



City of Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes

City Council

Tuesday, September 18, 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 11:32 a.m.

- B. Invocation to be given by Deacon Michael Mantz, Diocese of Corpus Christi.**

Deacon Michael Mantz gave the invocation.

- C. Pledge of Allegiance to the Flag of the United States to be led by Renee Couture, Assistant City Traffic Engineer.**

Assistant City Traffic Engineer Renee Couture 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 required Charter Officers were present to conduct the meeting.

Charter Officers:

Interim City Manager Keith Selman, 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 Everett Roy, Council Member Lucy Rubio, and Council Member Greg Smith

E. Proclamations / Commendations

1. Proclamation declaring September 17-23, 2018, "United States Constitution Week".
Proclamation declaring September 2018, "National Pediatric Cancer Awareness Month".
Check Presentation from Mayor's Hurricane Harvey Fund and Parks, Arts, Leisure, and Seniors (PALS) to Corpus Christi Tennis Association - Al Kruse Tennis Courts
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; a check presentation was made; and information was provided regarding the Corpus Christi - Nueces County Heart Walk Challenge.

- 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. All items on this agenda are considered public hearings.**

Mayor McComb deviated from the agenda and referred to comments from the public. Leroy Pena, 1801 Bernandino, member of the Red Headed Warriors and Lipan Apache Tribe of Texas, requested that the City designate a day honoring the indigenous population in Corpus Christi. Ray Madrigal de Pancho Villa, 4253 Dody, spoke regarding treatment he received during the Corpus Christi Professional Firefighters' Association's forum for mayoral candidates. Garret Dorsey, 14878 Granada, spoke regarding the Corpus Christi Homebuilders Association's contributions to the community and the City working with the Association to solve housing affordability problems in the community. Victor Ibarra, 5525 S. Staples, and John Pope 13857 Cozumel, spoke in opposition to Agenda Item 21, amending the Unified Development Code regarding floodplain administration regulations and adopting a higher standard for Flood Hazard Prevention of 1 foot of freeboard. Margareta Fratila, 3606 Tripoli, discussed entrepreneurship in Corpus Christi and responsiveness

of elected officials and candidates for elected office. James Skrobarczyk, 714 Oriole, asked questions regarding Agenda Item 22, adopting the Preliminary Flood Insurance Rate Maps (FIRMs), including: that if the Federal Emergency Management Agency does not approve the FIRM maps, would the City revert to the old maps and how areas become exempt; and spoke regarding a City/County Flood Control System. Dave Resendez, 8702 King Ranch and Mike Staff, 7610 Beau Terre, spoke regarding problems related to the water utility billing system and the Utilities Business Office.

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

Mayor McComb referred to City Manager's Comments. Interim City Manager Keith Selman reported on the following topics:

a. STRATEGIC FUTURE ISSUES (NONE)

b. OTHER

1) Interim City Manager Selman stated that staff is working to address the issues regarding the utility billing system and response system. Staff is working to bring in representatives from Infor, the utility billing software, to work on the billing system and to conduct a multi-fronted effort with the Call Center, Utilities Business Office and the Utilities Department to improve responses and communication regarding utility billing issues. 2) Interim City Manager Selman provided a recap of the items that City Council approved related to the City Council's goals for Economic Development, Water and Streets. 3) Due to recent rain events, Choke Canyon and Lake Corpus Christi are receiving water flows from the Nueces and Frio Rivers. Choke Canyon is not likely to receive enough water to come out of the Stage 1 water restrictions. 4) The City's Vector Control unit has been activated to address the mosquitoes and is scheduled to spray the Annville/Airport areas tonight and Padre Island and Flour Bluff tomorrow. Residents are encouraged to remove standing water and mow the grass on their property to help reduce mosquitoes. 5) Interim City Manager Selman provided an update on the success of the Sandbag Program. 6) The City's Public Libraries are holding the "Food-for-Fines Program" in honor of National Hunger Awareness. The program allows citizens to clear overdue fines by donating non-perishable food and pet food items. Each non-perishable item is worth a \$1.00 towards an outstanding fine. 7) Interim City Manager Selman presented a video related to the Chaparral Street two-way conversion.

Council members and Interim City Manager Selman spoke regarding the following topics: a timeline to address the billing system and responsiveness; the number of mosquito trucks in service; mosquito prevention efforts in the Kings Crossing Subdivision; the Infor utility billing software system; the number of employees in the Call Center; the multi-fronted effort to communicate to citizens regarding utility billing concerns; and a news release regarding water releases from Lake Corpus Christi.

G. MINUTES:

2. Regular Meeting of September 11, 2018.

Mayor McComb referred to approval of the minutes. City Secretary Rebecca L.

Huerta announced that the minutes would need to be amended on page 5 to reflect Council Member Hunter was absent for the vote on the Consent Agenda items, not Council Member Lindsey-Opel.

Council Member Garza made a motion to amend the minutes as stated, seconded by Council Member Rubio and passed unanimously.

Council Member Garza made a motion to approve the minutes as amended, seconded by Council Member Rubio and passed unanimously.

H. BOARD & COMMITTEE APPOINTMENTS:

3. Corpus Christi Convention and Visitors Bureau Ethics Commission Sister City Committee

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

Corpus Christi Convention and Visitors Bureau

Council Member Garza made a motion to reappoint Terri Adams (Attraction Industry), seconded by Council Member Lindsey-Opel and passed (Council Member Hunter voting "No").

Council Member Garza nominated Tom Schmid (Attraction Industry). Council Smith nominated Steve Banta (Attraction Industry).

Tom Schmid (Attraction Industry) was appointed with Mayor McComb and Council Members Lindsey-Opel, Guajardo, Garza, Molina, and Hunter voting for Tom Schmid and Council Members Rubio, Smith and Roy voting for Steve Banta.

Ethics Commission

Council Member Garza made a motion to reappoint Richard (Rick) E. Milby, seconded by Council Member Hunter and passed unanimously.

Council Member Rubio nominated Edward Sample. Council Member Molina nominated James M. Hernandez. Council Member Lindsey-Opel nominated Sandra Sanchez.

Edward Sample and Sandra Sanchez were appointed with Mayor McComb and Council Members Hunter, Garza, Guajardo, Smith, Lindsey-Opel and Rubio voting for Edward Sample; Mayor McComb and Council Members Hunter, Molina, Roy, Guajardo, Smith, Lindsey-Opel and Rubio voting for Sandra Sanchez; and Council Members Molina, Roy, and Garza voting for James M. Hernandez.

