



# Corpus Christi

1201 Leopard Street  
Corpus Christi, TX 78401  
cctexas.com

## Meeting Minutes

### City Council

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Tuesday, March 21, 2017

11:30 AM

Council Chambers

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

**MEMBERS OF THE AUDIENCE WILL BE PROVIDED AN OPPORTUNITY TO ADDRESS THE COUNCIL AT APPROXIMATELY 12:00 P.M. CITIZEN COMMENTS WILL BE LIMITED TO THREE MINUTES. Please speak into the microphone located at the podium and state your name and address. If you have a petition or other information pertaining to your subject, please present it to the City Secretary. Any electronic media (e.g. CD, DVD, flash drive) that the Public would like to use while they speak to the City Council MUST be submitted a minimum of 24 hours prior to the meeting. Please contact the Public Communications department at 361-826-3211 to coordinate.**

- A. Mayor Pro Tem Lucy Rubio to call the meeting to order.**

Mayor Pro Tem Lucy Rubio called the meeting to order at 11:31 a.m.

- B. Invocation to be given by Detective Micheal Ilse - Chaplain, Corpus Christi Police Department.**

Detective Michael Ilse gave the invocation.

- C. Pledge of Allegiance to the Flag of the United States to be led by Dan Grimsbo, Interim Executive Director of Utilities.**

Interim Executive Director of Utilities Dan Grimsbo led the Pledge of Allegiance.

- D. City Secretary Rebecca Huerta to call the roll of the required Charter Officers.**

Assistant City Secretary Paul Pierce called the roll and verified that a quorum of the City Council and the required Charter Officers were present to conduct the meeting.

Charter Officers:

City Manager Margie C. Rose, City Attorney Miles K. Risley, and Assistant City Secretary Paul Pierce.

**Present:** 8 - Council Member Rudy Garza, Council Member Paulette Guajardo, Council Member Michael Hunter, Council Member Joe McComb, Council Member Ben Molina, Council Member Lucy Rubio, Council Member Greg Smith, and Council Member Carolyn Vaughn

**E. Proclamations / Commendations**

1. Proclamation declaring March 22, 2017, "National Small Business Development Center Day".  
Swearing-In Ceremony for Newly Appointed Municipal Court Judges.  
  
**Mayor Pro Tem Rubio presented the proclamation. The Honorable Jack Hunter, Retired District Judge, conducted the swearing-in ceremony for the newly appointed Municipal Court Judges.**

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

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

**a. OTHER**

1) City Manager Rose announced the following staff appointments: Assistant City Manager Sylvia Carrillo; Assistant City Manager Keith Selman; Director of Management and Budget Eddie Houlihan; and Director of Street Operations Andres "Andy" Leal. 2) City Manager Rose recognized Airport Public Safety Officer Amy Cuevas, who is being praised by a local hotel manager for locating and returning a missing package worth \$85,000. The manager complimented Officer Cuevas's professionalism while helping to locate the package and resolve a very critical issue for the hotel.

**G. MINUTES:**

2. Regular Meeting of February 28, 2017 and Special Meeting of March 10, 2017.  
  
**Mayor Pro Tem Rubio referred to approval of the minutes. Council Member Vaughn made a motion to approve the minutes, seconded by Council Member Molina and passed unanimously.**

- J. PUBLIC COMMENT FROM THE AUDIENCE ON MATTERS NOT SCHEDULED ON THE AGENDA WILL BE HEARD AT APPROXIMATELY 12:00 P.M.** A recording is made of the meeting; therefore, please speak into the microphone located at the podium and state your name and address. If you choose to speak during this public comment period regarding an item on the agenda, you may do so. You will not be allowed to speak again, however, when the Council is considering the item. Citizen comments are limited to three minutes. If you have a petition or other information pertaining to your subject, please present it to the City Secretary. Any electronic media (e.g. CD, DVD, flash drive) that the Public would like to use while they speak **MUST** be submitted a minimum of 24 hours prior to the Meeting. Please contact the Public Communications department at 361-826-3211 to coordinate.

Mayor Pro Tem Rubio referred to comments from the public. City Attorney Miles K. Risley read the Rules of Decorum for the City Council meeting. Tony C. Hartwell, 2129 Polaris Place, spoke regarding the need to change City ordinances to require landlords to obey building codes and thanked Animal Care Services, Code Enforcement and the Fire Marshall for recently assisting him at his residence. Flo East, 1605 Yorktown, spoke regarding Item 41, manufactured housing for affordable infill development, and expressed opposition to rezoning property in the Flour Bluff area for a demonstration project located at 1221 Central Street. Linda Snider, 6213 Angelique Court, spoke in support of Item 41, manufactured housing for affordable infill development, and the need for affordable housing in the City. Kate Engler, 1919 Leopard, spoke regarding government issues and violations of a probate order. Jack Gordy, 4118 Bray, spoke regarding the lawsuit filed by Mark Scott against the City and stated that the City should file a countersuit that would require Mr. Scott to pay the City's attorneys fees. Caren Childers, 14330 Bluefish, spoke regarding the need for affordable home ownership in the City and asked questions regarding the Affordable Housing Task Force. Eddie Savoy, 8100 SPID, spoke regarding Item 41, manufactured housing for affordable infill development, and expressed opposition to manufactured homes located in residential subdivisions. Joe Anthony Bazan, 222 Clemmer, spoke regarding a recent fire that damaged his property and expressed support for Item 41, manufactured housing for affordable infill development. Shirley Thornton, 1917 Woodcrest, spoke regarding Item 41, manufactured housing for affordable infill development, and Mr. Andy Taubman's meeting with the Flour Bluff Citizens Council to provide information and answer questions. Susie Luna Saldana, 4710 Hakel, spoke in support of Item 41, manufactured housing for affordable infill development. Dan Suckley, 1602 Yorktown, spoke in opposition to Item 41, manufactured housing for infill affordable development, in the Flour Bluff area. Matt Lohmeier, 121 Naples and member of the Corpus Christi Clergy Alliance, spoke in support of Item 41, manufactured housing for affordable development, as an option to address the need for affordable housing. Abel Alonzo, 1701 Thames, spoke in support of Item 41, manufactured housing for affordable infill development. Ricardo Elizondo, 723 Fifth Street, spoke regarding: Code Enforcement being more proactive to address slumlords situations; Solid Waste services; and street repairs. Bart Braselton, 5337 Yorktown, spoke regarding the affordable housing problem and in support of Item 41, manufactured housing for affordable infill development, as a solution. Mike Leonard, 342 Clearview Drive, spoke regarding the definition of affordable housing; whether manufactured housing is considered affordable; and insurance and windstorm requirements

for manufactured housing.

