



City of Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
forward.cctexas.com

Meeting Minutes

City Council

Tuesday, August 29, 2017

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 Pro Tem Michael Hunter called the meeting to order at 11:33 a.m.

B. City Secretary Rebecca L. Huerta to call the roll of the required Charter Officers.

City Secretary Rebecca L. Huerta called the roll and announced that a quorum of the City Council was not present to conduct the meeting. The required Charter Officers were present.

Present: 2 - Council Member Michael Hunter and Council Member Greg Smith

Absent: 6 - Mayor Joe McComb, Council Member Rudy Garza, Council Member Paulette Guajardo, Council Member Debbie Lindsey-Opel, Council Member Ben Molina, Council Member Lucy Rubio, and Council Member Carolyn Vaughn

Charter Officers:

City Manager Margie C. Rose, City Attorney Miles K. Risley and City Secretary Rebecca L. Huerta.

Mayor Pro Tem Hunter announced that President Donald Trump would be visiting the City of Corpus Christi today. Mayor Joe McComb will be participating in this visit. Mayor Pro Tem Hunter recessed the City Council meeting until 3:00 p.m. to accommodate President Trump's visit and to obtain a

quorum of the City Council.

Mayor Pro Tem Hunter announced that the City Council agenda for today's meeting has been abbreviated due to Hurricane Harvey. The following items of business will be conducted: City Manager's Comments; Minutes; Public Comment; Consent Agenda Items 3-18; Public Hearing Item 19, Public Hearing on FY2018 Ad Valorem Tax Rate and Item 20, Public Hearing on FY2018 Operating Budget; and Regular Agenda Items 23 through 25. All other items will be rescheduled to September 12, 2017.

Mayor Pro Tem Hunter recessed the meeting at 11:37 a.m. until 3:00 p.m.

A. Mayor Joe McComb to call the meeting to order.

The Council returned from recess. Mayor McComb called the meeting to order at 3:04 p.m.

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

City Secretary Rebecca L. Huerta gave the invocation.

C. Pledge of Allegiance to the Flag of the United States to be led by Valerie Gray, Executive Director of Public Works.

Executive Director of Public Works Valerie Gray led the Pledge of Allegiance.

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

City Secretary Rebecca L. Huerta called the roll and verified that a quorum of the City Council and the required Charter Officers were present to conduct the meeting.

Charter Officers:

City Manager Margie C. Rose, City Attorney Miles K. Risley and City Secretary Rebecca L. Huerta.

Present: 8 - 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 Greg Smith, and Council Member Carolyn Vaughn

Absent: 1 - Council Member Lucy Rubio

E. Proclamations / Commendations

1. Proclamation declaring September 2, 2017, "Foy H. Moody High School 50th Anniversary Day".
Proclamation declaring September 9, 2017, "2017 Walk to End Alzheimer's Day".
Commendation recognizing Foy H. Moody High School Baseball Team as Class of 2017 5A State Semifinalists.

Swearing-In Ceremony for Newly Appointed Board, Commission and Committee Members.

The Proclamations, Commendation and Swearing-In Ceremony were postponed.

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

Mayor McComb referred to City Manager's Comments. City Manager Margie C. Rose reported on the following information related to Hurricane Harvey efforts:

a. OTHER

1) A team of city employees has been dispatched to San Antonio today to begin the process of returning residents that evacuated to San Antonio prior to the storm. Approximately 850 citizens were transferred to shelters in advance of Hurricane Harvey. In order for the residents to return, the team must determine if the residents have the necessary resources, including power, before they can be transported back to the City of Corpus Christi. 2) Residents who sustained wind storm damage can begin to file claims with the Texas Windstorm Insurance Association by calling 1-800-788-8247 or online at twia.org/claimcenter. Information is available on the City's website at www.cctexas.com under the Hurricane Harvey storm link. 3) On Monday, August 28, 2017, a total of 14 assessment teams, made up of city employees, began investigating City-wide property damage and damaged City properties. The teams are using mobile technology and GIS mapping to conduct assessments quicker than ever before. This application technology coordinates with unique address codes and assists with comprehensive reporting. This damage assessment is critical in order to seek FEMA reimbursement in the future.