Sister City Committee

Council Member Rubio made a motion to reappoint Melody H. Cooper

(Economic Development Sector), seconded by Council Member Garza and passed unanimously.

Council Member Hunter made a motion to appoint Heather Moretzsohn (Advisory, Non-voting member) to a one-year term, seconded by Council Member Garza and passed unanimously.

Council Member Garza made a motion to appoint Luis F. Cabrera (Port Industries of Corpus Christi), Sharron K. Hines (Greater Corpus Christi Hospitality Association), and Mark C. Arnold (At-Large), seconded by Council Member Lindsey-Opel and passed unanimously.

I. EXPLANATION OF COUNCIL ACTION:

K. CONSENT AGENDA: (ITEMS 4 - 27)

Approval of the Consent Agenda

Mayor McComb referred to the Consent Agenda. Council members requested that Items 17, 20, 21 and 22 be pulled for individual consideration. Interim City Manager Keith Selman stated that the applicant for the rezoning Case No. 0718-04 May Dev. LP requested that Item 19 be pulled for individual consideration. There were no comments from the public.

A motion was made by Council Member Lindsey-Opel, seconded by Council Member Molina, 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 Roy, Council Member Rubio and Council Member Smith

Abstained: 0

4. Three-Year Service Agreement for Arbitrage Compliance Services

Motion authorizing a three-year service agreement for arbitrage compliance services with Arbitrage Compliance Specialists, Inc., Centennial, Colorado, for \$46,500 with two one-year options for a potential multi-year contract amount of \$77,500.

This Motion was passed on the consent agenda.

Enactment No: M2018-167

5. Type B Economic Development Agreement

Motion approving an agreement with the Corpus Christi B Corporation for management of the Corporation's economic development funds.

This Motion was passed on the consent agenda.

Enactment No: M2018-168

6. Interlocal Agreement for Distribution of Grant Funds

Resolution authorizing Interlocal Agreements with City of Robstown for distribution of \$10,217 from FY2017 Edward Byrne Memorial Justice Grant Program funds.

This Resolution was passed on the consent agenda.

Enactment No: 031536

7. Professional Services Contract for the Area Development Plans Project

Motion to authorize execution of a professional services contract with Freese and Nichols, Inc. of Corpus Christi, Texas in the amount of \$300,000 for the Area Development Plans project.

This Motion was passed on the consent agenda.

Enactment No: M2018-169

8. Professional Services contract for the Automated Pavement Condition Index Survey project

Motion authorizing a contract for professional services with Transmap Corporation, headquartered in Upper Arlington, Ohio in the amount of \$220,983.19 for the Base Bid and Additive Alternate No. 2 for the Automated Pavement Condition Index Survey project.

This Motion was passed on the consent agenda.

Enactment No: M2018-170

9. Professional Services Contract for the Packery Channel Restoration Project

Motion to authorize execution of Amendment No. 1 with HDR Engineering, Inc. of Corpus Christi, Texas in the amount of \$301,008 for a total restated fee of \$351,005 for the Packery Channel Restoration project.

This Motion was passed on the consent agenda.

Enactment No: M2018-171

10. Purchase of Seven Ford Trucks for Parks and Recreation

Motion authorizing the purchase of six Ford F-250 trucks and one Ford

F-350 truck with AutoNation Ford of Corpus Christi, Texas and Bluebonnet Ford of New Braunfels, Texas based on Request for Bid No. 1794 for a total amount not to exceed \$264,753.00.

This Motion was passed on the consent agenda.

Enactment No: M2018-172

11. Purchase of three tractors for Parks and Recreation

Motion authorizing the purchase of three John Deere Tractors from Deere & Company, of Cary, North Carolina, via Buy Board cooperative for \$162,091.63.

This Motion was passed on the consent agenda.

Enactment No: M2018-173

12. Lease Purchase of Six Trucks and Two Trailers for Solid Waste Operations

Motion authorizing the lease purchase of four side loading refuse truck from Rush Truck Center of New Braunfels, Texas, and two rear-loading refuse trucks from Grande Truck Center of San Antonio, Texas and two transfer trailers from Rush Truck Center of New Braunfels, Texas via Houston-Galveston Area Council (HGAC) for a total amount not to exceed \$2,013,177.48.

This Motion was passed on the consent agenda.

Enactment No: M2018-174

13. Purchase of Two Trucks for Utilities

Motion authorizing the purchase of two Ford F-250 pickup trucks from Rush Truck Center of New Braunfels, Texas, via BuyBoard Purchasing Cooperative for a total amount not to exceed \$92,118.00.

This Motion was passed on the consent agenda.

Enactment No: M2018-175

14. Service agreement for Custodial Services for Fleet Maintenance Buildings

Motion authorizing a one-year service agreement for custodial services with Hilario O. Ortega, Jr., dba A Plus Janitorial and Mowing Services of Corpus Christi, Texas for a total amount of \$18,995.16, with two one-year options for a total potential multi-year amount of \$56,985.48.

This Motion was passed on the consent agenda.

Enactment No: M2018-176

15. Purchase of Refuse and Recycling Carts for Solid Waste

Motion authorizing the purchase of refuse and recycling carts from Cascade Engineering of Grand Rapids, Michigan, via Houston-Galveston Area Cooperative (HGAC), in the total amount not to exceed \$499,344.40.

This Motion was passed on the consent agenda.

Enactment No: M2018-177

16. Actuarial Services for Risk Management

Motion authorizing a five year service agreement to provide Actuarial Services for the City's Risk Management Division with AMI Risk Consultants, Inc., of Miami, Florida for a not to exceed value of \$60,000.

This Motion was passed on the consent agenda.

Enactment No: M2018-178

18. Second Reading Ordinance - Rezoning property at or near 7001 South Staples Street (1st Reading 9/11/18) (3/4 Vote Required)

Case No. 0718-03 Dr. Haysam Dawod, DDS:

Planning Commission and Staff Recommendation (July 25, 2018):

Denial of the change of zoning from the "CN-1" Neighborhood Commercial District to the "CG-2" General Commercial District, in lieu thereof:

Ordinance rezoning property at or near 7001 South Staples Street from "CN-1" Neighborhood Commercial District to the "CN-1/SP" Neighborhood Commercial District with a Special Permit.