A council member requested an update on the status of the Affordable Housing Task Force.

#### **H. BOARD & COMMITTEE APPOINTMENTS:**

3. Building Standards Board  
Ethics Commission  
Leadership Committee for Senior Services  
Planning Commission

Mayor Pro Tem Rubio referred to board and committee appointments. The following appointments were made:

##### **Building Standards Board**

Council Member Vaughn made a motion to reappoint Joel E. De La Garza (Lawyer), Matthew Ezell (General Contractor), and Lee Hassman (Member At-Large), seconded by Council Member Molina and passed unanimously.

##### **Ethics Commission**

Council Member Vaughn nominated Scott H. Mesmer. Council Member Molina nominated Gerald Avila.

Scott H. Mesmer was appointed with Council Members Hunter, Vaughn, Rubio, McComb, Guajardo and Smith voting for Scott H. Mesmer and Council Members Molina and Garza voting for Gerald Avila.

##### **Leadership Committee for Senior Services**

Council Member Garza made a motion to reappoint Ginger Bryant (Senior Center Participant), Maria Elena Flores (Community Representative), Theresa Garcia (Direct Service Agency Representative), Willie Hardeman, Sr. (Community Representative), and Denise Villagran (Community Representative), seconded by Council Member Guajardo. This Motion was passed and approved with the following vote: Garza, Guajardo, McComb, Rubio, Vaughn, Molina and Hunter voting "Aye"; Council Member Smith voting "No".

Council Member McComb made a motion to appoint Monica Hansen (Community Representative), George Berry (Community Representative), Meng Zhao (Community Representative), Katherine Heslip (Senior Community Participant), and Eva Bell (Direct Service Agency Representative), seconded by Council Member Garza and passed unanimously.

##### **Planning Commission**

Council Member Vaughn nominated Kamran Zarghouni. Council Member Molina nominated Sheldon Schroeder.

Sheldon Schroeder was appointed with Council Members Garza, Smith, McComb, Molina, and Hunter voting for Sheldon Schroeder and Council Members Guajardo, Rubio, and Vaughn voting for Kamran Zarghouni.

**I. EXPLANATION OF COUNCIL ACTION:**

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

**Approval of the Consent Agenda**

Mayor Pro Tem Rubio referred to the Consent Agenda. There were no comments from the public. Council members requested that Items 5 and 6 be pulled for individual consideration.

Council Member Garza made a motion to approve the consent agenda, seconded by Council Member Guajardo. The consent agenda items were passed and approved by one vote as follows:

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

**Abstained:** 0

**4. Resolution submitting a grant application to the State for the Justice Assistance Grant (JAG) Program**

Resolution authorizing the submission of a grant application in the amount of \$288,116 to the State of Texas, Criminal Justice Division, for funding eligible under the FY2016 Justice Assistance Grant (JAG) program for law enforcement equipment; and authorizing the City Manager or the City Manager's designee to apply for, accept, reject, alter or terminate the grant.

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

Enactment No: 031087

**7. Supply Agreement for Sludge Dewatering Polymer for Wastewater Plants**

Motion authorizing City Manager, or designee, to execute a supply agreement with Polydyne, Inc., of Riceboro, Georgia for the purchase of Sludge Dewatering Polymer ("chemical") in response to Request for Bid No. 991 based on the lowest, responsive, responsible bid for a total amount not to exceed \$96,946.20, with an estimated expenditure of \$48,473.10 in FY2016-2017 and funded by the Wastewater Fund. The term of the agreement is for one year with an option to extend for up to two additional one-year periods, subject to the sole discretion of the City.

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

Enactment No: M2017-039

**8. Second Reading Ordinance - Rezoning property located at 7306 and 7242 South Padre Island Drive (Highway 358) (1st Reading 2/28/17)**

Case No. 0117-07 Oceanic Development, LTD: A change of zoning from the "RM-1" Multi-family 1 District to the "CG-2" General Commercial District. The property is described as being a 2.98 acre tract of land out of a portion of Flour Bluff and Encinal Farm and Garden Tracts, Section 28, Lots 1 and 2, located on the north side of South Padre Island Drive (State Highway 358) between Rodd Field Road and Lexington Road.

Planning Commission and Staff Recommendation (January 25, 2017): Approval of the change of zoning from the "RM-1" Multi-family 1 District to the "CG-2" General Commercial District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by Oceanic Development, LTD. ("Owner"), by changing the UDC Zoning Map in reference to a 2.98 acre tract of land out of a portion of Flour Bluff and Encinal Farm and Garden Tracts, Section 28, Lots 1 and 2; from the "RM-1" Multi-family 1 Residential District to the "CG-2" General Commercial District; amending Plan CC to account for any deviations; and providing for a repealer clause and publication.

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

Enactment No: 031089

**9. Second Reading Ordinance - Rezoning property located at 3115 South Padre Island Drive (SPID) (State Highway 358) (1st Reading 2/28/17)**

Case No. 0117-06 Port City Pontiac-GMC, Inc.: A change of zoning from the "CG-2" General Commercial District to the "IL" Light Industrial District. The property to be rezoned is described as Boulevard Acres Lots E2, G, and F2, located on the south side of South Padre Island Drive (State Highway 358) between Larcade Drive and Kostoryz Road.

