



# City of Corpus Christi

1201 Leopard Street  
Corpus Christi, TX 78401  
cctexas.com

## Meeting Minutes

### City Council

---

Tuesday, October 16, 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 11:31 a.m.

**B. Invocation to be given by Deacon Mark Arnold, Diocese of Corpus Christi.**

Deacon Mark Arnold gave the invocation.

**C. Pledge of Allegiance to the Flag of the United States to be led by Assistant Chief David Blackmon, Corpus Christi Police Department.**

Assistant Police Chief David Blackmon 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:

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 October 16, 2018, "Ready4K Day".  
Proclamation declaring October 24, 2018, "HELP Hits the High Notes Day".  
Proclamation declaring October 19-21, 2018, "58th Annual Texas Jazz Festival Days".  
Proclamation declaring October 23-31, 2018, "Red Ribbon Week".  
Proclamation declaring October 2018, "National Disability Employment Awareness Month".

Mayor McComb presented the proclamations.

- 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. City Attorney Miles K. Risley read the Rules of Decorum for the Council meeting. City Secretary Rebecca L. Huerta conducted the public comment period. Don Laux, 401 N. Chaparral, requested that the City Council consider appointing him to serve on the Airport Board or the Marina Advisory Committee. George Silver, Jr., 741 Wildwood Drive, spoke regarding: the storm water system; wastewater charges; and the City finding a solution to resolve the utility billing issues. Margareta Fratila, 3606 Tripoli, spoke regarding utility bill issues, including procedures related to rental properties. Pat Meredith, 1794 Starcove, spoke regarding an increase in her utility bills. Wendy Herman, Executive Officer of the Coastal Bend Homebuilders Association, 5325 Yorktown, spoke regarding Agenda Item 24, community enrichment funds and park sales revenue, and requested the following: that the City Council direct the Park and Recreation Department to not spend the Community Enrichment funds until a complete audit is performed and provide information regarding the process used to recommend parks for spraygrounds. Alissa Mejia, 4302 Ocean Drive, and member of the Parks and Recreation Advisory Committee (PRAC), spoke regarding Agenda Item 24, community enrichment funds and

park sales revenue, and addressed the following topics: that the PRAC voted unanimously regarding the shade structures and sprayground; how the community enrichment funds were being used; the requirement that developers can provide cash in lieu of land; and use of the funds for long-term improvements. Dotson Lewis, 15241 Isabella, Chairman of the PRAC, spoke regarding Agenda Item 24, community enrichment funds and park sales, and spoke regarding the recommended sites regarding shade structures and spraygrounds and receiving community input. James T.C. Chadden, 1718 Arlington, spoke regarding shade structures for Sherrill Park; the quality of the food at senior centers; and accessibility. Janet Newcomb, 1314 Meadowlane, spoke regarding the nuisances related to the hookah smoking lounge located near McArdle Road and Nile Drive.

**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:

**c. OTHER**

1) Citizens have expressed concern regarding dropping lake levels. The City has been releasing water in expectation of water arriving soon. 2) The City's Public Libraries collected 1.2 tons of non-perishable food items through the "Food for Fines Program". 3) Solid Waste Services is offering community cleanup trailers and 33 tons of trash were collected by volunteers in the community. 4) 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. 5) The City Call Center's average call wait times continue to decrease and are below five minutes. Interim City Manager Selman added that staff is working to implement the customer relations management software.

Interim City Manager Selman introduced Peter Collins, independent information technology contractor, who is leading the team to address issues with the City's utility billing system. Mr. Collins provided an overview of the progress related to the utility billing system including: the improvements made to the utility bill; the reasons utility customers have not been receiving utility bills; proactive outreach to customers that have not been receiving utility bills; maintenance on the data collection units (DCU) and meter transmitters; and standard operating procedures to eliminate errors.

Council members discussed the following topics: the utility bills including the customer's usage volume; a plan to return to winter-quarter averaging at this time and Mr. Collin's recommendation to freeze the current system to allow staff to evaluate the utility billing system; some residents who have accumulated high bills not having the means to pay or choosing not to pay a portion of the bill; the issues related to the utility billing software; an explanation regarding the methodology of utility billing; and the difference regarding the rate calculations between winter-quarter averaging and charges based on water consumption.

**a. STRATEGIC FUTURE ISSUES**

None.

**b. CITY PERFORMANCE REPORT - SOLID WASTE SERVICES**

Director of Solid Waste Operations Lawrence Mikolajczyk provided a briefing on the Solid Waste Department, including the mission statement; operational profile; baseline information; and performance indicators.