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

Enactment No: 031537

23. Second Reading Ordinance - Accepting a Grant to support the Web Based Emergency Operations Center (WEBEOC) (1st Reading 9/11/18)

Ordinance authorizing acceptance of \$15,000 grant from Coastal Bend Regional Advisory Council for City's WebEOC operations; and appropriating \$15,000 into Fire Grant Fund.

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

Enactment No: 031542

24. Second Reading Ordinance - Appropriation of Increased Revenue at the City's Warehouse (1st Reading 9/11/18)

Ordinance appropriating estimated increased revenues of \$750,000 to cover projected increased expenses in the City's Warehouse related to the cost of Warehouse merchandise sold; and amending the operating budget by increasing estimated revenues and expenditures by \$750,000 each.

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

Enactment No: 031543

25. Second Reading Ordinance - Appropriating funds and approving contract for High Intensity Activated Crosswalk (HAWK) Traffic Signal at Ocean Drive and Del Mar Boulevard (Bond 2012, Proposition 1) (1st Reading 9/11/18)

Ordinance appropriating into Street CIP Fund 3530; changing Capital Improvement Program Budget by \$131,483.04 and authorizing execution of a construction contract with Maldonado-Burkett Intelligent Transportation Systems, Inc. of Corpus Christi, Texas in the amount of \$164,353.81 for construction of a HAWK Traffic Signal at Ocean Drive and Del Mar Boulevard. (Bond 2012, Proposition 1).

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

Enactment No: 031544

26. Second Reading Ordinance - Agreement for Frontera Historical and Cultural Events (1st Reading 9/11/18)

Ordinance authorizing an agreement with Corpus Christi Convention and Visitors Bureau to allow use of La Retama Park near Schatzel and Mesquite Streets for the Frontera event and related activities on November 2 thru November 4, 2018.

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

Enactment No: 031545

27. Second Reading Ordinance - Accepting and Appropriating Grant Funds from the National Recreation and Park Association (1st Reading 9/11/18)

Ordinance accepting a grant in the amount of \$15,000 from the National Recreation and Park Association for the Conserve Our Parks CITGO

Service Days.

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

Enactment No: 031546

17. Corpus Christi Convention and Visitors Bureau Contract Amendment

Motion authorizing Amendment No. 1 to the Consulting Services Agreement with the Corpus Christi Convention and Visitors Bureau to extend the Agreement on a month-to-month basis until a new agreement can be reached.

Mayor McComb referred to Item 17. Business Liaison Arlene Medrano stated that the purpose of this item is to approve an amendment to the Consulting Services Agreement with the Corpus Christi Convention and Visitors Bureau (CVB) to extend the agreement on a month-to-month basis until a new agreement can be reached. The existing three-year agreement will expire on September 30, 2018. Per the City's Annual Audit Plan, the City Auditor is conducting a contract audit of this agreement. As a result, a new multi-year agreement with the CVB is being postponed until said audit is complete. There were no comments from the public.

A council member spoke regarding the review of the CVB's contract audit and encouraged staff to expedite the review.

Council Member Rubio made a motion to approve the motion, seconded by Council Member Smith. 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 Roy, Council Member Rubio and Council Member Smith

Abstained: 0

Enactment No: M2018-179

19. Second Reading Ordinance - Rezoning property at or near 7601 South Padre Island Drive and 5246 Lexington Road (1st Reading 9/11/2018) (3/4 Vote Required)

Case No. 0718-04 May Dev, LP:

Planning Commission and Staff Recommendation (July 25, 2018):
Denial of the change of zoning from the "CG-2" General Commercial District to the "IL" Light Industrial District, in lieu thereof:

Ordinance rezoning property at or near 7601 South Padre Island Drive and 5246 Lexington Road from "CG-2" General Commercial District to

the "CG-2/SP" General Commercial District with a Special Permit.

Mayor McComb referred to Item 19, rezoning of property at or near 7601 South Padre Island Drive and 5246 Lexington Road. Director of Development Services Nina Nixon-Mendez stated that the applicant is requesting that the ordinance be amended to include the following language to Section 2, Special Permit Condition #8, Time Limit: The duration of closure of business will not include the time closed due to force majeure type situations such as act of God. There were no comments from the public.

Council Member Lindsey-Opel made a motion to amend the ordinance by adding the stated language to Section 2, Special Permit Condition #8, seconded by Council Roy and passed unanimously.

Council Member Garza made a motion 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 Roy, Council Member Rubio and Council Member Smith

Abstained: 0

Enactment No: 031538

20. Second Reading Ordinance - Amending the Unified Development Code to clarify language in specific areas (1st Reading 9/11/18)

Ordinance amending the Unified Development Code regarding defined terms, exceptions from platting requirements, minor, amending or vacating plat review applicability, commercial districts permitted uses, commercial use categories, specific standards, water trust fund, and wastewater trust fund.

Mayor McComb referred to Item 20, amending the Unified Development Code. Director of Development Services Nina Nixon-Mendez stated that at the September 11, 2018 Council meeting, the ordinance was amended to remove the provisions related to the distance requirements for a bar, tavern or pub and smoking lounges to allow staff to provide additional outreach related to the bar provision and clarify the definition regarding smoking lounges. There were no comments from the public.

Council members and staff discussed the following topics: clarifying the definition regarding smoking lounges and cross referencing with existing ordinances; hookah lounges; and the use of e-cigarettes in restaurants.

Council Member Smith made a motion to approve the ordinance, seconded by Council Member Garza. 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 Roy, Council Member Rubio and Council Member Smith

Abstained: 0

Enactment No: 031539

21. Second Reading - Amending the Unified Development Code regarding floodplain administration regulations (1st Reading 9/11/18)

Ordinance amending the Unified Development Code to remove the floodplain administration regulations; and providing for penalties.