Mayor McComb spoke regarding President Trump's visit to Corpus Christi and federal and state efforts to provide resources to the area. Mayor McComb commended the Police Department, Fire Department, Emergency Management and various city employees on their preparation and response efforts and spoke regarding the devastation to the cities of Rockport and Port Aransas.

G. MINUTES:

2. Regular Meeting of August 22, 2017.

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

H. BOARD & COMMITTEE APPOINTMENTS: (NONE)

I. EXPLANATION OF COUNCIL ACTION:

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

Mayor McComb referred to comments from the public. Joan Veith, 5701 Cain Drive, complimented the City's first responders, city staff, and City Council for the amazing efforts during Hurricane Harvey. Bill Koontz, Public Information Officer for the U.S. Small Business Administration (SBA), announced that the SBA will be working in Corpus Christi and surrounding areas to assist with federal disaster loans for businesses, private nonprofits, homeowners and renters. Sean Strawbridge, Deputy Executive Director of the Port of Corpus Christi Authority (Port), provided an update on the Port's recovery efforts, post-Hurricane Harvey, to ensure the safety of the Corpus Christi Ship Channel and resume operations.

- K. CONSENT AGENDA: (ITEMS 3 - 18)**

Approval of the Consent Agenda

Mayor McComb referred to the Consent Agenda. There were no comments from the public. A council member requested that Item 6 be pulled for individual consideration.

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

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

Absent: 1 - Council Member Rubio

Abstained: 0

- 3. Resolution Authorizing Submission of a Grant Application for the Edward Byrne Memorial Justice, Bureau of Justice Assistance Grant (JAG) FY 2017 Local Solicitation within the Police Department**

Resolution authorizing the City Manager, or designee, to submit a grant

application in the amount of \$157,240 to the U.S. Department of Justice, Bureau of Justice Assistance for funding eligible under the Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2017 Local Solicitation with 50% of the funds to be distributed to Nueces County under an Interlocal Agreement; and authorizing the City Manager or designee to execute an Interlocal Agreement between the City of Corpus Christi and Nueces County to establish terms for the sharing of the Edward Byrne Memorial Justice Grant (JAG) Program FY 2017-18 Local Solicitation.

This Resolution was passed on the consent agenda.

Enactment No: 031230

4. Vital Records Agreement that allows the Health District to Access the Texas Electronic Registration Remote System

Motion authorizing the City Manager or designee to execute all documents necessary to accept an amendment to a contract with the Department of State Health Services (DSHS) for the amended contract period 9/1/2015 through 8/31/2018 to provide the Corpus Christi-Nueces County Public Health District (CCNCPHD) access to the Texas Electronic Registration Remote System (TER Remote System) for the purpose of issuing individual birth certificates, and pay DSHS a fee of \$1.83 for each Certification of Vital Record printed as a result of searches of the database.

This Motion was passed on the consent agenda.

Enactment No: M2017-127

5. Supply Agreement for the Purchase of Traffic Control Thermoplastics Material

Motion authorizing City Manager, or designee, to execute a supply agreement with Flint Trading, Inc., of Charlotte, North Carolina, for the purchase of traffic control thermoplastics material, based on a cooperative purchasing agreement with The State of Texas SmartBuy (TX SmartBuy) for a total amount not to exceed \$80,689.20. The term of the agreement is for one-year, with the option to extend up to two one-year periods, subject to the sole discretion of the City.

This Motion was passed on the consent agenda.

Enactment No: M2017-128

7. Service Agreement for Unleaded Gasoline and Ultra-Low Sulfur Diesel (TXLED) Fuel Delivery Service

Motion authorizing City Manager, or designee, to execute a service agreement with Petroleum Traders Corporation, of Fort Wayne, Indiana for unleaded gasoline and ultra-low sulfur diesel (TX LED) fuel delivery services, in accordance with Request for Bid No. 1178, based on the lowest responsive, responsible bid for a total amount not to exceed \$2,559,424.88 with an estimated expenditure of \$427,000.00 in FY 2016-2017. The term of this contract will be for one year with options to extend for two additional one-year periods at the sole discretion of the City.

This Motion was passed on the consent agenda.