Council members spoke regarding the following topics: street sweeping schedules, target areas, and hours of operation; the increase in recycling and solid waste collections from FY2015-2016 to FY2016-17; that all residents of Corpus Christi can use the City's landfill; the lifespan for the Cefe Valenzuela Landfill; the cost to acquire the Cefe Valenzuela Landfill; another community's methodology regarding solid waste; that residents can take up to four tires per day, at no charge, to the J.C. Elliott Transfer Station; the Litter Critter Program and Community Cleanup Events; and an explanation regarding the recycling process.

**G. MINUTES:**

2. Regular Meeting of October 9, 2018 and Special Meeting of October 9, 2018.

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

**H. BOARD & COMMITTEE APPOINTMENTS: (NONE)****I. EXPLANATION OF COUNCIL ACTION:****K. CONSENT AGENDA: (ITEMS 3 - 14)****Approval of the Consent Agenda**

Mayor McComb referred to the Consent Agenda. A council member requested that Item 4 be pulled for individual consideration. City Secretary Rebecca L. Huerta announced that Council Member Roy was abstaining on Item 11. There were no comments from the public.

A motion was made by Council Member Garza, seconded by Council Member Lindsey-Opel, 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

**3. Authorizing Use of Type B Arterial and Collector Funds for Three Streets (Requires 2/3 Vote)**

Motion authorizing the use of up to \$10,550,000 in Type B arterial and collector funds for three street projects: Slough Road from Amethyst Drive to Rodd Field Road, Everhart Road from Holly Road to South Padre Island Drive, and Holly Road from Ennis Joslin Road to Rodd Field Road.

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

Enactment No: M2018-194

**5. Professional Services Contract Amendment No. 7 for the O.N. Stevens Water Treatment Plant High Service Building No. 3 (Capital Improvement Program) (Requires 2/3 Vote)**

Motion to authorize execution of Amendment No. 7 to a Professional Services Contract with LNV, Inc. of Corpus Christi, Texas in the amount of \$242,065.00 for a total restated fee of \$2,762,567.91 for O.N. Stevens Water Treatment Plant High Service Building No. 3 project.

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

Enactment No: M2018-196

**6. Service Agreement for Chemical Analysis Services for Utilities (Requires 2/3 Vote)**

Motion authorizing a four-year service agreement with Analysys, Inc., of Austin, Texas for the chemical analysis at the Water Utilities Lab, Pretreatment, and Wastewater Division of Utilities Department for the total amount not to exceed \$269,776.

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

Enactment No: M2018-197

**7. Real Estate Contract for land purchase at Corpus Christi International Airport (Requires 2/3 Vote)**

Motion to authorize execution of a real estate sales contract with Patrick William Kelly, III and Carol Lynn Gillingham in the amount of \$235,200 plus \$2,700 in estimated closing costs for acquisition of 50.535 acres of land including mineral rights, located on Joe Mireur Road (FM763), south of Corpus Christi International Airport for airport land expansion and other purposes.

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

Enactment No: M2018-198

**8. Second Reading Ordinance - Rezoning for a Property located at or**

**near 6641 Lipos Boulevard (Requires 2/3 Vote) (1st Reading 10/9/18)**

Case No. 0918-01 Staples Development, LLC: Request for rezoning property at or near 6641 Lipos Boulevard from “FR” Farm Rural District to the “RM-1” Multifamily 1 District

Planning Commission and Staff Recommendation (September 5, 2018): Approval of the change of zoning from the “FR” Farm Rural District to the “RM-1” Multifamily 1 District.

Ordinance rezoning property at or near 6641 Lipos Boulevard from the “FR” Farm Rural District to the “RM-1” Multifamily 1 District.

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

Enactment No: 031575

**9. Second Reading Ordinance - Accepting and appropriating the Violence Against Women Act (VAWA) grant within the Police Department (Requires 2/3 Vote) (1st Reading 10/9/18)**

Ordinance authorizing acceptance of \$54,339.42 grant from State of Texas, Criminal Justice Division for Violence Against Women Program with cash match of \$14,000 and in-kind match of \$8,280; appropriating \$54,339.42 in Police Grants Fund; and authorizing transfer of \$14,000 from General Fund to Police Grants Fund.

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

Enactment No: 031576

**10. Second Reading Ordinance - Amending Chapter 38 of the Corpus Christi Code (1st Reading 10/9/18)**

Ordinance amending Chapter 38 of the Corpus Christi Code to exempt flea markets and farmers markets from vendor permitting; and providing for penalty.