Mayor McComb referred to Item 21, amending the Unified Development Code regarding floodplain administration and Item 22, adopting the Preliminary Flood Insurance Rate Maps (FIRMs). Director of Development Services Nina-Nixon Mendez, Floodplain Manager Yvette Dodd and council members discussed the following topics: the process for adopting the preliminary FIRMs and final adoption; the proposed higher standards for Flood Hazard Prevention to increase freeboard to 1 foot; that if the Federal Emergency Management Agency (FEMA) did not approve the FIRMs, the City would revert back to the old maps; the appeals by Nueces County; the Oso Creek Appeal; concern from the Coastal Bend Homebuilders Association regarding increasing freeboard to 1 foot; costs associated with higher standards; if the FIRMs include the City's extraterritorial jurisdiction; if the FIRMs include zone change to LiMWA; if adoption of FIRMs change building practices or standards that currently exist; that freeboard measurement begins at the first habitable floor; the insurance rate savings for 1 foot of freeboard; communication with stakeholders; and the consequences of not approving the preliminary FIRMs. There were no comments from 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 Roy, Council Member Rubio and Council Member Smith

Abstained: 0

Enactment No: 031540

22. Second Reading Ordinance - Adopting the Preliminary Flood Insurance Rate Maps (1st Reading 9/11/18)

Ordinance amending the Code of Ordinances to adopt the preliminary flood insurance rate maps; and providing for penalty.

This item was discussed during Item 21.

Council Member Lindsey-Opel made a motion to approve the ordinance, seconded by Council Member Smith. 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 Roy, Council Member Rubio and Council Member Smith

Abstained: 0

Enactment No: 031541

S. EXECUTIVE SESSION: (ITEM 58)

Mayor McComb deviated from the agenda and referred to Executive Session Item 58. The Council went into executive session at 1:32 p.m. The Council returned from executive session at 2:22 p.m.

- 58. Executive Session pursuant to Texas Government Code § 551.071 and Texas Disciplinary Rules of Professional Conduct Rule 1.05 to consult with attorneys concerning litigation including, but not limited to, the case of *Graham Construction Services, Inc. et al v. City of Corpus Christi et al*, including potential consideration of settlement offers and/or fees for attorneys, engineers, and other expert witnesses assisting in defense of action(s), including the law firms of Kilpatrick, Townsend, Stockton, LLP, Hartline Dacus Barger Dreyer, LLP, Navigant Consulting, Inc., Scott Hibbs PE, Enprotec, Hibbs & Todd Inc., and other entities providing professional services for the aforesaid case.**

Mayor McComb referred to Item 58 and the following motion was considered:

Motion to authorize the execution of amendments, agreements and encumbrance of funds for legal, engineering, and other professional consulting and/or expert witness services and associated court reporter, copy, and travel costs and mediator fees for the lawsuit of Graham Construction Services, Inc. v. City of Corpus Christi in amounts not to exceed \$1,265,700 with the law firms of Kilpatrick Townsend & Stockton, LLP, Hartline Dacus Barger Dreyer, LLP, Richard P. Flake, PLLC and the consulting/engineering/expert firms of Ankura Consulting Group (fka Navigant Consulting), Enprotec, WJE, FTI and US Legal and authorize carry-over of unexpended funds into the following fiscal years.

Council Member Lindsey-Opel made a motion to approve the motion, seconded by Council Member 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 Roy, Council Member Rubio and Council Member Smith

Abstained: 0

Enactment No: M2018-180

L. RECESS FOR LUNCH

The recess for lunch was held during Executive Session Item 58.

M. BUDGET RELATED ITEMS: (ITEMS 28 - 32)**28. Amendment to Financial Budgetary Policies**

Resolution amending Financial Budgetary Policies adopted by Resolution 031240 and providing financial policy direction on preparation of the annual budgets.

Mayor McComb referred to Item 28. **Director of Management and Budget Eddie Houlihan** stated that the purpose of this item is to amend the Financial Budgetary Policies. **Mr. Houlihan** provided a brief overview of the financial budgetary policies and proposed amendments. There were no comments from the public.

Council members and staff discussed the following topics: the policy regarding the transfer of funds from the General Fund to the Residential Street Reconstruction Fund; review of the debt management policy by the financial advisor; funding for capital improvement projects; staff's responsibility to oversee capital improvement projects and ensure they remain on target; if the budget includes expected revenue from grants; and a dedicated fund regarding the drought surcharge from large-volume industrial customers to ensure future water supply.

Mayor McComb made a motion to amend the financial budgetary policies to include a dedicated fund regarding the drought surcharge from large-volume industrial customers to ensure future water supply, seconded by Council Member **Lindsey-Opel** and passed unanimously.

Council Member Lindsey-Opel made a motion to approve the resolution as amended, seconded by Council Member **Garza**. This Resolution was passed 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 **Roy**, Council Member **Rubio** and Council Member **Smith**

Abstained: 0

Enactment No: 031547

29. Second Reading Ordinance - Adoption of Proposed FY 2018-2019 Operating Budget (1st Reading 9/11/18)

Ordinance adopting the City of Corpus Christi operating budget for the fiscal year 2018-2019 beginning October 1, 2018; to be filed with the county clerk; appropriating monies as provided in the budget; and

providing for severance.

Mayor McComb referred to Item 29. Director of Management and Budget Eddie Houlihan stated that the purpose of this item is to adopt the proposed FY2018-2019 Operating Budget. Mr. Houlihan presented the following information: the full-time equivalent count; revenues and expenditures; a history of the property tax rates; the projected fund balance in the General Fund, Internal Service Funds; Enterprise Funds, and Special Revenue Funds; and a proposed budget amendment to increase expenditures by \$50,000 for the Reinvestment Zone No. 2 Feasibility Study. There were no comments from the Council or the public.

Council Member Garza made a motion to amend the ordinance by increasing expenditures by \$50,000, seconded by Council Member Lindsey-Opel and passed unanimously.

Council Member Garza made a motion 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 Roy, Council Member Rubio and Council Member Smith

Abstained: 0

Enactment No: 031548

30.

Second Reading Ordinance - Ratifying increase in property tax revenues from FY2017-2018 Operating Budget (1st Reading 9/11/18)

Ordinance to ratify increase of \$7,680,380 in property tax revenues from last year's operating budget as reflected in the 2018-2019 operating budget.

Mayor McComb referred to Item 30. Director of Management and Budget Eddie Houlihan stated that the Texas Local Government Code provides that adopting a budget that requires raising more property tax revenue than the previous year requires a separate vote of the City Council. The purpose of this item is to ratify the increase of \$7,680,380 in property tax revenues. There were no comments from the public.

Council members discussed the following topics: a council member explained his "No" vote to increase property taxes; the property tax rate including the voter-approved two-cents dedicated to residential streets; and that the City Council did not implement the voter-approved two-cent increase in FY2017-2018 due to Hurricane Harvey.

