



City of Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes

City Council

Tuesday, October 23, 2018

11:30 AM

Council Chambers

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

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

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

Mayor McComb called the meeting to order at 11:31 a.m.

- B. Invocation to be given by Pastor David Bendett, Rock City Church.**

Pastor David Bendett gave the invocation.

- C. Pledge of Allegiance to the Flag of the United States to be led by Becky Perrin, Assistant Director of Parks and Recreation.**

Assistant Director of Parks and Recreation Becky Perrin led the Pledge of Allegiance.

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

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

Charter Officers:

Interim City Manager Kieth Sleman, City Attorney Miles K. Risley and City Secretary Rebecca L. Huerta.

Present: 9 - Mayor Joe McComb, Council Member Rudy Garza, Council Member Paulette Guajardo, Council Member Michael Hunter, Council Member Debbie Lindsey-Opel, Council Member Ben Molina, Council Member Everett Roy, Council Member Lucy Rubio, and Council Member Greg Smith

E. Proclamations / Commendations

1. Proclamation declaring October 23, 2018, "Indigenous Tribes of the Coastal Bend Day".
Proclamation declaring October 25, 2018, "Celebration of Family: Honoring 2018 Four-Star Parents".
Proclamation declaring October 2018, "National Breast Cancer Awareness Month".
Proclamation declaring October 2018, "Neonatal Abstinence Syndrome Awareness Month".
Proclamation declaring November 3, 2018, "Face-to-Face Walk for Memory Day".

Mayor McComb presented the proclamations.

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

Mayor McComb deviated from the agenda and referred to comments from the public. City Attorney Miles K. Risley read the Rules of Decorum for the Council meeting. City Secretary Rebecca L. Huerta conducted the public comment period. George Silver, Jr., 741 Wildwood, provided the City Council information regarding water and wastewater rates. Adam Carrington, 2949 River Bend, spoke in support of extending City Council term lengths and requested that the City Council consider repurposing the old Memorial Hospital to house the homeless, disabled veterans, or displaced citizens during hurricane events. Wendy Herman, Executive Officer of the Coastal Bend Homebuilders Association, 5325 Yorktown, spoke regarding Agenda Item 13, amending the City's Water Distribution System Master Plan South of Oso Creek, and stated that the Association was not consulted regarding the amendment.

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

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

c. OTHER

1) The City of Corpus Christi is coordinating with the City of Austin and Travis County to deliver water to those affected by recent flooding. 2) Assistant Fire Chief Rick Trevino, Battalion Chief David Saenz, and Firefighter Kelly Maiden traveled to Mexico Beach, Florida to assist those impacted by Hurricane Michael. 3) Municipal Court is providing open court days in Courtroom A from 8:00 a.m. to 4:00 p.m., Monday through Friday, to assist citizens paying warrants and citations. 4) The City of Corpus Christi and the U.S. Drug Enforcement Administration (DEA) are coordinating the National Drug Drop Off Program which allows citizens to dispose of expired prescription medication. The event is being held on Saturday, October 27, 2018 from 10:00 a.m. to 2:00 p.m. at Fire Station 7, located at Staples and Doddridge Streets; Fire Station 13, located on Waldron Road; and Fire Station 14, located at Staples and La Costa Streets. 5) The Stormwater Department will be holding a demonstration regarding how City crews keep storm drains clear on Friday, October 26, 2018 at 10:00 a.m. at the corner of Deery Drive and Skyline Drive. 6) Interim City Manager Selman recognized the Communication Department for receiving three national communications awards from the National City/County Communications and Marketing Association for the City Hall in the Mall event.

a. UTILITY BILLING UPDATE

Interim City Manager Selman introduced Peter Collins, independent information technology contractor, who is leading the team to address issues with the City's utility billing system. Mr. Collins provided an overview of the progress related to the utility billing system including: maintenance on the data collection units (DCU) and meter transmission units (MTU); the new utility bill layout and additional features; the exceptions related to no meter read; modifications to the STAR software; and a future action to approve a service agreement for skills and availability of equipment to address network issues.

Council members discussed the following topics: the DCUs and MTUs; the number of meter transmission units impacted; the status regarding improvements to no meter readings; and software upgrades.

b. STRATEGIC FUTURE ISSUES

None.

G. MINUTES:

2. Regular Meeting of October 16, 2018.

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

H. BOARD & COMMITTEE APPOINTMENTS: (NONE)

I. EXPLANATION OF COUNCIL ACTION:**K. CONSENT AGENDA: (ITEMS 3 - 11)****Approval of the Consent Agenda**

Mayor McComb referred to the Consent Agenda. A council member requested that Item 11 be pulled for individual consideration. There were no comments from the public.