Enactment No: M2017-129

8. Supply Agreement for Standard Gasoline and Ultra-Low sulfur Diesel with Fuel Cards

Motion authorizing City Manager, or designee, to execute an agreement with Valero Marketing and Supply Company, of San Antonio, Texas for the purchase of standard gasoline & ultra-low sulfur diesel with fuel cards in response to Request for Bid No. 701 based on the lowest responsive, responsible bid for a total amount not to exceed \$2,999,174.78, with an estimated expenditure of \$249,931.23 funded by various funds in FY 2016-2017. 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: M2017-130

9. Service Agreement for the Purchase and Installation of Six Air Condition Units at Oso Wastewater Treatment Plant

Motion approving a Service Agreement for the purchase and installation of six air condition units at Oso Wastewater Treatment Plant not to exceed \$67,136.00 from Pro Tech Mechanical, Inc. of Corpus Christi, Texas through the Local Government Purchasing Cooperative dba Buyboard, for use by the Facilities and Property Management Department for Oso Wastewater Treatment Plant. Funds budgeted in FY 2016-17.

This Motion was passed on the consent agenda.

Enactment No: M2017-131

10. Second Reading Ordinance - Accepting and Appropriating the FY 2018 Texas Automobile Burglary Theft Prevention Authority (ABTPA) Grant (1st Reading 8/22/17)

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept a grant from the Texas Automobile Burglary Theft Prevention Authority (ABTPA) grant in the amount of \$410,973 to continue the motor vehicle theft enforcement grant within the Police Department for Year 17, with a City match of \$675,542, in-kind match of \$48,889 in the No. 1020 Police General Fund, and program income match of \$9,517 for a total project cost of \$1,144,924; designating the Chief of Police as Program Director and Director of Finance as financial officer for this ABTPA grant; appropriating \$410,973 from the ABTPA in the No. 1061 Police Grants Fund; and appropriating \$9,517 in program income match in the No. 1061 Police Grants Fund to continue the motor vehicle theft enforcement grant within the Police Department.

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

Enactment No: 031231

11. Second Reading Ordinance - Accepting and Appropriating the FY2017 Local Border Security Program (LBSP) Grant for the Police Department (1st Reading 8/22/17)

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept a grant in the amount of \$28,000 from the Texas Department of Public Safety, Texas Homeland Security State Administrative Agency for funding eligible under the FY2017 Local Border Security Program (LBSP) grant to reimburse overtime and fringe benefits; and appropriating the \$28,000 in the No. 1061 Police Grants Fund.

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

Enactment No: 031232

12. Second Reading Ordinance - Accepting and Appropriating grant funds for the Tuberculosis Prevention and Control-State (TBPC-STATE) Grant (1st Reading 8/22/17)

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept, amend, and appropriate a grant contract for the Tuberculosis Prevention and Control-State (TB/PC-STATE) grant in the amount of \$61,645.00, from the Texas Department of State Health Services in the No. 1066 Health Grants Fund with a City match of \$12,329.00, from 1020 General Fund to provide tuberculosis prevention and control services for the contract period September 1, 2017, through August 31, 2018 for a total project cost of \$73,974.00.

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

Enactment No: 031233

13. Second Reading Ordinance - Accepting and Appropriating grant funds for the Laboratory Response Network Influenza Surveillance and Epidemiology Activities (LRN/FLU-LAB) grant (1st Reading 8/22/17)

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept, amend, and appropriate a grant contract for the Laboratory Response Network Influenza Surveillance and Epidemiology Activities (LRN/FLU-LAB) grant in the amount of \$10,000.00 from the Texas Department of State Health Services in the No. 1066 Health Grants Fund to provide flu testing for the contract period September 1, 2017, through August 31, 2019.

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

Enactment No: 031234

14. Second Reading Ordinance - Accepting and Appropriating grant funds for the Regional Local Services System/Local Public Health System (RLSS/LPHS) grant (1st Reading 8/22/17)

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept, amend, and appropriate a grant contract for the Regional Local Services System/Local Public Health System (RLSS/LPHS) grant in the amount of \$328,736.00, from the Texas Department of State Health Services in the Health Grants Fund No. 1066, to provide essential public health services for the contract period September 1, 2017, through August 31, 2019; and appropriating related program income in the estimated amount of \$260,000.00 in the Health Grants Fund No. 1066.