Planning Commission and Staff Recommendation (January 25, 2017): Denial of the change of zoning from the "CG-2" General Commercial District to the "IL" Light Industrial District, in lieu thereof approval of the "CG-2" General Commercial District with a Special Permit (SP) with conditions.

Ordinance:

Ordinance amending the Unified Development Code (“UDC”), upon application by Port City Pontiac-GMC, Inc. (“Owner”), by changing the UDC Zoning Map in reference to 5.46 acre tract of land composed of three lots in Boulevard Acres Lots E2, G, and F2 from the “CG-2” General Commercial to the “CG-2/SP” General Commercial District with a Special Permit for all three lots; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

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

Enactment No: 031090

**10. Second Reading Ordinance - Urban Transportation Plan Amendment - Realigning a Planned C1 Collector Street System Involving Norchester Drive, Zenith Drive, Evans Road and Acushnet Drive (Council Priority - Streets) (1st Reading 2/28/17)**

Ordinance amending the Urban Transportation Plan map of Mobility CC, a transportation element of the Comprehensive Plan of the City of Corpus Christi, by realigning a proposed C1 Minor Residential Collector street system proposed south of Saratoga Boulevard from intersecting at Norchester Drive to intersecting at Zenith Drive and connecting with Evans Road to the south and Acushnet Drive to the east; amending related elements of the Comprehensive Plan of the City; providing for severance; and providing for publication.

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

Enactment No: 031091

**5. Resolution Approving Street Selection Process for Residential Street Rebuild Program (RSRP) (Council Priority - Streets)**

Resolution approving the concepts, direction and selection criteria for the Residential Street Rebuild Program (RSRP).

Mayor Pro Tem Rubio referred to Item 5, a resolution approving street selection process for Residential Street Rebuild Program (RSRP). Executive Director of Public Works Valerie Gray and council members discussed the following topics: street selection; a policy to use concrete in new neighborhoods; the impact of a potential policy change; the process for building streets in a new subdivision; range of soils in the City; and a future briefing, with developers input, to discuss changing the policy to use concrete in newly developed neighborhoods.

**MOTION OF DIRECTION**

Council Member Vaughn made a motion directing the City Manager to bring back a briefing on information regarding the City requiring developers to build new residential streets in concrete, seconded by Council Member Guajardo and passed unanimously.

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

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

**Abstained:** 0

Enactment No: 031088

**6. Construction Contract for Ennis Joslin Road Extension (Holly to Williams) (Bond 2014 Proposition 2) (Council Priority - Streets)**

Motion authorizing the City Manager, or designee, to execute a construction contract with Haas-Anderson Construction, Ltd. of Corpus Christi, Texas in the amount of \$4,683,389.20 for Ennis Joslin Road Extension (Holly to Williams) for the total base bid. (BOND 2014 Proposition 2)

**Mayor Pro Tem Rubio referred to Item 6, a construction contract for Ennis Joslin Road Extension (Holly to Williams). Director of Engineering Services Jeff Edmonds and council members discussed the following topics: the total cost of the bond project; the policy of including bicycle paths as part of the construction of new streets; the Bicycle Mobility Plan; whether adding the bicycle lane reduces the number of vehicular lanes; the Bicycle Mobility Plan helping to meet air-attainment standards by the Environmental Protection Agency (EPA); and a review of existing policy.**

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

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

**Abstained:** 0

Enactment No: M2017-038

**M. PUBLIC HEARINGS: (ITEM 11)**

**11. Public Hearing and First Reading Ordinance - Ordinance adopting the London Area Wastewater Master Plan and the Storm Water Master Plan as elements of the Comprehensive Plan (Tabled 3/21/17)**

Ordinance adopting the London Area Wastewater Master Plan, an element of the Comprehensive Plan; adopting the London Area Storm Water Master Plan, an element of the Comprehensive Plan; amending related elements of the Comprehensive Plan; providing for severance;



and providing for publication.

Mayor Pro Tem Rubio referred to Item 11. Assistant Director of Planning and ESI Daniel McGinn stated that the purpose of this item is to adopt the London Area Wastewater and Storm Water Master Plans. Mr. McGinn presented the following information: a map of the study area; existing conditions; an outline of the utility master plans; the proposed wastewater master plan; the proposed storm water master plan; recommendations; potential future growth in the extraterritorial jurisdiction (ETJ); the developer trust fund system; issues with the developer trust fund system; the current balances of the trust funds; current projects; the estimated cost of future development; and next steps.

Mayor Pro Tem Rubio opened the public hearing. Bart Braselton, 5337 Yorktown, spoke regarding the developer trust funds and taking steps necessary to provide for future growth. Derrick Hegmon, 57066 Stone Village, San Antonio, Texas, spoke regarding the importance of the master plans related to completion of the regional sport complex project. Isabel Araiza, 326 Poenisch, asked the City Council to focus on the interior of Corpus Christi. Mayor Pro Tem Rubio closed the public hearing.

Council members and staff discussed the following topics: the location of the waterlines; how the developer trust fund process works; whether the developer trust fund pays for lift stations; developer acreage fees; the current lift stations in the area; the status of the Southside Area Development Plan; the number of acres in the London area; concerns with excluding portions of the London area; future discussion regarding developer trust funds; the need to complete the area development plans; wind turbines having a negative impacting on future growth; the items on the agenda regarding disannexation; the proximity to Chapman Ranch; future growth; the capacity past the 980 acres; a future workshop on March 30, 2017 to address annexation policy and other infrastructure financing; a breakdown of the projected growth and return on investment; and consideration to table the action on this item until after the workshop on March 30, 2017.

Council Member Garza announced that he would be abstaining from this item.