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

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

Nay: 1 - Council Member Hunter

Abstained: 0

Enactment No: 031549

31. Second Reading Ordinance - Approving Fiscal Year 2018 - 2019 Capital Budget and Capital Improvement Planning Guide (1st Reading 9/11/18)

Ordinance approving the Fiscal Year 2018-2019 Capital Budget and Capital Improvement Planning Guide in the amount of \$197,583,700.

Mayor McComb referred to Item 31. Assistant City Manager Mark Van Vleck stated that the purpose of this item is to approve the FY2018-2019 Capital Budget and Capital Improvement Planning (CIP) Guide. There were no comments from the public.

Council members discussed the following topics: future projects to address wastewater issues in downtown, including the Agnes Street Corridor; a recap of the Street program highlights; and that Bond 2018 propositions that are not approved by the voters will be removed from the CIP.

Council Member Garza made a motion to approve the ordinance, seconded by **Council Member Smith**. 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 Roy, Council Member Rubio and Council Member Smith

Abstained: 0

Enactment No: 031550

32. Resolution approving Parks and Recreation fees for fiscal year 2018-2019

Mayor McComb referred to Item 32. Director of Parks and Recreation Jay Ellington stated that the purpose of this item is to approve Parks and Recreation fees for FY2018-2019. There were no comments from the public.

Council members and staff discussed the following topics: if the aquatics fees attributed to the reduction in aquatics revenue; that tennis center fees will stay the same until the new contracts are in place; the five-year plan to gradually increase Parks and Recreation fees; and tournament and rental fees charged at the Al Kruse Tennis Center.

Council Member Lindsey-Opel made a motion to approve the resolution, seconded by **Council Member Garza**. This Resolution was passed and

approved with the following vote:

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

Absent: 1 - Council Member Hunter

Abstained: 0

Enactment No: 031551

N. PUBLIC HEARINGS: (ITEMS 33 - 35)

33. Public Hearing and First Reading Ordinance - Rezoning for a Property located at or near 6001 Crosstown Expressway (State Highway 286).

Case No. 0818-01 Joshua Kosarek: Ordinance rezoning property at or near 6001 Crosstown Expressway (State Highway 286) from "RS-6" Single-Family 6 District to the "CN-1" Neighborhood Commercial District. (3/4 vote required)

Planning Commission and Staff Recommendation (August 8, 2018):
Denial of the change of zoning from the "RS-6" Single-Family 6 District to the "CN-1" Neighborhood Commercial District, in lieu thereof:

Ordinance rezoning property at or near 6001 Crosstown Expressway (State Highway 286) from "RS-6" Single-Family 6 District to the "ON" Neighborhood Office District.

Mayor McComb referred to Item 33. Director of Development Services Nina Nixon-Mendez stated that the purpose of this item is to rezone the subject property to allow for the construction of a medical office building. Ms. Nixon-Mendez stated that the Planning Commission and staff recommend denial of the "CN-1" Neighborhood Commercial District, and in lieu thereof, approval of the "ON" Neighborhood Office District.

Council members and staff discussed the following topics: business growth in City Council District 3; the "RS-6" Single-Family 6 District zoning along the Crosstown Expressway; staff's recommendation of the "ON" Neighborhood Office District to allow for a more transitional use; and future consideration to rezoning the area to "CN-1" Neighborhood Commercial District.

Mayor McComb opened the public hearing. Wade Spent, 222 Cape Aron, the applicant's representative, spoke in support of the rezoning. Mayor McComb closed the public hearing.

Council Member Rubio 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 Roy, Council Member Rubio and Council Member Smith

Abstained: 0

34. Public Hearing and First Reading Ordinance - Rezoning for a Property located at or near 4441 South Alameda Street.

Case No. 0818-02 Texas Star Investments, Inc: Ordinance rezoning property at or near 4441 South Alameda Street from "CN-1" Neighborhood Commercial District to the "CG-2" General Commercial District. (3/4 Vote Required)

Planning Commission and Staff Recommendation (August 8, 2018): Denial of the change of zoning from the "CN-1" Neighborhood Commercial District to the "CG-2" General Commercial District in lieu thereof:

Ordinance rezoning property at or near 4441 South Alameda Street from "CN-1" Neighborhood Commercial District to the "CN-1/SP" Neighborhood Commercial District with a Special Permit (SP)

Mayor McComb referred to Item 34. Director of Development Services Nina Nixon-Mendez stated that the purpose of this item is to rezone the subject property to allow for the construction of an automated car wash. Ms. Nixon-Mendez stated that the Planning Commission and staff recommend denial of the "CG-2" General Commercial District, and in lieu thereof, approval of the "CN-1/SP" Neighborhood Commercial District with a Special Permit.

Council members and staff discussed the following topics: the location of the subject property; how the hours of operation would be regulated; if the car wash would increase the load to the City's wastewater system; that the car wash will be recycling water and using a system to separate oil from water; and the frequent use of rezoning with a Special Permit.

Mayor McComb opened the public hearing. Sandra Morgan, applicant, stated that the hours of operation will be from 8:00 a.m. to 8:00 p.m. and the facility will be monitored by an attendant. Mayor McComb closed the public hearing.

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

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

Abstained: 0

35. Public Hearing and First Reading Ordinance - Rezoning for a Property located at or near 1804 Buford Avenue.

Case No. 0818-03 The Salvation Army: Ordinance rezoning property at or near 1804 Buford Avenue from "RS-6" Single-Family 6 District to the "CG-1/SP" General Commercial District with a Special Permit.(3/4 Vote Required)

Planning Commission and Staff Recommendation (August 8, 2018):
Denial of the change of zoning from the "RS-6" Single-Family 6 District to the "CG-1/SP" General Commercial District with a Special Permit, in lieu thereof:

Ordinance rezoning property at or near 1804 Buford Avenue from "RS-6" Single-Family 6 District to the "RS-6/SP" Single-Family 6 District with a Special Permit

Mayor McComb referred to Item 35. Director of Development Services Nina Nixon-Mendez stated that the purpose of this item is to rezone the subject property to allow for a social service use and the construction of a 35,000 square foot transitional housing facility. The property was rezoned "RS-6/SP" Single-Family 6 District with a Special Permit in 2016. It has been over two years since the approval and there has been no action on the Special Permit, therefore, the Special Permit has expired. Ms. Nixon-Mendez stated that the Planning Commission and staff recommend denial of the "CG-1/SP with a Special Permit, and in lieu thereof, approval of the "RS-6/SP" Single-Family 6 District with a Special Permit.