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

Enactment No: 031235

15. Second Reading Ordinance - Closing of a utility easement located at 7313 South Staples Street (1st Reading 8/22/17)

Ordinance abandoning and vacating 0.137 acres of an existing utility easement out of a part of Roger's Subdivision, Block 1, Lot 1B, located at 7313 South Staples Street and requiring the owner, DOXA

Enterprises, L.P., to comply with the specified conditions.

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

Enactment No: 031236

16. Second Reading Ordinance - Appropriating funds for the purchase of one waste handler wheel loader and one backhoe loader for use in Solid Waste Operations (1st Reading 8/22/17)

Ordinance appropriating \$326,528.17 from the reserved future replacement account into the capital outlay expenditure account in Maintenance Services Fund No. 5110 for the purchase of one waste handler wheel loader and one backhoe loader; amending the FY2016-17 operating budget adopted by Ordinance No. 030965 by increasing expenditures by \$326,528.17; authorizing the City Manager or designee to execute all necessary documents to purchase a total of one ZBAR waste handler wheel loader for \$250,528.17 from Nueces Power Equipment, of Corpus Christi, Texas, and one backhoe loader for \$76,000.00 from Doggett Heavy Machinery Services, LLC., Corpus Christi, Texas, based on the cooperative purchasing agreements with Houston-Galveston Area Council and Local Government Purchasing Cooperative dba BuyBoard respectively, for a total amount not to exceed \$326,528.17, for use by Solid Waste Operations.

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

Enactment No: 031237

17. Second Reading Ordinance - Appropriating Funds for the Purchase of two Ford F-550 Trucks with Service Bodies for Solid Waste Operations (1st Reading 8/22/17)

Ordinance appropriating \$210,058.00 from the reserved future replacement account into the capital outlay expenditure account in Maintenance Services Fund No. 5110 for the purchase of two 2017 Ford F-550 trucks with service bodies; amending the FY2016-17 operating budget adopted by Ordinance No. 030965 by increasing expenditures by \$210,058.00; authorizing the City Manager or designee to execute all necessary documents to purchase a total of two 2017 Ford F-550 trucks with service bodies for \$210,058.00 from Grande Truck Center, of San Antonio, Texas, through the Local Government Purchasing Cooperative dba Buyboard, for use by Solid Waste Operations.

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

Enactment No: 031238

18. Second Reading Ordinance - Donating Surplus Property to Habitat

for Humanity (1st Reading 8/22/17)

Ordinance authorizing the conveyance of a tract of land located within the city at 1901 Brennan Street to Habitat for Humanity to be re-platted and rezoned by Habitat for Humanity for construction of a single-family affordable house at 1902 Lipan Street, subject to specified conditions; authorizing the City Manager or designee to execute all necessary documents related to the transaction; and providing for severance.

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

Enactment No: 031239

6. Construction Contract for O.N. Stevens Water Treatment Plant Intermediate Sludge Removal Phase 1 FY 2018 (Capital Improvement Program)

Motion authorizing the City Manager, or designee, to execute a construction contract with American Process Group, Inc., of Tacoma, Washington in the amount of \$3,750,000 for the O.N. Stevens Water Treatment Plant (ONSWTP) Intermediate Sludge Removal Phase 1 FY 2018 for Base Bid Part A plus Additive Alternate No. 1. (Capital Improvement Program) (CIP)

Mayor McComb referred to Item 6. Council Member Lindsey-Opel made a motion to table the item to the meeting of September 12, 2017, seconded by Council Member Guajardo. This Motion was tabled with the following vote:

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

Absent: 1 - Council Member Rubio

Abstained: 0

L. RECESS FOR LUNCH

A recess for lunch was not taken.

M. PUBLIC HEARINGS: (ITEMS 19 - 22)

19. Public Hearing on Fiscal Year 2018 Ad Valorem Tax Rate

Mayor McComb referred to Item 19. Director of Financial Services Constance Sanchez stated that the purpose of this item is to hold the second public hearing regarding the proposed FY2018 ad valorem tax rate of \$0.606264 per \$100 valuation.