Council Member Molina made a motion to table this item until after the workshop on March 30, 2017, seconded by Council Member Vaughn. This Ordinance was tabled with the following vote:

**Aye:** 7 - Council Member Guajardo, Council Member Hunter, Council Member McComb, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

**Abstained:** 1 - Council Member Garza

## **L. RECESS FOR LUNCH**

Mayor Pro Tem Rubio deviated from the agenda and called for a recess at 1:54 p.m. Mayor Pro Tem Rubio reconvened the meeting at 2:31 p.m.

## **N. REGULAR AGENDA: (ITEMS 12 - 13)**

### **12. Resolution Authorizing a Disannexation Agreement to Restrict Wind Turbines within the Disannexed Area**

Resolution authorizing the City Manager or designee to execute a disannexation agreement with Chapman Ranch Wind I, LLC, a Delaware limited liability company, for annexed parts of Laureles Farm Tracts adjacent to the City limits located along and on both sides of FM 2444, areas south of FM 2444 and west of County Road 41.

Mayor Pro Tem Rubio referred to Item 12. Assistant City Manager Mark Van Vleck stated that the purpose of this item is to execute a disannexation agreement with Chapman Ranch Wind I, LLC. There were no comments from the public.

Council members spoke regarding the following topics: whether the City negotiated the contract; the terms of the contract; the termination clause; reimbursement of taxes paid; the ability to make the contract more ironclad to protect the City's growth corridor and Naval installations; the City's ability to re-annex the property; the cost associated with utilities to the annexed area; the service plan for the entire area; the requirement to build a fire station and the associated cost; whether the City would be required to maintain streets; and re-annexing the property in the event that wind turbines or other development in the area occurs.

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

**Aye:** 6 - Council Member Garza, Council Member Hunter, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

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

**Abstained:** 0

Enactment No: 031092

**13. Second Reading Ordinance - To Remove Previously Annexed Areas in Southside FM 2444 (1st Reading 2/28/17)**

Ordinance disannexing Laureles Farm Tracts adjacent to the City limits located along and on both sides of FM 2444, areas south of FM 2444 and west of County Road 41, commonly referred to as a portion of the Chapman Ranch and a portion of the previously proposed Apex wind farm from the City of Corpus Christi, Texas; adjusting the City boundaries accordingly; providing for severance, publication, and an effective date.

Mayor Pro Tem Rubio referred to Item 13. Assistant City Manager Mark Van Vleck stated that the purpose of this item is disannex the property previously annexed in 2014 pursuant to the Southside FM 2444 annexation. There were no comments from the public. A council member spoke regarding the London master plan improvements and the disannexation.

Council Member Vaughn made a motion to approve the ordinance, seconded Council Member Molina. This Ordinance was passed on second reading and

approved with the following vote:

**Aye:** 6 - Council Member Garza, Council Member Hunter, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

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

**Abstained:** 0

Enactment No: 031093

**O. FIRST READING ORDINANCES: (ITEMS 14 - 19)**

**14. First Reading Ordinance - Amending Code of Ordinances, Chapter 39, Personnel Article III Employment Compensation and Classification System Section 39-303(a) and (e)**

Ordinance amending the Corpus Christi Code of Ordinances Chapter 39 Personnel Article III Employee Compensation and Classification System Section 39-303 (a) and (e) by eliminating Pay Plan 400 to allow moving the Police Commander and Assistant Chief positions to the Pay Plan 200 repealing conflicting ordinances and rules; providing for effective date and providing for severance.

**Mayor Pro Tem Rubio referred to Item 14. Director of Human Resources Steven Viera stated that the purpose of this item is to amend the Code of Ordinances, Chapter 39, Employee Compensation and Classification System by eliminating Pay Plan 400 to allow Police Commander and Assistant Chief positions to be moved to Pay Plan 200. The annual cost to implement the plan will be \$4,897 which will be absorbed in the Police General Fund budget. There were no comments from the Council or the public.**

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

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

**Abstained:** 0

**15. First Reading Ordinance - Service Agreement to Manage and Operate the Al Kruse Tennis Center (Tabled 2/14/17) (Tabled 2/21/17)**

Ordinance authorizing the City Manager or designee to execute a service agreement with TOPS Tennis LLC, Dallas, Texas for Management and Operations Service for Al Kruse Tennis Center for a term of 36 months with up to two additional 12-month extension option periods; the City will pay the Contractor \$3,166.00 per month for an estimated annual total of \$38,000.00, and the Contractor will pay the

City 5% of all Pro Revenue and 50% of collected City Revenue in return for managing and operating the Al Kruse Tennis Center.

Mayor Pro Tem Rubio referred to Item 15. Director of Parks and Recreation Jay Ellington stated that the purpose of this item is to execute an agreement with TOPS Tennis LLC for the management and operation of the Al Kruse Tennis Center. Staff from Parks and Recreation and the Purchasing Department were available to respond to questions. There were no comments from the public.

Council members and staff discussed the following topics: an explanation of the matrix evaluation system; clarification on the scoring system; the evaluation process; the minimum qualifications; the eligibility of TOP Tennis LLC; whether eligibility is based on the proposer or the individual members of the company; the integrity of the procurement process; outstanding litigation; the ratings for Gerald Tjon-A-Joe; the language in the proposal regarding the operation of the tennis center; whether one contractor can operate both tennis centers; HEB Tennis Center statistics and its impact to the community; whether there is a need for a pro shop at the Al Kruse Tennis Center; the members of the evaluation committee; consideration of a one-year contract and new request for proposal process (RFP); the timeframe for issuance of a new RFP; and staff's recommendation on how to proceed with operating the Al Kruse Tennis Center.

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

Aye: 0

Nay: 8 - Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member McComb, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

Abstained: 0

#### MOTION OF DIRECTION

Council Member Vaughn made a motion directing the City Manager to bring back a temporary contract, seconded by Council Member Molina and passed unanimously.