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

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

Abstained: 0

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

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

This Motion was passed on the consent agenda.

Enactment No: M2018-199

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

Motion authorizing a five-year service agreement with Air Specialty and Equipment Company of Corpus Christi, Texas for the purchase of air compressors and preventative maintenance at O.N. Stevens Treatment Plant for the total amount not to exceed \$70,990.

This Motion was passed on the consent agenda.

Enactment No: M2018-200

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

Motion authorizing the purchase of a Fairbanks pump for O. N. Stevens Water Treatment Plant from Odessa Pumps of Corpus Christi, Texas via

BuyBoard cooperative for a total amount not to exceed \$175,313.00.

This Motion was passed on the consent agenda.

Enactment No: M2018-201

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

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

This Motion was passed on the consent agenda.

Enactment No: M2018-202

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

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

This Motion was passed on the consent agenda.

Enactment No: M2018-203

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

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

This Resolution was passed on the consent agenda.

Enactment No: 031582

9. Service Agreement for Elevator and Escalator Preventive Maintenance Program (Requires 2/3 Vote)

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

This Motion was passed on the consent agenda.

Enactment No: M2018-204

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

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

This Motion was passed on the consent agenda.

Enactment No: M2018-205

11. Approval of the 2018 Tax Levy

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

Mayor McComb referred to Item 11, approval of the 2018 Property Tax Levy. A council member stated his reasons for not supporting this item.

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

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

Nay: 1 - Council Member Hunter

Abstained: 0

Enactment No: M2018-206

M. PUBLIC HEARINGS: (ITEMS 12-13)

12. Public Hearing and First Reading Ordinance - Rezoning for a Property located at or near 15621 and 15625 South Padre Island Drive (Requires 2/3 Vote)

Case No. 0918-02 Rakesh Patel: Request for rezoning property at or near 15621 and 15625 South Padre Island Drive from "CR-2/IO" Resort Commercial District with the Island Overlay to the "IL" Light Industrial

District.

Planning Commission and Staff Recommendation (September 19, 2018):

Denial of the change of zoning from the "CR-2/IO" Resort Commercial District with the Island Overlay to the "IL" Light Industrial District, in lieu thereof:

Ordinance rezoning property at or near 15621 and 15625 South Padre Island Drive from "CR-2/IO" Resort Commercial District with the Island Overlay to the "CR-2/IO/SP" Resort Commercial District with the Island Overlay and a Special Permit.

Mayor McComb referred to Item 12. Director of Development Services Nina Nixon-Mendez stated that the purpose of this item is to rezoning the subject property to allow for the operation of a landscaping business, including outdoor storage. Ms. Nixon-Mendez stated that the Planning Commission and staff recommend denial of the "IL" Light Industrial District, and in lieu thereof, approval of the "CR-2/IO/SP" Resort Commercial District with the Island Overlay and a Special Permit.

Mayor McComb opened the public hearing. Council members spoke regarding the following topics: notices returned in opposition to the zoning change; landscaping operations at the subject property; review of the zoning districts to address special uses; screening requirements; and materials that will be stored at the property. Javier Garcia, 15105 Dasmarias Drive, owner, addressed questions regarding the proposed screening and materials to be stored at the property. Mayor McComb closed the public hearing.

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

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

Absent: 1 - Council Member Molina

Abstained: 0

13. Public Hearing and First Reading Ordinance - Amending City Code for Water Master Plan Amendment - South of Oso Creek

Ordinance amending the City of Corpus Christi Comprehensive Plan by amending the City's Water Distribution System Master Water Plan South of Oso Creek.

Mayor McComb referred to Item 13. Executive Director of Water Utilities Dan Grimsbo stated that the purpose of this item is to amend the City's Water Distribution System Master Water Plan South of Oso Creek. The presentation included: Major Engineer Gabriel Hinojosa and Director of Planning and ESI Daniel McGinn. Mr. Grimsbo presented the following information: a map of the

subject property; the existing 1997 master plan; the proposed water master plan; the proposed amendments; objectives to be achieved; and the implementation funding sources.

Council members and the presentation team discussed the following topics: adequate pressure and flows; transmission capacity; water service south of FM 43 and the diameter of the water line; if an additional water tower is proposed for the area; the wastewater master plan for the London area; concern from a council member regarding the City's long-term viability and land use projections; the water tower on Holly Road; and the purpose of the elevated storage tanks.