Mayor McComb opened the public hearing. Gustavo Perez, Business Manager for the Salvation Army, spoke in support of the rezoning. Mayor McComb closed the public hearing.

Council members discussed the following topics: council members expressed appreciation to The Salvation Army for continuing to assist the population most in need in the community; the plans for the old Salvation Army facility; and the total number of beds and rooms planned at the facility to house families, veterans, and single men.

Council Member Garza 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 Roy, Council Member Rubio and Council Member Smith

Abstained: 0

O. REGULAR AGENDA: (ITEMS 36 - 37)

36. Ordinance Setting the Property Tax Rate

Ordinance setting a property tax rate of \$0.626264 per \$100 valuation which is effectively a 6.63% increase over the effective tax rate; and declaring an emergency.

Mayor McComb referred to Item 36, adopting the FY2019 property tax rate of \$0.626264 per \$100 valuation which is effectively a 6.63% increase over the effective tax rate. **Director of Financial Services Constance Sanchez** and council members discussed the following topics: that the rate being proposed includes a two-cent increase as approved by the voters to address residential streets; and that the tax rate being adopted is for existing bonds, not future bonds. There were no comments from the public.

Mayor McComb made a motion that the property tax rate be increased by the adoption of a tax rate of \$0.626264 per \$100 valuation, which is effectively a 6.63% increase in the tax rate, seconded by Council Member Garza. This Ordinance was passed on emergency and approved with the following vote:

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

Nay: 1 - Council Member Hunter

Abstained: 0

Enactment No: 031552

37.

Resolution authorizing a Service Agreement for purchase and installation of an ambulance chassis

Resolution authorizing a service agreement with Knapp Chevrolet of Houston, Texas, for the purchase and installation of an ambulance chassis for \$83,825.

Mayor McComb referred to Item 37. **Fire Chief Robert Rocha** stated that the purpose of this item is to authorize a service agreement for the purchase and installation of an ambulance chassis. There were no comments from the public.

Council members, Fire Chief Rocha, and Assistant Fire Chief Rick Trevino discussed the following topics: the status of the AMBUS; the status of the three newly purchased ambulances; and the total cost of an ambulance.

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

Aye: 7 - Mayor McComb, Council Member Garza, Council Member Guajardo, Council Member Molina, Council Member Roy, Council Member Rubio and Council Member Smith

Absent: 2 - Council Member Hunter and Council Member Lindsey-Opel

Abstained: 0

Enactment No: 031553**P. FIRST READING ORDINANCES: (ITEMS 38 - 47)****38. First Reading Ordinance - Appropriating funds from the Recovery on Damage Claims**

Ordinance appropriating \$92,437.71 from damage claims into General Fund to purchase police vehicles; and changing Operating Budget by increasing revenue and expenditures in the General Fund by \$92,437.71.

Mayor McComb referred to Item 38. Police Chief Mike Markle stated that the purpose of this item is to appropriate \$92,437.71 from damage claims to purchase police vehicles. A council member complimented Chief Markle for identifying funds for the Police Department. There were no comments from the public.

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

Aye: 7 - Mayor McComb, Council Member Garza, Council Member Guajardo, Council Member Molina, Council Member Roy, Council Member Rubio and Council Member Smith

Absent: 2 - Council Member Hunter and Council Member Lindsey-Opel

Abstained: 0

39. First Reading Ordinance - Accepting and appropriating grant funds for Fire Department

Ordinance authorizing acceptance of \$1,000 grant from NuStar Energy L.P.; and appropriating \$1,000 from NuStar Energy L.P. into Fire Grant Fund.

Mayor McComb referred to Item 39. Fire Chief Robert Rocha stated that the purpose of this item is to accept and appropriate a \$1,000 grant from NuStar Energy L.P. There were no comments from the Council or the public.

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

Aye: 7 - Mayor McComb, Council Member Garza, Council Member Guajardo, Council Member Molina, Council Member Roy, Council Member Rubio and Council Member Smith

Absent: 2 - Council Member Hunter and Council Member Lindsey-Opel

Abstained: 0

40. First Reading Ordinance - Amending the Women, Infant and

Children's Nutrition Program (WIC) grant contract from the Health and Human Services Commission

Ordinance authorizing an amendment to the Women, Infant and Children's Nutrition Program (WIC) grant contract from the Health and Human Services Commission.

Mayor McComb referred to Item 40. **Director of Public Health Annette Rodriguez** stated that the purpose of this item is to accept a grant amendment to the Women, Infant and Children's Nutrition Program (WIC) grant from the Texas Department of Health and Human Services. 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: 7 - Mayor McComb, Council Member Garza, Council Member Guajardo, Council Member Lindsey-Opel, Council Member Molina, Council Member Roy and Council Member Rubio

Absent: 2 - Council Member Hunter and Council Member Smith

Abstained: 0

41.

First Reading Ordinance - Construction Contract for Laguna Shores Road Force Main Replacement (Capital Improvements Program (CIP))

Ordinance rejecting the apparent low bid of Jhabores Construction Company, Inc., as non-responsive and authorizing a construction contract with Max Underground Construction, LLC of Corpus Christi, Texas as the lowest responsive, responsible bidder in the amount of \$4,425,112.50 for the Base Bid plus Additive Alternate No. 1 and Additive Alternate No. 2 for the Laguna Shores Road Force Main Replacement project (Wastewater CIP).

Mayor McComb referred to Item 41. **Director of Engineering Services Jeff Edmonds** stated that the purpose of this item is to reject the apparent low bid of Jhabores Construction Company, Inc., as non-responsive, and execute a construction contract with Max Underground Construction, LLC for the Laguna Shores Road Force Main Replacement project. There were no comments from the public.

Council members and staff discussed the following topics: the price difference between the bid of Jhabores Construction Company, Inc. and Max Underground Construction, LLC; the apparent low bidder, Jhabores Construction Company, Inc.'s failure to sign the bid and meet the requirements of the bid documents; how bids are submitted; and the importance of upholding the policy regarding bid documents.