Council members and staff discussed the following topics: the timeframe for

adopting the tax rate; an explanation of the Truth-in-Taxation calendar for adopting the tax rate; how increasing the tax rate would require re-advertisement in the newspaper, two additional public hearings, and setting another date to vote on the tax rate; the request from the Nueces County Tax Appraisal Office that all entities provide their tax rates the week of September 11, 2017 and, if the tax rate is not provided by the deadline, the City's portion of the tax rate that would not be included in the consolidated tax bill and that the City would be required to bear the cost of its portion of the tax mail-out to citizens; the tax rate reverting back to the lower of the existing tax rate or the effective tax rate if the tax rate is not adopted by September 30, 2017; a discussion regarding the voter-approved charter amendment to establish a dedicated fund to address residential street reconstruction funded by a tax increase, not to exceed two cents per one hundred dollars assessed value per year; information on the amount of the contract with the Nueces County Tax Appraiser's Office for providing services; the increase in ad valorem taxes related to new development; the amount of revenue generated by increasing the tax rate by one cent; increasing the tax rate two cents would subject the tax rate to a referendum; concern with property owners carrying the burden of residential street improvements; and identifying funding for residential streets from the General Fund.

Mayor McComb opened the public hearing. There were no comments from the public. Mayor McComb closed the public hearing.

Mayor McComb read the following statement "During the September 12, 2017 City Council meeting at 11:30 a.m. at City Hall, the City Council will vote on the proposed property tax rate."

MOTION OF DIRECTION

Council Member Garza made a motion directing the City Manager to prepare all documents necessary to provide for an increase of 1 cent for a total tax rate of \$0.616264 per \$100 valuation dedicated to residential streets, seconded by Council Member Molina. The Motion of Direction failed with the following vote: Council Members Smith, Garza, and Molina, voting "Aye"; Mayor McComb, Council Members Vaughn, Guajardo, Hunter, and Lindsey-Opel voting "No"; Council Member Rubio - absent.

20.

Public Hearing on Fiscal Year 2017-2018 Operating Budget

Public hearing for the City of Corpus Christi Fiscal Year 2017-2018 Operating Budget for August 29, 2017 during the regular City Council meeting beginning at 11:30 am at City Hall, 1201 Leopard Street, Corpus Christi, Texas. This budget will raise more total property taxes than last year's budget by \$4,034,005 (General Fund \$2,506,865 Debt Service Fund \$1,527,140), or 3.7%, and of that amount an estimated \$2,668,101 is tax revenue to be raised from new property added to the tax roll this year.

Mayor McComb referred to Item 20. Director of Management and Budget Eddie Houlihan stated that the purpose of this item is to hold a public hearing on the proposed FY2017-2018 Operating Budget. Mr. Houlihan presented the following information: mission and mission elements; the full-time equivalent count; revenue and total expenditures; proposed budget highlights; a history of

property tax rates; the projected fund balance of the General Fund, Internal Service Funds, Enterprise Funds, and Special Revenue Funds; a summary of the proposed amendments; and key dates.

Council members and staff discussed the following topics: addressing health insurance; an explanation of the conversion of seven temporary positions to five full-time equivalents for Water Quality Technicians; the need to have stability and reliability with Water Quality Technician positions; consideration to increase the salary of temporary positions to encourage stability; employment practices; the number of Water Department employees, the number of employees reading water samples, and the difficulty associated with collecting and reading water samples; the calculations for determining the percentage of salaries and benefits for employees; the residential street program in the Special Revenue Fund; and an explanation of the financial policies transfer from the General Fund to the Residential Street Fund.

Mayor McComb opened the public hearing. There were no comments from the Council or the public. Mayor McComb closed the public hearing.

21. Public Hearing and First Reading Ordinance - Rezoning property located at 6802 Weber Road

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

Planning Commission and Staff Recommendation (July 26, 2017): Approval of the change of zoning from the "CN-1" Neighborhood Commercial District to the "CG-2" General Commercial District.

Ordinance:

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

This item was postponed.

22. Public Hearing and First Reading Ordinance - Rezoning property located at 1840 Saratoga Boulevard

Case No. 0717-02 Bradley W. Shirley and Valerie V. Shirley: A change of zoning from the "RS-6" Single-Family 6 District to the "IL" Light

Industrial District. The property is described as being Bohemian Colony Lands 6.379 acres out of Section 7, Lot 5, located north of Saratoga Boulevard and east of Greenwood Drive.

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

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

Ordinance:

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

This item was postponed.