#### 16. First Reading Ordinance - Appropriating Funds for Park Improvements

Ordinance authorizing the City Manager or designee to execute all documents necessary to appropriate \$765,453.93 funds from sale of park properties in the 4720 Community Enrichment Fund for park improvements and other related projects as described on the attached and incorporated Exhibit A.

Mayor Pro Tem Rubio referred to Item 16. Director of Parks and Recreation Jay Ellington stated that the purpose of this item is to appropriate \$765,453.93 in funds from the sale of park properties for park improvements and other related

projects. There were no comments from the Council or the public.

**Council Member Smith 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:** 8 - Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member McComb, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

**Abstained:** 0

**17. First Reading Ordinance - Closing a Utility Easement Located at 15401 Dyna Street**

Ordinance abandoning and vacating a 233-square foot portion of an existing utility easement out of a part of Padre Island- Corpus Christi No. 4, Block 235, Lot 1, located at 15401 Dyna Street and requiring the owner, Hadi Mostaghassi d/b/a H & M Homes, to comply with the specified conditions. Collecting a one-time fee for fair market value of \$830.06.

**Mayor Pro Tem Rubio referred to Item 17. Interim Director of Development Services Julio Dimas stated that the purpose of this item is to abandon and vacate a 233-square foot portion of an existing utility easement located at 15401 Dyna Street and to collect a one-time fee for fair market value of \$830.06. There were no comments from the Council or the public.**

**Council Member McComb 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:** 8 - Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member McComb, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

**Abstained:** 0

**18. First Reading Ordinance - Closing a Utility Easement Located at 7185 Lake Placid**

Ordinance abandoning and vacating an 87.3-square foot portion of an existing utility easement out of a part of Lake Placid Estates, Block 2, Lot 1, located at 7185 Lake Placid and requiring the owner, George A. Segundo and Estefany Segundo, to comply with the specified conditions. Collecting a one-time fee for fair market value of \$102.14.

**Mayor Pro Tem Rubio referred to item 18. Interim Director of Development Services Julio Dimas stated that the purpose of this item is to abandon and vacate an 87.3-square foot portion of an existing utility easement located at 7185 Lake Placid and to collect a one-time fee for fair market value of \$102.14. There were no comments from the Council or the public.**

**Council Member McComb 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:** 8 - Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member McComb, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

**Abstained:** 0

**19. First Reading Ordinance - Closing a Utility Easement Located between Stampede Drive and Elizondo Drive**

Ordinance abandoning and vacating a 0.030-Acre portion of an existing utility easement out of a part of Flour Bluff and Encinal Farm and Garden Tracts, Section 25, Lot 30 & Rancho Vista Subdivision Unit 7, Block 15, Lots 10 and 23 and requiring the owner, Yorktown Oso Joint Venture, to comply with the specified conditions.

Mayor Pro Tem Rubio referred to Item 19. Interim Director of Development Services Julio Dimas stated that the purpose of this item is to abandon and vacate a 0.030-acre portion of an existing utility easement located in the Rancho Vista Subdivision to allow the developer to re-plat two lots for a new proposed subdivision. There were no comments from the Council or the public.

Council Member McComb 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:** 8 - Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member McComb, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

**Abstained:** 0

**Q. BRIEFINGS: (ITEM 40)**

**40. Overview of Animal Care Services**

Mayor Pro Tem Rubio deviated from the agenda and referred to Item 40. Assistant Police Chief Mark Schauer stated that the purpose of this item is to provide an overview of the Police Department's management of Animal Care Services since 2012. The presentation team also included Police Chief Mike Markle and Captain William Broyles. Assistant Chief Schauer presented the following information: a synopsis of the first year under management; present focus areas; total budgeted staff; operations; current practices; and recent improvements.

Council members and staff discussed the following topics: immunization of animals; ways of detecting repeat animals; what happens to an animal if it is not adopted; the average time an animal remains in the facility; addressing staffing issues; a priority list of improvements; whether officers are actively patrolling areas or solely responding to calls for service; trap/neuter/release (TNR) program; euthanization at the facility; and targeting enforcement and education.

**O. FIRST READING ORDINANCES: (ITEMS 20 - 23)****20. First Reading Ordinance - Appropriating Funds to Extend Taxiway "K" (Kilo) Construction for the Support of United Coast Guard Operations at Corpus Christi International Airport**

Ordinance appropriating \$622,950 from Federal Aviation Administration Grant No. 3-48-0051-050-2013, Amendment No. 4, in the No. 3020 Airport Capital Improvement Fund for construction of approximately 7,150 square yards of new pavement to expand and extend Taxiway Kilo at the Corpus Christi International Airport and necessary drainage, electrical, lighting and signage improvements, with the 10% match provided from the Airport Capital Reserve Fund; amending the FY2016-2017 Capital Budget by increasing revenues and expenditures by \$622,950 each.

Mayor Pro Tem Rubio deviated from the agenda and referred to Item 20. Director of Aviation Fred Segundo stated that the purpose of this item is to appropriate \$622,950 from the Federal Aviation Administration Grant No. 50, Amendment No. 4, to allow for the expansion and extension of Taxiway Kilo at the Corpus Christi International Airport with associated drainage, electrical, lighting and signage improvements. There were no comments from the Council or the public.

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

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

**Abstained:** 0

**21. First Reading Ordinance - Authorizing the Issuance of Solid Waste Certificates of Obligation**

Ordinance authorizing the issuance of "City of Corpus Christi, Texas Combination Tax and Limited Pledge Revenue Certificates of Obligation, Taxable Series 2017" in an amount not to exceed \$2,500,000 for the purpose of financing costs associated with making permanent public improvements to the City's Solid Waste System; providing for the payment of said Certificates by the levy of an ad valorem tax upon all taxable property within the City and further securing said Certificates by a lien on and pledge of the pledged revenues of the Solid Waste System; providing the terms and conditions of said Certificates and resolving other matters incident and relating to the issuance, payment, security, sale, and delivery of said Certificates, including the approval and distribution of an Official Statement; authorizing the execution of a paying agent/registrar

agreement and a purchase contract; complying with the requirements of the letter of representations on file with the depository trust company; delegating the authority to certain members of the City staff to execute certain documents relating to the sale of the Certificates; enacting other provisions incident and related to the subject and purpose of this ordinance; and providing an effective date.