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: 8 - Mayor McComb, Council Member Garza, Council Member Hunter, Council Member Lindsey-Opel, Council Member Molina, Council Member Roy, Council Member Rubio and Council Member Smith

Absent: 1 - Council Member Guajardo

Abstained: 0

42. First Reading Ordinance - Accepting and Appropriating funds and approving Construction Contract for Corpus Christi International Airport (CCIA) Rehabilitate Terminal Apron Phase II and East General Aviation Phase II projects

Ordinance to accept and appropriate Airport Grant #57 in Fund 3020; appropriate and transfer \$725,805 from Fund 4612 to Fund 3018 and authorizing a construction contract with SpawGlass Civil Construction of Corpus Christi, Texas in the amount of \$7,221,798.15 for Base Bid and Alternates for the Corpus Christi International Airport (CCIA) Rehabilitate Terminal Apron Phase II and East General Aviation Apron Phase III projects.

Mayor McComb referred to Item 42. Director of Aviation Fred Segundo stated that the purpose of this item is to accept and appropriate \$6,532,544 in the Airport Grant #57; appropriate and transfer \$725,805 to the Airport Capital Reserve Fund; and execute a construction contract with SpawGlass Civil Construction for the Corpus Christi International Airport Rehabilitation Terminal Apron Phase II and East General Aviation Apron Phase III projects. There were no comments from the public.

A council member asked questions regarding the life expectancy of the runway and the design specifications.

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

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

Absent: 1 - Council Member Guajardo

Abstained: 0

43. First Reading Ordinance - Authorizing an Airline Use and Lease Agreement with American Airlines

Ordinance authorizing a three-year airline use and lease agreement with American Airlines to be effective as of October 1, 2017, with one two-year option.

Mayor McComb referred to Item 43. Director of Aviation Fred Segundo stated that Items 43 and 44 are related and the purpose is to execute a three-year airline use and lease agreement with American Airlines and Southwest Airlines, to be effective as of October 1, 2017, for airline operations. There were no comments from the public.

A council member commented on staff's work regarding the negotiation of the contracts to ensure the continued operation of multiple airlines at the Airport.

Council Member Garza 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 Roy, Council Member Rubio and Council Member Smith

Abstained: 0

44. First Reading Ordinance - Authorizing an Airline Use and Lease Agreement with Southwest Airlines

Ordinance authorizing a three-year airline use and lease agreement with Southwest Airlines to be effective as October 1, 2017, with one two-year option.

This item was discussed during Item 43.

Council Member Garza 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 Roy, Council Member Rubio and Council Member Smith

Abstained: 0

Budget Related First Reading Ordinances: (ITEMS 45 - 47)

45. First Reading Ordinance - Amending City Code regarding utility taps and connections

Ordinance amending City Code Sections 55-70 through 55-72 regarding utility taps and connections.

Mayor McComb referred to Item 45. Executive Director of Public Utilities Dan Grimsbo stated that the purpose of this item is to amend the City's Code of Ordinances regarding water utility meter and tap fees. The presentation team included Assistant Director of Maintenance and Lines Wes Nebgen. Mr. Grimsbo presented the following information: the number of meters and taps the City worked on in 2017; the current and proposed costs for meter sets; the

current and proposed water tap fees for street cuts and easements, inside and outside the City limits; the installation of water taps and meter sets; and the current and proposed wastewater tap fees for street cuts and easements.

Council members and staff discussed the following topics: a breakdown of taps and meters installed by City contractors; that installation of taps and meters for street projects are not included in these fees; how often water taps are contracted; feedback from the Coastal Bend Homebuilders Association regarding the fee changes; that meter sets are installed by City personnel to ensure that the City is receiving accurate information; that the increase is needed to recover an estimated \$400,000 of actual costs of providing service; the current costs for utility meters and tap fees; how the City has been supplementing the costs; if staff has considered alternative increases; the last time the rates were changed; that the supplemental costs are being charges to ratepayers through utility bills; the total costs of the program; the proposed water meter set fees; the distinction between water meter sets and tap fees; review of a policy regarding waiving fees; the number of utility customers that are supplementing the current fees; if fee charges will be updated through the Infor System; permitting through the Development Services Department; the breakdown of utility charges on utility bills; storm water charges; meter sets for new subdivisions; review of the water rate structure; water tap fees inside the city limits; consideration to postpone the effective date; that billing issues need to be resolved immediately; and by increasing the fees, the cost would be removed from the water rate model.

Council Member Lindsey-Opel made a motion to approve the ordinance, seconded by Council Member Rubio. This Ordinance failed on first reading and was not approved with the following vote:

Aye: 2 - Council Member Lindsey-Opel and Council Member Rubio

Nay: 7 - Mayor McComb, Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member Molina, Council Member Roy and Council Member Smith

Abstained: 0

46. First Reading Ordinance - Amending City Code to increase collection fees for Solid Waste

Ordinance amending the Corpus Christi Code of Ordinances, Chapter 21, Section 40, to increase collection fees for solid waste.

Mayor McComb referred to Item 46. Director of Solid Waste Operations Lawrence Mikolajczyk stated that the purpose of this item is to amend the City's Code of Ordinances to increase collection fees for solid waste. Mr. Mikolajczyk presented the following information: the proposed rate increase of \$2.21 to monthly residential and commercial solid waste utility accounts; a breakdown of the fee; and the current and proposed rates. There were no comments from the public.

Council members and staff discussed the following topics: clarification on commercial collections; the breakdown of fees; how multi-family complexes and other large industrial customers will share in the costs associated with the rate changes; if the City is being equitable between residential and

commercial customers; if tipping fees are being increased; Cefe Valenzuela Landfill cell construction; landfill contracts; new and replacement carts; amendments to landfill contracts; unfunded state air monitoring requirements; when the next cell construction is expected; concern with the timing of the increases; how the increases are factored into the operating budget; and if there are fees/penalties associated with overflowing carts.

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

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

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

Abstained: 0

47. First Reading Ordinance - Transferring funds for erosion, drainage, and 3D modeling work for the North Beach Area

Ordinance transferring \$23,000 from the City Council business accounts in the General Fund to the Comprehensive Planning Department Budget for Beach Erosion, Drainage, and 3D modeling work for the North Beach area.

Mayor McComb referred to Item 47. Director of Management and Budget Eddie Houlihan stated that the purpose of this item is to transfer \$23,000 from City Council business accounts to the Comprehensive Planning Department's budget for beach erosion, drainage, and 3D modeling work for the North Beach area. Mr. Houlihan stated that at the September 11, 2018 City Council meeting, City Council directed staff to identify funding sources for this work.