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

Enactment No: 031577

**12. Second Reading Ordinance - Amending the Unified Development Code to add a definition for smoking lounges and the appropriate zoning district (Public Hearing 9/11/18) (Requires 2/3 Vote) (1st Reading 10/9/18)**

Ordinance amending the Unified Development Code to add a definition

for smoking lounges and the appropriate zoning district; and providing for penalties.

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

Enactment No: 031579

**13. Second Reading Ordinance - Approving Fourth Amendment to the TIRZ #3 Project & Financing Plan (1st Reading 10/9/18)**

Ordinance approving the amendment to the Tax Increment Reinvestment Zone #3 Amended Project & Financing Plan approved by the Board of Directors of Reinvestment Zone Number Three, Corpus Christi, Texas.

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

Enactment No: 031580

**14. Second Reading Ordinance - Approving Amendments to the TIRZ #2 Project & Financing Plan (1st Reading 10/9/18)**

Ordinance approving the amendments to the Tax Increment Reinvestment Zone #2 Amended Project & Financing Plans approved by the Board of Directors of Reinvestment Zone Number Two, Corpus Christi, Texas.

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

Enactment No: 031581

**4. Construction Contract for Flato Road from Agnes Street to Bates Road (Bond 2014, Proposition 2) (Requires 2/3 Vote)**

Motion to authorize execution of a construction contract with Reytec Construction Resources, Inc., of Houston, Texas in the amount of \$7,985,187.50 for Base Bid Part 3 (Portland Cement Concrete (PCC)) for Flato Road from Agnes Street to Bates Road project.

**Mayor McComb referred to Item 4, a construction contract for Flato Road from Agnes Street to Bates Road project. Director of Engineering Services Jeff Edmonds, Assistant City Manager Mark Van Vleck, and council members discussed the following topics: the costs associated with utilities; how the cost of utilities impacts utility rates; how utilities are calculated; drainage problems on Flato Road; the construction schedule; the challenges associated with bond projects; and the anticipated rollout date of Bond 2018 should the propositions be voter-approved.**

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

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

**Abstained:** 0

Enactment No: M2018-195

**11. Second Reading Ordinance - Closing of a utility easement located at 3945 Crosstown State Highway 286 (1st Reading 10/9/18)**

Ordinance abandoning and vacating a 0.0223 acre portion of a utility easement out of Roseland Place Lot 4, Block 4, located at 3945 Crosstown State Highway 286.

**Mayor McComb referred to Item 11. City Secretary Rebecca L. Huerta announced that Council Member Roy was abstaining from this item.**

**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:** 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 Smith

**Abstained:** 1 - Council Member Roy

Enactment No: 031578

**R. EXECUTIVE SESSION: (ITEM 27)**

**Mayor McComb deviated from the agenda and referred to the day's executive session. The Council went into executive session at 1:33 p.m. The Council returned from executive session at 2:40 p.m.**

**27. 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 purchase, exchange, lease, or value of real property rights owned by the City within the City of Corpus Christi at property at or adjacent to 6099 Ennis Joslin and/or 6053 Ennis Joslin, and/or other miscellaneous properties in the City limits owned by the City and pursuant to Texas Government Code § 551.072 to deliberate the purchase, exchange, lease, or value of real property (including, but not limited to, property rights at or in the vicinity of the aforementioned locations) because deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.**

**Mayor McComb referred to Item 27 and the following motions of direction were considered:**

**MOTION OF DIRECTION**

Council Member Guajardo made a motion directing the Interim City Manager to expedite the potential sale of 6099 Ennis Joslin by presenting actions to treat said property as a dedicated public road for purposes of the sale process, seconded by Council Member Smith.

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

**MOTION OF DIRECTION**

Council Member Lindsey-Opel made a motion directing the Interim City Manager to place the property located at 6053 Ennis Joslin into the park process, seconded by Council Member Rubio and passed unanimously.

**L. RECESS FOR LUNCH**

The recess for lunch was held during Executive Session Item 27.

**M. PUBLIC HEARINGS: (NONE)****N. REGULAR AGENDA: (NONE)****O. FIRST READING ORDINANCES: (NONE)****P. FUTURE AGENDA ITEMS: (ITEMS 15 - 23)**

Mayor McComb referred to Future Agenda Items. Interim City Manager Keith Selman stated that staff had planned presentations on Items 19 and 20. Mayor McComb requested information on Item 22.

**15. Water Arterial Transmission and Grid Main Construction and Reimbursement Agreement (Requires 2/3 Vote)**

Motion to amend Water Arterial Transmission and Grid Main Construction and Reimbursement Agreement with MPM Development, LP. to extend the performance date to October 24, 2019.

This Motion was recommended to the consent agenda.