N. REGULAR AGENDA: (ITEMS 23 - 26)

23. Resolution amending the City's Financial Budgetary Policies

Resolution amending Financial Budgetary Policies adopted by Resolution 031189 and providing financial policy direction on preparation of the annual budgets.

Mayor McComb referred to Item 23. Director of Management and Budget Eddie Houlihan stated that the purpose of this item is to amend the Financial Budgetary Policies. The policies have been amended to include the direction by City Council to amend Section 4.1 Internal Service Funds by adding the language "a maximum of an additional two percent, for a total of five percent". There were no comments from the public.

Council members and staff discussed the following topics: Section 8 regarding funding level from General Fund for Residential/Local Street Capital Improvement Projects; the impact of Hurricane Harvey on the budget; drawing down of reserves and continuing to lose a margin of recoverability; clarification on the amendment language and how it relates to reserves; zero-based budgeting and rebating the funds to fund balance; the need for Internal Service Funds to have an unreserved fund balance; and the use of General Fund reserves during a disaster.

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

Absent: 1 - Council Member Rubio

Abstained: 0

Enactment No: 031240

24. Second Reading Ordinance - Authorizing the Issuance of Utility System Revenue Improvement Bonds for State Water Implementation Revenue Fund for Texas (SWIRFT) funding through the Texas Water Development Board (TWDB) for Seawater Desalination (1st Reading 8/22/17)

Ordinance authorizing the issuance of "City of Corpus Christi, Texas Utility System Junior Lien Revenue Improvement Bonds, Series 2017" in an amount not to exceed \$2,750,000; 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/registrars agreement, a financing 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 to certain members of the City staff to execute certain documents relating to the sale of the bonds; enacting other provisions incident and related to the subject and purpose of this ordinance; and providing an effective date.

Mayor McComb referred to Item 24, authorizing the issuance of Utility System Revenue Improvement Bonds for SWIRFT Funding through the Texas Water Development Board. Assistant City Manager Mark Van Vleck and council members discussed the following topics: how the funding will be used; the scope of the contract and goals; the original contract with Freese and Nichols; the funding mechanism for repayment of the bonds; providing the City Council with a 90- to 120-day planning calendar of items on the horizon for consideration; whether the study will provide information on the ultimate capacity of the seawater desalination plants; the timeframe that the City Council has been considering the SWIRFT funds; the City investigating desalination as a water source; the effect on ratepayers; clarification on the amount of the issuance; an option to use the raw water supply development fund to pay the debt and the current balance of the fund; the reason for borrowing money for the seawater desalination project when there are funds available in the raw water supply development fund; the intent to have industrial users pay for the debt; the payment structure of the loan; and the interest rate. There were no comments from the public.

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

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

Absent: 1 - Council Member Rubio

Abstained: 0

Enactment No: 031241

25. Appointing Financial Advisor for the Issuance of the City of Corpus Christi, Texas Utility System Junior Lien Revenue Improvement Bonds, Series 2017"

Motion authorizing the appointment of and approving the contract for M. E. Allison, & Co., as Financial Advisor for the issuance of the "City of Corpus Christi, Texas Utility System Junior Lien Revenue Improvement Bonds, Series 2017", in an amount not to exceed \$2,750,000.

Mayor McComb referred to Item 25. Director of Financial Services Constance Sanchez stated that this item is related the the action taken on Item 24. The purpose of this item is to appoint M.E. Allison, & Co., as Financial Advisor for the transaction with the Texas Water Development Board regarding the SWIRFT funding. Ms. Sanchez stated that the Texas Water Development Board requires that the City use a financial advisor to run all the financial data that is necessary to document the deal and that no other party has the resources to do so. In addition, the Municipal Advisory Rules adopted by the Securities and Exchange Commission prohibit bond underwriters from interfacing directly with municipalities. The Financial Advisor will be the third-party in between the person selling the bonds and the issuer. There were no comments from the public.

Council members and staff discussed the following topics: the responsibilities of the financial advisor; how the fees the City pays to the financial advisor compare with other municipalities; the City's bond counsel, Norton Rose Fulbright US LLP; whether bond counsel is representing Flint Hills in their appraisal appeal; potential conflicts with bond counsel and the impact the Flint Hills appeal has on the City; desire to utilize different bond counsel on future financial transactions; the terms of the contract; the cost to terminate the contract; and a future item in executive session to discuss the implications of terminating the contract with bond counsel.