Council members and staff discussed the following topics: the motion of direction approved by the City Council at the September 11, 2018 Council meeting; the legal opinion on the use of the City Council business accounts; the members of the North Beach Task Force; staff's decision to identify the City Council's business accounts as a funding source; the North Beach Initiative and addressing the drainage plan for North Beach in relation to the new Harbor Bridge Project; previous requests by council members to use their City Council business accounts to fund other departments and outside organizations; the total City Council business account budget; beach erosion and dredging on North Beach; the project scope; the 3D modeling work; use of Type B funds to address drainage issues on North Beach to stimulate economic development; a council member stated that he preferred his business account funds to be utilized to benefit District 2; the urgency of addressing the work for the North Beach area; and that Council Members Lindsey-Opel, Rubio, Garza, and Hunter agreed to use the remaining funds from their City Council business accounts to fund the work for North Beach.

Council Member Lindsey-Opel made a motion to amend the ordinance by using the remaining business account balances of Council Members Lindsey-Opel, Rubio, Garza, Hunter totaling \$12,600, seconded by Council Member Rubio.

Council Member Roy made a motion to amend the motion to include Council Member Roy's remaining City Council business account in the amount of \$3,400, totaling \$16,000 to fund the work for North Beach, seconded by Council Member Rubio.

The motion to amend was passed and approved with the following vote: Council Members Roy, Rubio, Smith, Garza, Hunter, and Lindsey-Opel voting "Aye"; Mayor McComb and Council Members Guajardo and Molina voting "No".

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

Aye: 6 - Council Member Garza, Council Member Hunter, Council Member Lindsey-Opel, Council Member Roy, Council Member Rubio and Council Member Smith

Nay: 3 - Mayor McComb, Council Member Guajardo and Council Member Molina

Abstained: 0

Q. FUTURE AGENDA ITEMS: (ITEMS 48 - 56)

Mayor McComb referred to Future Agenda Items. Interim City Manager Keith Selman stated that staff had no planned presentations. A council member requested information on Items 48 and 50.

48. Resolution authorizing a Service Agreement for the Purchase of Code Enforcement Applications Software License

Resolution authorizing a five-year service agreement for the purchase of GovQA Code Enforcement Applications Software License from WebQA, Inc., dba GovQA, Woodridge, IL, for \$75,000.

This Resolution was recommended to the consent agenda.

49. Purchase of Veterinary Medicines and Supplies for Animal Care Services

Motion authorizing a one-year supply agreement with Patterson Veterinary Supply, Inc. of Greeley, Colorado for the purchase of veterinary medicines and supplies for a total amount not to exceed \$380,426.15.

This Motion was recommended to the consent agenda.

50. Professional Services Contract Amendment No. 1 for Greenwood Wastewater Treatment Plant (WWTP) Headworks & Grit Removal Rehabilitation (Capital Improvement Program)

Motion to authorize execution of Amendment No. 1 with Urban Engineering of Corpus Christi, Texas in the amount of \$335,200 for a

total restated fee of \$380,400 for Greenwood Wastewater Treatment Plant (WWTP) Headworks & Grit Removal Rehabilitation project.

This Motion was recommended to the consent agenda.

51. Lease-Purchase of Two Dump Trucks and One Excavator for Street Operations

Motion authorizing the lease purchase of two 12 cubic yard dump trucks from Houston Freightliner Inc., of Houston, Texas, and one Gradall excavator from Waukesha-Pearce Industries, LLC of Corpus Christi, Texas via Houston-Galveston Area Council and BuyBoard Cooperative for a total amount of \$765,824.59.

This Motion was recommended to the consent agenda.

52. Lease Purchase of Vector Truck and Heavy Equipment for Utilities

Motion authorizing the lease purchase of one Vector combination sewer truck from Houston Freightliners of Houston, Texas, one 2019 Western Star tractor from Grande Truck Center of San Antonio, Texas; and one CPS half round end dump trailer and one 55-ton Low Boy trailer from J&B Pavelka of Houston, Texas via Houston-Galveston Area Council for \$ 694,880.30.

This Motion was recommended to the consent agenda.

53. Purchase of Auto Parts for Fleet Maintenance

Motion authorizing one-year supply agreement for the purchase of automotive parts with O'Reilly Auto Enterprises LLC, dba O'Reilly Auto Parts of Springfield, Missouri via BuyBoard cooperative for a total amount not to exceed \$140,000.

This Motion was recommended to the consent agenda.

54. Professional Services Contract Solid Landfill Groundwater Monitoring

Motion to authorize execution of a professional services contract with Terracon Consultants, Inc. of Corpus Christi, Texas for the Solid Waste Landfill Groundwater Monitoring project in the amount of \$225,191 per year with the option to administratively renew for two additional years for a total contract price of \$675,573.

This Motion was recommended to the consent agenda.

55. Meal Delivery Service for Senior Community Services and Summer Feeding Program

Motion authorizing a three-year service agreement with R&R Delivery Service of Corpus Christi, Texas for meal delivery service for \$678,178.80.

This Motion was recommended to the consent agenda.

56. Supply Agreement for Purchase of Hydrofluorsilicic Acid for Water Treatment at O. N. Stevens Water Treatment Plant

Motion authorizing a one-year supply agreement for the purchase of hydrofluorosilicic acid from Univar USA, Inc. from Kent, Washington for \$195,750.00.

This Motion was recommended to the consent agenda.

R. BRIEFINGS: (NONE)

S. EXECUTIVE SESSION: (ITEMS 57 AND 59)

Mayor McComb referred to Executive Session Items 57 and 59. The Council went into executive session at 6:33 p.m. The Council returned from executive session at 7:13 p.m.

- 57. 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 contracts related to waste management, handling, and disposal and state and federal regulations related to the disposal of solid waste and/or recycling, including but not limited to, the City's contracts with Republic Services, BFI Waste Services of North America, Inc. and BFI Waste Systems of Texas, LP. and related entities, force majeure provisions in contracts involving the aforesaid companies and or services, calculation of rates therein, and provisions related to termination thereof.**

This E-Session Item was discussed in executive session.

- 59. 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 PUC Docket No. 48577, SOAH Docket No. 473-18-5092, *Application of AEP Texas Inc for Determination of System Restoration Costs* and other matters related thereto.**

This E-Session Item was discussed in executive session.

T. IDENTIFY COUNCIL FUTURE AGENDA ITEMS

None.

U. ADJOURNMENT

The meeting was adjourned at 7:14 p.m.