**Mayor Pro Tem Rubio referred to Item 21. Director of Financial Services Constance Sanchez stated that the purpose of this item is to authorize the issuance of up to \$2,500,000 of certificates of obligation for Solid Waste to fund a Gas Collection and Control System and the procurement of a flare. Clay Binford, Bond Counsel, and Mark Seale, Financial Advisor, were available to answer questions.**

**Mayor Pro Tem Rubio called for comments from the public. Chris Phelan, 3806 Kingston Avenue, asked questions regarding the requirement to purchase the gas flare and have it operational by November 11, 2017 and borrowing funds for the project. Director of Solid Waste Operations Lawrence Mikolajczyk explained that the City is required to meet the deadline of November 2017 because of new Environmental Protection Agency (EPA) regulations.**

**Council members and staff spoke regarding the following topics: the Solid Waste Department's annual contribution to the General Fund; the mechanism for borrowing funds; use of actual service revenue to pay for the debt service; paying for the project out of reserves; the number of times the City can pledge revenue; the interest rate; whether EPA regulations will be changed; and the City's policy regarding reserve funds.**

**Council Member Vaughn 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:** 8 - Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member McComb, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

**Abstained:** 0

**22.**

**First Reading Ordinance - Authorizing the Issuance of Refunding Bonds with the Texas Water Development Board (TWDB)**

Ordinance authorizing the issuance of "City of Corpus Christi, Texas Utility System Junior Lien Revenue Refunding Bonds, Series 2017" in an amount not to exceed \$51,300,000; making provisions for the payment and security thereof by a junior and inferior lien on and pledge of the net revenues of the City's Utility System on a parity with certain currently outstanding Utility System revenue obligations; stipulating the terms and conditions for the issuance of additional revenue bonds on a parity therewith; prescribing the form, terms, conditions, and resolving other matters incident and related to the issuance, sale, and delivery of the bonds; including the approval of an application to the Texas Water Development Board; authorizing the execution of a paying agent/registrar agreement, and an escrow



agreement; complying with the requirements imposed by the letter of representations previously executed with the depository trust company; complying with the regulations promulgated by the Texas Water Development Board; delegating the authority of certain members of the City staff to execute certain documents relating to the sale of the bonds; and providing an effective date.

**Mayor Pro Tem Rubio** referred to **Item 22. Director of Financial Services Constance Sanchez** stated that the purpose of this item is to authorize the issuance of utility system revenue bonds from the Texas Water Development Board (TWDB) in an amount not to exceed \$51,300,000. On December 20, 2016, the City Council authorized staff to submit an application to TWDB for financial assistance in an amount not to exceed \$51.3 million to refund the City obligations previously issued to pay for the costs of Mary Rhodes Pipeline Phase II. TWDB discussed the City's application on February 23, 2017 and unanimously accepted the City's application for financial assistance through the Drinking Water State Revolving Fund.

**Mayor Pro Tem Lucy Rubio** called for comments from the public. **Chris Phelan**, 3806 Kingston Avenue, spoke regarding the issuance of funds in 2014 for the construction of Mary Rhodes Pipeline Phase II; the City's initial plan to lease water to industrial customers; and making decisions that are in the best interest of the taxpayers.

**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:** 7 - Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member McComb, Council Member Molina, Council Member Rubio and Council Member Smith

**Absent:** 1 - Council Member Vaughn

**Abstained:** 0

**23.**

**First Reading Ordinance - Authorizing the Issuance of Refunding Bonds related to Choke Canyon Dam**

Ordinance authorizing the issuance of "City of Corpus Christi, Texas Utility System Revenue Refunding Bonds", as further designated by series and lien priority of revenue pledge, in an amount not to exceed \$77,520,000; making provisions for the payment and security thereof by a lien on and pledge of the net revenues of the City's Utility System which may be on a parity with certain currently outstanding Utility System revenue obligations; stipulating the terms and conditions for the issuance of additional revenue bonds on a parity therewith; prescribing the form, terms, conditions, and resolving other matters incident and related to the issuance, sale and delivery of the bonds; including the approval and distribution of an official statement pertaining thereto; authorizing the execution of one or more paying agent/registrar agreements, escrow agreements, and a purchase contracts; complying with the requirements imposed by the letter of

representations previously executed with the depository trust company; delegating the authority to certain members of the City staff to execute certain documents relating to the sale of the bonds; and providing an effective date.

Mayor Pro Tem Rubio referred to Item 23. Director of Financial Services Constance Sanchez stated that the purpose of this item is to authorize the refunding of a note payable to the Bureau of Reclamation, which was used to pay for the construction of Choke Canyon in the 1970s for \$49,985,000. This note had an escalating debt service schedule with low payments in the first several years. In 1987, the City Council established an annuity to levelize the payments from the Water Fund to the Bureau for the Choke Canyon Debt. This debt is subordinate to all other utility debt and currently has no cash reserves or coverage requirements. The current interest rate is 5.116%. This agenda item will convert the existing note to a junior lien utility system revenue bond with an interest rate of approximately 2.7% and product a net present value savings of approximately \$9.1 million over the life of the debt. This agenda item also authorizes the refund of any callable utility system revenue bonds up to \$27,535,000. This refund is anticipated to produce a net present value savings of \$1.9 million or 7.0%. Clay Binford, Bond Counsel, and Mark Seale, Financial Advisor, were available to respond to questions. There were no comments from the public.