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

Aye: 5 - Council Member Garza, Council Member Hunter, Council Member Lindsey-Opel, Council Member Molina and Council Member Smith

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

Absent: 1 - Council Member Rubio

Abstained: 0

Enactment No: M2017-132

26. Resolution Amending City Council Policies

Resolution Amending City Council Policies - Service on More Than One Board, Commission, Committee or Corporation.

This item was postponed.

Q. FIRST READING ORDINANCES: (ITEMS 27 - 29)

27. First Reading for Fiscal Year 2017-2018 Capital Budget and Capital Improvement Planning Guide

Ordinance approving the Fiscal Year 2017 - 2018 Capital Budget and Capital Improvement Planning Guide in the amount of \$174,057,200.

This item was postponed.

28. First Reading Ordinance - Approving the Fiscal Year 2017-2018 Capital Budget and Capital Improvement Planning Guide

Ordinance approving the Fiscal Year 2017 - 2018 Capital Budget and Capital Improvement Planning Guide in the amount of \$142,224,600.

This item was postponed.

29. First Reading Ordinance - Accepting and appropriating funds for the 2018 Comprehensive Selective Traffic Enforcement Project (STEP) within the Police Department

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept a grant from the Texas Department of Transportation (TXDOT) in the amount of \$155,000.09 for the 2018 Comprehensive Selective Traffic Enforcement Project (STEP) within the Police Department, for Driving While Intoxicated (DWI), speed enforcement, and distracted driving overtime, with a city match of \$47,166.67, for a total project cost of \$202,166.76 and appropriating \$155,000.09 in the No. 1061 Police Grants Fund.

This item was postponed.

R. FUTURE AGENDA ITEMS: (ITEMS 30 - 36)

30. Service Agreement for Health and Welfare Consulting Services

Motion authorizing the City Manager or designee to execute service agreement with IPS Advisors, LLP of Dallas, Texas for health and welfare benefits consulting services in accordance with Request for Proposal (RFP) No. 973, based on best value for a total amount not to exceed \$59,000 for the initial year, with a step price increase throughout the option years. The initial year's funding will be requested for FY 2017-18. The term of this agreement is for one year with option to extend for up to four additional one-year periods, subject to the sole discretion of the City.

This item was postponed.

31. Purchase and Installation of Playground Equipment for Captain Falcon Park (4712 Oso Parkway) and Crestmont Park (3521 Cresthill Drive)

Motion approving the purchase and installation of playground equipment at Captain Falcon Park from Park Place Recreation Designs, Inc., of San Antonio, Texas for \$52,152.65, and the purchase and supervision of installation of playground equipment at Crestmont Park from Exerplay, Inc., of Cedar Crest New Mexico for \$61,059.75, for a total not to exceed of \$113,212.40 based on the cooperative purchasing agreement with the Local Government Purchasing Cooperative dba BuyBoard.

This item was postponed.

32. Construction Contract for the Aquatic Facility Upgrades and Improvements - West Guth Pool Project

Motion authorizing the City Manager, or designee, to execute a construction contract with Progressive Commercial Aquatics, Inc. of Houston, Texas in the amount of \$1,512,189 for the Aquatic Facility Upgrades and Improvements - West Guth Pool project for the base bid plus additive alternates 1, 2 and 3. (Bond 2012 Proposition 4)

This item was postponed.

33. Professional Services Contract for the Bridge Rehabilitation Project (Capital Improvement Program)

Motion authorizing the City Manager, or designee, to execute a professional services contract with LJA Engineering, Inc., of Corpus Christi, Texas in the amount of \$114,950 for the Bridge Rehabilitation project. (Capital Improvement Program) (CIP) The term of this agreement is for one year with option to extend for two additional one-year periods subject to the sole discretion of the City based on

sufficient funding and successful performance by the engineering firm.

This item was postponed.

34. Supply Agreement for Concrete

Motion authorizing City Manager, or designee, to execute a supply agreement with Custom-Crete, LLC, of Euless, Texas for the purchase of concrete in response to Request for Bid No. 958 based on the lowest responsive, responsible bid for a total amount not to exceed \$105,700.00 with an estimated expenditure of \$8,808.33 in FY2016-2017 and funded by the Storm Water 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 item was postponed.

