordance with Request for Bid (RFB) No. 1358, based on the lowest responsive, responsible bid for a total amount not to exceed \$85,588.00, budgeted in FY2017-18.

This Motion was recommended to the consent agenda.

26. Resolution for sole source purchase of Turbidity Meters and Equipment for O.N. Stevens Water Treatment Plant (Council Priority - Water)

Resolution finding that the purchase of TU5 Series turbidity meters and equipment for O.N. Stevens Water Treatment Plant is necessary to preserve and protect the public health and safety of the city's residents and a sole source procurement; and authorizing the City Manager, or designee, to purchase TU5 Series turbidity meters and equipment from Hach Company of Loveland, Colorado, for a total amount not-to-exceed \$113,157.12.

This Resolution was recommended to the consent agenda.

27. Supply Agreement for Gas Meters for two years at \$271,600.00 with two additional one-year options at a total potential multi-year amount of \$543,200.00

Motion authorizing City Manager, or designee, to execute a supply

agreement with Wilnat, Inc., of Tulsa, Oklahoma for the purchase of Gas Meters in response to Request for Bid No. 1391 based on the lowest responsive, responsible bid for a total amount not to exceed \$271,600.00, with an estimated expenditure of \$90,533.00 in FY2017-2018 funded by the Gas Fund. The term of the agreement is for two years with an option to extend for up to two additional one-year periods, subject to the sole discretion of the City, with a total potential multi-year amount of \$543,200.00.

This Motion was recommended to the consent agenda.

Q. BRIEFINGS: (ITEM 28)

28. Report on Code Enforcement Activities

Mayor McComb referred to Item 28. Police Commander David Blackmon stated that the purpose of this item is to provide a report on Code Enforcement Activities. The presentation team included: Police Chief Mike Markle; Police Captain Chris White; and Superintendent of Code Enforcement David Prado. Commander Blackmon presented the following information: the best practices approach for expanding law enforcement and partnership programs and to reach lasting relationships with the community; common code violations; the process for dealing with Code Enforcement violations; the efforts to eliminate blighted conditions to reduce criminal activity; statistics on the number of calls for service in FY16-17 by Police district; the total number of violations in FY16-17; the abatement funds for FY16-17 and to date in FY17-18; the process regarding junk vehicles and the number of violations in FY16-17; the number of cases presented to the Building Standards Board; and the future of Code Enforcement.

After Commander Blackmon's presentation, the following topics were discussed: the number of violations in the Tuloso area; the total number of Code Enforcement officers with the consolidation of officers from within other city departments who conduct singular code enforcement duties; the process for verifying that junk vehicles are inoperable; demolition of substandard structures; utilization of drones to identify code violations; the state law requirement that all seized junk vehicles be destroyed; removal of illegal signs in City rights-of-way; violations for structures still boarded after Hurricane Harvey; the department to contact regarding handicapped parking violations; the number of days between Steps 2 and 3 of the process for dealing with Code Enforcement violations; and researching the technology used in other cities to access information related to Code Enforcement.

S. IDENTIFY COUNCIL FUTURE AGENDA ITEMS

Mayor McComb deviated from the agenda and referred to Identify Council Future Agenda Items. The following items were identified with the consent of the City Council: developing a policy regarding contract management and an update from the Nueces County Appraisal District including: information on the \$1.7 million property tax reduction for Valero Refining, a status on the Flint Hills litigation, and a report from City staff on the potential related impact in the next budget cycle.

R. EXECUTIVE SESSION: (ITEM 30)

Mayor McComb referred to Executive Session Item 31. The Council went into executive session at 6:01 p.m. The Council returned from executive session at 6:53 p.m.

- 31. 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, 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, and potential creation of entities that could provide or assist in the provision of the aforementioned services, **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, potential contracts for the provision of water to said business prospect(s).

This E-Session Item was discussed in executive session.

T. ADJOURNMENT

The meeting was adjourned at 6:53 p.m.