Council members and staff discussed the following topics: the original note with the Bureau of Reclamation for Choke Canyon; the schedule of debt; the amount currently outstanding; the reserve fund amount; the balance for Choke Canyon; the expected interest rate; discussion with the Bureau of Reclamation regarding the loan being forgiven; future analysis of the need for Choke Canyon; the contract for Choke Canyon; reprecussion for defaulting on the agreement for Choke Canyon; the expected rating for the bond; expected use of the reserve fund; the reasons this action was not taken earlier; the process for refunding; converting the existing to a junior lien; and questions regarding the ability to allow customers to use a specific quantity of water at no cost.

Council Member Smith 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:** 8 - Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member McComb, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

**Abstained:** 0

**P. FUTURE AGENDA ITEMS: (ITEMS 24 - 38)**

Mayor Pro Tem Rubio referred to Future Agenda Items. City Manager Margie C. Rose stated that staff had planned presentations on Items 24 and 38.

**24. Appointment of Financial Advisor for Utility System Revenue Refunding Bonds, Series 2017A**

Motion authorizing the appointment of and approving the contract for M. E. Allison, & Co., as Financial Advisor for the City of Corpus Christi,

Texas Utility System Revenue Refunding Bonds, Series 2017A in an amount not to exceed \$77,520,000.

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

**25. Resolution to Authorize Submission of Grant Application for the Local Border Security Program Grant within the Police Department**

Resolution authorizing the City Manager, or designee, to submit a grant application in the amount of \$189,612.88 to the Office of the Governor Homeland Security Grants Division for funding eligible under the FY 2017-18 Local Border Security Program Grant.

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

**27. Art Donation Agreement for La Retama Park**

Motion authorizing the City Manager, or designee, to execute an agreement with Rhodes Urban for the donation and acceptance of a cast aluminum art sculpture known as "Community Column" by Artist, Jack Gron, Art Professor at Texas A&M Corpus Christi, as well as an internationally known artist, honoring the memory of Norma Urban, a member of the Downtown Management Group, to be placed at La Retama Park.

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

**26. Public Art for Collier Pool**

Motion authorizing the City Manager or designee to execute documents necessary to purchase a work of art created in painted steel, by the artist group Monument Fine Art and Sculpture Conservation, in the amount of \$17,500 for the Aquatic Facility Upgrades and Improvements - Collier Pool Project to fulfill the public art requirement. (Bond 2012 Proposition 4)

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

**28. Resolution to Authorize Food Program Purchase for Senior Centers and Summer Youth Programs**

Resolution authorizing the City Manager to execute all documents necessary to purchase up to \$191,360.00 in food supplies for the City Senior Center Meals Program through the Coastal Bend Council of Governments (CBCOG) participation in the TEXAS 20 Purchasing Cooperative as organized and administered by the Education Service Center, Region 20; and ratifying the purchase of food supplies for the said program in January-February 2017 through the CBCOG participation in the TEXAS 20 Purchasing Cooperative in the amount

of \$46,898.11 from Labatt Food Services and \$9,352.13 from Hill Country Dairies.

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

**29. Rental and Servicing of Portable Toilets for Beach Operations**

Motion authorizing City Manager, or designee, to execute a service agreement with Progressive Waste Solutions of TX, Inc., dba Skid-o-Kan, of Corpus Christi, Texas for rental and servicing of portable toilets for Beach Operations, in accordance with Request for Bid No. 816, based on the lowest, responsive, responsible bid for a total amount not to exceed \$22,600, with an estimated expenditure of \$11,300 in FY 2016-2017. The term of this contract will be for 12 months with options to extend for two additional 12-month periods at the sole discretion of the City.

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

**30. Construction Contract for Ocean Drive Park Improvements - Cole Park (Bond 2012, Proposition 4)**

Motion authorizing the City Manager, or designee, to execute a construction contract with JE Construction Services of Corpus Christi, Texas in the amount of \$725,120 for the Ocean Drive Park Improvements - Cole Park for the base bid and additive alternates 1, 2 and 3 (Bond 2012, Proposition 4).

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

**31. Construction Contract for South Alameda Street from Ayers Street to Louisiana Avenue (Bond 2012, Proposition 1) (Council Priority - Streets)**

Motion authorizing the City Manager, or designee, to execute a construction contract with CPC Interests, LLC Dba Clark Pipeline Services of Corpus Christi, Texas in the amount of \$4,996,832.79 for South Alameda Street from Ayers Street to Louisiana Avenue for Base Bid 2. (Bond 2012, Proposition 1)

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

**32. Construction Contract for Ayers Street from Ocean Drive to Alameda Street (Bond 2014, Proposition 1) (Council Priority - Streets)**

Motion authorizing the City Manager, or designee, to execute a construction contract with CPC Interests, LLC Dba Clark Pipeline Services of Corpus Christi, Texas in the amount of \$6,254,181.88 for Ayers Street from Ocean Drive to Alameda Street for a total Base Bid

plus Additive Alternates 1 and 3. (Bond 2014, Proposition 1)

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

**33. Construction Contract for City-Wide Water Distribution System Repair and Replacement Indefinite Delivery/ Indefinite Quantity Program (Capital Improvement Program) (Council Priority - Water)**

Motion authorizing the City Manager, or designee, to execute a construction contract with CPC Interests, LLC dba Clark Pipeline Services, LLP of Corpus Christi, Texas in the amount of \$5,100,000 for the City-Wide Water Distribution System Repair and Replacement Indefinite Delivery/Indefinite Quantity (IDIQ) Program for one (1) year base contract with two (2) optional one (1) year extensions to be approved administratively subject to availability of funding and satisfactory contractor performance.

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

**34. Resolution authorizing Interlocal Agreement for Soil Analysis**

Resolution authorizing the City Manager or designee to execute an Interlocal Agreement with Texas A & M AgriLife Extension Service for a soil testing program.