**16. Service Agreement for the Purchase of Air Compressors and Preventative Maintenance for O.N. Stevens Water Treatment Plant (Requires 2/3 Vote)**

Motion authorizing a five-year service agreement with Air Specialty and Equipment Company of Corpus Christi, Texas for the purchase of air compressors and preventative maintenance at O.N. Stevens Treatment

Plant for the total amount not to exceed \$70,990.

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

**17. Purchase of Fairbanks Pump for O.N. Stevens Water Treatment Plant (Requires 2/3 Vote)**

Motion authorizing the purchase of a Fairbanks pump for O. N. Stevens Water Treatment Plant from Odessa Pumps of Corpus Christi, Texas via BuyBoard cooperative for a total amount not to exceed \$175,313.00.

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

**18. Master Services Agreement (MSA) for O.N. Stevens Water Treatment Plant (ONSWTP) Electrical Distribution Improvements (Capital Improvement Program) (Requires 2/3 Vote)**

Motion to authorize execution of a Master Services Agreement (MSA) with Bath Engineering of Corpus Christi, Texas for a period of one (1) year in the amount of \$300,000 with two (2) optional 1-year renewals in the amount of \$250,000 each for a total contract value not to exceed \$800,000 for ONSWTP Electrical Distribution Improvements.

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

**19. Construction Contract for North Beach Area Projects (Bond 2012, Proposition 8) (Requires 2/3 Vote)**

Motion to authorize execution of a construction contract with Winters Construction, Inc., of San Antonio, Texas in the amount of \$ 2,001,890.68 for the Base Bid plus Alternates No. 1 and 2 for the North Beach Area Road Improvements and Area Beautification, and North Beach Breakwater, Plaza, North Shoreline Repair and Enhancement projects.

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

**20. Resolution authorizing execution of the Regional Transportation Authority (RTA) "Notification for Additional Funding in 2018" (Requires 2/3 Vote)**

Resolution authorizing execution of the "Notification for Additional Funding in 2018 (Street Maintenance Program)" in an amount of \$2,565,883 accepting the Corpus Christi Regional Transportation Authority's fiscal year 2018 allocation to the City's Street Preventative Maintenance Program (SPMP) projects.

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

**21. Service Agreement for Elevator and Escalator Preventive**

**Maintenance Program (Requires 2/3 Vote)**

Motion authorizing a five-year service agreement with EMR Elevator of Arlington, Texas, for elevator, escalator, dumbwaiter and wheelchair lift preventive maintenance program and preexisting repairs, via BuyBoard cooperative for a total amount not to exceed \$517,598.24.

This Motion was recommended to the consent agenda.

**22. Service Agreement for the replacement of the City warehouse roof (Requires 2/3 Vote)**

Motion authorizing a service agreement with South Texas Metal Roof, of Corpus Christi, Texas, for the replacement of the City warehouse roof for a total amount not to exceed \$142,500.00.

This Motion was recommended to the consent agenda.

**23. Approval of the 2018 Tax Levy**

Motion approving the 2018 Property Tax Levy of \$126,930,210.19 based on the adopted property tax rate of \$0.626264 per \$100 valuation, in accordance with Section 26.09 (e) of the Texas Tax Code.

This Motion was recommended to the consent agenda.

**Q. BRIEFINGS: (ITEMS 24 - 26)**

**24. Community Enrichment Funds and Park Sales Revenue**

Mayor McComb referred to Item 24. Director of Parks and Recreation Jay Ellington stated that the purpose of this item is to provided an overview of the Community Enrichment Funds and park sales revenue. Mr. Ellington presented the following information: the establishment of the Community Enrichment Funds; the current fund balance, unrestricted and restricted; the current backlog of park improvements; how the Community Enrichment Funds are spent; recent improvements; recommendations regarding the installation of shade structures and spraygrounds; and examples of the spraygrounds and shade structures.

Council members and staff discussed the following topics: misinformation regarding the spraygrounds and shade structures; that the City Council initially discussed including the shade structures and spraygrounds as part of Bond 2018 and instead decided to the use Community Enrichment Funds to fund the projects; that the Community Enrichment Funds are immediately available for programming; how the splash pads are operated; that the splash pads would be operated on a timer system; consideration to include a sprayground at Dilworth Park; the status of the shade structures at Sherrill Park; use of unrestricted funds for shade structures at Sherrill Park; if the Park and Recreation Advisory Committee was consulted regarding the locations of the recommended shade structures and spraygrounds; that should the City Council

consider changes to the recommendations, those changes should be presented to the Park and Recreation Advisory Committee for consideration; the seven year limitation regarding the expenditure of Community Enrichment Funds; that with existing staff, the Parks and Recreation department is only able to spend about \$750,000 annually on playgrounds; clarification regarding the difference between the Community Enrichment Fund balance presented to City Council on July 31, 2018 and the current balance; an explanation regarding the establishment of the Community Enrichment Funds and the use of the funds; providing an accounting of the Community Enrichment Fund to developers; administrative expenditures of the Community Enrichment Funds; liability regarding the spraygrounds; how the sites were determined; the setup of chairs during ceremonies at Sherrill Park; the pricing related to the recommendations; the cash in lieu of land option; and the number of new parks that have been put into the parks system.