35. Supply Agreement for Cement Stabilizing Sand

Motion authorizing City Manager, or designee, to execute a supply agreement with Aaron Concrete Contractors, of Aransas Pass, Texas for the supply of cement stabilizing sand in response to Request for Bid No. 1152 based on the lowest responsive, responsible bid for a total amount not to exceed \$297,828.94, with an estimated expenditure of \$24,819.08 in FY2016-2017. 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 item was postponed.

36. Supply Agreement for Sodium Hypochlorite for Water and Wastewater Plants

Motion authorizing City Manager, or designee, to execute a supply agreement with Brenntag Southwest, Inc., of Longview, Texas for the purchase of Sodium Hypochlorite ("chemical") in response to Request for Bid No. 1149 based on the lowest responsive, responsible bid for a total amount not to exceed \$1,498,465.05, with an estimated expenditure of \$124,872.09 in FY2016-2017 and funded by the Utilities 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 item was postponed.

T. BRIEFINGS: (ITEMS 37 - 40)

37. Texas State Aquarium by Tom Schmid, President and CEO

This item was postponed.

38. Control Network Architecture Upgrade O.N. Stevens Water Treatment Plant (ONSWTP) High Service No. 3

This item was postponed.

39. Discussion regarding Appointments to the Charter Review Ad Hoc Committee

This item was postponed.

40. Discussion regarding Al Kruze Tennis Center

This item was postponed.

U. EXECUTIVE SESSION: (ITEMS 41 - 43)

41. Executive Session pursuant to Texas Government Code § 551.071 and Texas Disciplinary Rules of Professional Conduct Rule 1.05 to consult with attorneys concerning legal issues related to water supplies for industrial and other development, existing or potential agreements with water districts and other governmental entities involving the sale or purchase of water, wastewater, water rights or other utility services, potential economic development agreement(s) with business prospects that are considering the construction, expansion, and/or ownership of industrial facilities that will be consumers of water and/or wastewater services, potential creation of entities that could provide or assist in the provision of the aforementioned services, desalination, water reuse, and state regulations related to the aforementioned topics, and pursuant to Texas Government Code § 551.087 to discuss confidential commercial or financial information pertaining to the aforesaid business prospect(s) that the City seeks to have locate, stay or expand in or near the territory of the City and with which the City may conduct economic development negotiations and/or deliberate possible economic development issues concerning said business prospect(s), including, but not limited to, the provision of water to said business prospect(s) and the management, sale, or acquisition of rights to water for said business prospect(s).

This item was postponed.

43. Executive session pursuant to Texas Government Code § 551.074 (Personnel Matters) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Manager.

This item was postponed.

- 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 claims and potential litigation related to the contract for the construction of the Mary Rhodes Pipeline Phase 2 - Pump Station/Sedimentation Basin and potential authorization of professional services agreement(s) with expert(s) for analysis of aforementioned claims.

This item was postponed.

V. IDENTIFY COUNCIL FUTURE AGENDA ITEMS

None.

W. ADJOURNMENT

Mayor McComb conveyed, on behalf of the City Council, appreciation to City Manager Margie C. Rose, city staff, first responders, emergency operations, and volunteers for their efforts during and after Hurricane Harvey.

Mayor McComb read a statement related to price gouging as follows: "Price gouging is a crime in Corpus Christi. The City's price gouging prohibition is in Section 16-5 of the City Code. For a hurricane, it prohibits persons from selling necessities, including fuel, food, medicine, construction materials, tarps, tents, ice, water, batteries, generators, and housing, at a price that is greater than the price for any item charged 72 hours before the landfall of the storm. Price gouging is also a civil violation of the Texas Deceptive Trade Practices Act (DTPA). The DTPA can be enforced by civil lawsuit by the victim or the Texas Attorney General. If you notice price gouging, please report it to the Police Department or the Texas Attorney General Consumer Protective division at 1-800-621-0508. We will be cooperating with the Attorney General and civil plaintiffs to enable convictions in our Municipal Court to enhance their ability to obtain judgments with potential punitive damages and injunctions against persons and companies who commit price gouging."

The meeting was adjourned at 5:13 p.m.