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

**35. Supply Agreement for Ferrous Sulfate for Wastewater Plants**

Motion authorizing City Manager, or designee, to execute a supply agreement with Pencco, Inc., of San Felipe, Texas for the purchase of Ferrous Sulfate ("chemical") in response to Request for Bid No. 1020 based on the lowest, responsive, responsible bid for a total amount not to exceed \$290,250.00, with an estimated expenditure of \$145,125.00 in FY2016-2017 and funded by the Wastewater Fund. The term of the agreement is for one year with an option to extend for up to four additional one year periods, subject to the sole discretion of the City.

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

**36. Lease-Purchase of Two Vactor and One Vacall (Body and Chassis) Combination Sewer Trucks for Wastewater**

Motion authorizing the City Manager, or designee, to lease-purchase two Vactor combination sewer trucks and a Vacall chassis for combination sewer truck (for Vacall body listed below) from Houston Freightliner, of Houston, Texas, based on the cooperative purchasing agreement with Houston-Galveston Area Council, and one Vacall body for a combination sewer truck from Waukesha-Pearce Industries, Inc., of Houston, Texas, based on the cooperative purchasing

agreement with Texas Local Government Purchasing Cooperative, dba BuyBoard; for a total amount not to exceed \$1,167,613.39, with an estimated expenditure of \$77,774.20 in FY2016-2017.

This Motion was recommended to the consent agenda.

**37. Purchase of 23 Police Vehicles and Upfitting Equipment for the Police Department**

Motion approving the purchase of 23 police vehicles from Caldwell Country Ford dba Rockdale Country Ford, from Caldwell, Texas and the upfitting equipment from Cap Fleet Upfitters from Temple, Texas, based on the cooperative purchasing agreement with Texas Local Government Purchasing Cooperative, dba BuyBoard for the total amount not to exceed \$1,034,360.16. Funds have been approved for FY2016-2017.

This Motion was recommended to the consent agenda.

**38. Resolution Amending Council Policies**

Resolution amending City Council Policy Section 16 to reduce the number of City Council Members required to place an item on the agenda or to call a special or workshop meeting from at least five members to four members; and to update said policy regarding regular meeting time.

This Resolution was recommended to the consent agenda.

**Q. BRIEFINGS: (ITEMS 39 AND 41)**

**39. Process for City Charter Review**

This Presentation was postponed to the City Council meeting of March 28, 2017.

**41. Manufactured Housing for Affordable Infill Development**

Mayor Pro Tem Rubio deviated from the agenda and referred to Item 41. Interim Director of Development Services Julio Dimas stated that the purpose of this item is to provide an update on a project presented by Andy Taubman related to manufactured housing for affordable infill development. Mr. Taubman and J. Martin Montgomery, state expert on manufactured housing, presented the following information: regulation of buildings; types of housing in Corpus Christi; windstorm and flooding considerations; financing and insurance; the structure lifespan and maintenance of homes; materials and components of the structure; ownership economics; a site plan for 1221 Central Street; individuals currently interested in manufactured housing; and addressing neighborhood suitability.

Interim Director of Development Services Julio Dimas stated that staff is working to address considerations regarding the process to implement the

project and long-term policies regarding manufactured homes in infill development. Mr. Dimas presented the following considerations: whether manufactured homes are a viable option for affordable infill residential in single-family zoning districts; information regarding manufactured housing; codes regulating manufactured housing; zoning issues; windstorm standards; construction standards; the effect manufactured homes have on surrounding property values; aesthetics of manufactured homes in an existing neighborhood; and information to evaluate for a new policy.

Council members and the presentation team discussed the following topics: Texas Windstorm Insurance Association insuring some manufactured homes but not all; Wind Zone 3 regulations; sand damage; the various soil make-ups in the City; neighborhood suitability; determining suitable neighborhoods; expected valuations; the impact on property values; replacement of manufactured homes; foundation anchoring; state inspection regulations; special instances when modular houses were temporarily allowed; what other cities are doing; ranges of the cost of homes; and aesthetics criteria.

**R. LEGISLATIVE UPDATE: (NONE)**

**S. EXECUTIVE SESSION: (ITEMS 42 - 44)**

Mayor Pro Tem Rubio referred to the day's executive sessions. The Council went into executive session at 6:42 p.m. The Council returned from executive session at 8:24 p.m.

- 42. Executive Session pursuant to Texas Government Code § 551.071** and Texas Disciplinary Rules of Professional Conduct Rule 1.05 to consult with attorneys concerning confidential legal issues related to the interruption of water service, Rules of the Texas Commission on Environmental Quality and U.S. Environmental Protection Agency, the U.S. Clean Water Act, federal, state and local regulations and laws related to the interruption of water service, negotiations with the U.S. Environmental Protection Agency concerning the City's sanitary sewer system, and professional services agreements related to the provision of engineering, legal, and other services related to negotiation and potential litigation with agencies involved in the regulation of water and sewer service.

Mayor Pro Tem Rubio referred to Item 42 and the following motion was considered:

Motion to authorize the extension of agreements and encumbrance of funds for Professional Services Agreements for Outside Legal Counsel with Lloyd Gosselink regarding (1) Post December 2016 Water Quality Event Enforcement and (2) Ongoing TCEQ Enforcement measures, in a total amount not to exceed \$75,000.

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

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

**Abstained:** 0

Enactment No: M2017-040

- 43. 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 TxDOT Harbor Bridge Project and pursuant to Texas Gov't Code § 551.072 to deliberate the purchase, exchange, lease, or value of real property (including, but not limited to, TC Ayers Pool, TC Ayers Park and other property in vicinity of existing or proposed Harbor Bridge, said pool, and said park) because deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

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

- 44. 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 annexation, deannexation, provision of utility services in annexed areas, municipal authority in the City's extraterritorial jurisdiction, wind turbines, agreements related to aforementioned items, and other legal matters related to the aforementioned matters in areas annexed by the City in 2014.

**This E-Session Item was withdrawn.**

**T. ADJOURNMENT**

**The meeting was adjourned at 8:26 p.m.**