#### **MOTION OF DIRECTION**

Council Member Molina made a motion directing the Interim City Manager to use unrestricted Community Enrichment Funds for spraygrounds at Dilworth Park and shade structures at Sherrill Park, seconded by Council Member Lindsey-Opel.

The following topics were discussed: the estimated cost of a shade structure at Sherrill Park; if Type A seawall funds can be used on the piers at the seawall; council members requested that these projects be presented to the Park and Recreation Advisory Board for consideration; and that an audit of the Community Enrichment Funds be performed.

#### **AMENDED MOTION OF DIRECTION**

Council Member Molina made a motion to amend the motion of direction by directing the Park and Recreation Advisory Board to consider spraygrounds at Dilworth Park and shade structures at Sherrill Park and bring back a recommendation to City Council, seconded by Council Member Lindsey-Opel.

Mayor McComb discussed conducting a complete audit of the Community Enrichment Funds.

The Amended Motion of Direction passed unanimously.

**25.**

### **Anti-Lobbying Provisions in City Procurements**

Mayor McComb referred to item 25. Senior Assistant City Attorney Lisa Aguilar stated that the purpose of this item is to present the anti-lobbying provisions in City procurements. Ms. Aguilar stated that before the City can enter into a contract that requires an expenditure of more than \$50,000, there must be a competitive solicitation process as authorized by law. The City's Purchasing and Engineering Departments have developed standard terms and language in requests for proposals and other bid invitations regarding anti-lobbying. The provisions were developed to ensure that all parties have access to the same information and have an equal opportunity to present their information to City staff. Ms. Aguilar presented the following information: the "no-contact period" anti-lobbying terms; the standard language in Purchasing procurements regarding ethical behavior; Purchasing's ethical behavior form; Purchasing's certification for federally funded projects; and Engineering's standard provisions regarding "restriction on contacts" and potential results of violating

these provisions.

Council members and staff discussed the following topics: that the anti-lobbying provisions are standard procedures at the local, state, and federal levels; extending the anti-lobbying provisions to members of the Type A and Type B Boards; and a process for contractors to protest the procurement procedures should they feel they are not being treated fairly by City staff.

## **26. Restoring Winter Quarter Averaging**

Mayor McComb referred to item 26, a briefing regarding restoring of winter quarter averaging for wastewater charges. Interim City Manager Keith Selman stated that staff is recommending continuing with the current wastewater rate structure until after the first of the year to continue collecting and analyzing data and to create an advisory committee to focus on utility rates and charges.

Assistant Director of Support Services - Water Utilities Reba George presented the following information: that the current wastewater rate for residential customers is based on actual water usage; previously, the City used winter quarter averaging to calculate residential wastewater charges; that if City Council chooses to repeal the current wastewater structure, the winter quarter average that appeared on residential customers' bills in 2017 could be accessed in Infor and used until a more current winter quarter average could be calculated; that residential customers that do not have a winter quarter average in the system would be charged for 3,000 gallons; a wastewater rate summary; the current wastewater calculations; and data regarding inside city limits residential trends.

Council members and staff discussed the following topics: continuing with the current wastewater rate until the issues with the utility billing system are resolved; creating a citizen's committee; a council member recommended appointing Carl Crull to the committee; how changing the rate structure could impact residential customers; the inside city limit residential trends; the number of customers between 15,001-25,000 gallons and over; FY2017-2018 budget shortfall regarding wastewater; the reduction in Call Center wait times; success stories regarding resolution of utility billing issues; an explanation of the wastewater calculation; the definition of wastewater; that it is a national practice to determine wastewater rates based on water consumption; that the current calculations promote water conservation and the winter quarter average calculation may promote economic growth; that there is a maximum charge for wastewater; and the components of the utility bill. There was a general consensus of the City Council to direct the Interim City Manager to bring back to City Council an item regarding the creation of a citizen's advisory committee.

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

None.

## **T. ADJOURNMENT**

The meeting was adjourned at 5:32 p.m.