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

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

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

Abstained: 0

N. REGULAR AGENDA: (NONE)

O. FIRST READING ORDINANCES: (ITEMS 14 - 15)

14. First Reading Ordinance - Accepting and appropriating the 2018 Edward Byrne Memorial Justice Assistance Grant (JAG) Program grant (Requires 2/3 Vote)

Ordinance authorizing acceptance of grant from U. S. Department of Justice, Bureau of Justice Assistance, in amount of \$178,821 for FY 2018 Edward Byrne Memorial Justice Assistance Grant Program; and appropriating \$178,821 in Police Grants Fund to fund enhancement of law enforcement efforts with \$82,042 of funds distributed to Nueces County and \$14,736 of funds distributed to City of Robstown.

Mayor McComb referred to Item 14. Police Chief Mike Markle stated that the purpose of this item is to accept and appropriate the 2018 Edward Byrne Memorial Justice Assistant Grant (JAG) program grant. There were no comments from the Council or the public.

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

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

Abstained: 0

15. First Reading Ordinance - Lease Agreement for Lake Corpus Christi Campground (28 Day Delay Required) (Requires 2/3 Vote)

Ordinance authorizing a fifteen-year lease agreement with Kamping Pleasures, Inc. for 40 acres out of the Mary B. Kelvin survey in Live Oak County, on the North side of Lake Corpus Christi, in consideration of quarterly rent of \$5,000 or 8% of gross sales, whichever is greater, to operate a campground; with option to extend for up to an additional ten-year term.

Mayor McComb referred to Item 15. Executive Director of Utilities **Dan Grimsbo** stated that the purpose of this item is to authorize a fifteen-year lease with Kamping Pleasures, Inc. for 40 acres on the northside of Lake Corpus Christi with a quarterly rent of \$5,000 or 8% of gross sales, whichever is greater, with an option to extend for an additional ten-year term.

Council members spoke regarding the following topics: the Charter requirement regarding the 28-day delay for leases that exceed five years; the terms of the agreement; lake levels at Lake Corpus Christi and Choke Canyon; and if this facility is the the old KOA, a franchise campground.

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

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

Abstained: 0

P. FUTURE AGENDA ITEMS: (ITEMS 16 - 18)

Mayor McComb referred to Future Agenda Items. Interim City Manager **Keith Selman** stated that staff did not have any planned presentations. A council member requested information on Item 16.

16. Master Services Agreement for Subsurface Utility Engineering (SUE) Services (Capital Improvement Project) (Requires 2/3 Vote)

Motion to authorize execution of a Master Services Agreement with Cobb, Fendley & Associates, Inc., of Corpus Christi, Texas for a period of 1 year in the amount of \$300,000 with one optional 1-year renewal to be administratively awarded for a total contract cost of \$600,000 for

Subsurface Utility Engineering (SUE) Services project.

This Motion was recommended to the consent agenda.

17. Professional Services Contract Amendment No. 1 for Seawall Capital Repairs (CIP - Type A) (Requires 2/3 Vote)

Motion to authorize execution of Amendment No. 1 to a professional services contract with Munoz Engineering of Corpus Christi, Texas in the amount of \$91,213 for a total restated fee of \$108,493 for the Seawall Capital Repairs project.

This Motion was recommended to the consent agenda.

18. Purchase of Uniforms for the Gas Department (Requires 2/3 Vote)

Motion authorizing the purchase of uniforms for the Gas Department with Cintas Corporation from Corpus Christi, Texas, via U.S. Communities cooperative, for a total amount not to exceed \$122,795.50.

This Motion was recommended to the consent agenda.

Q. BRIEFINGS: (NONE)

R. EXECUTIVE SESSION: (ITEMS 19 - 20)

Mayor McComb referred to the day's executive sessions. The Council went into executive session at 1:13 p.m. The Council returned from executive session at 2:01 p.m.

19. Executive Session pursuant to Texas Government Code § 551.071 and Texas Disciplinary Rules of Professional Conduct Rule 1.05 to consult with attorneys concerning potential settlement of claims on behalf of and/or against City involving SpawGlass Civil Construction, Inc., Harvey Cleary Builders, Inc., FDL-CC, LLC, and related entities involved in the malfunction of a fire suppression system on or about June 15, 2017 and the necessitated removal of soil and/or subgrade affected by introduction of fire suppressant into adjacent areas of construction.

Mayor McComb referred to Item 19 and the following ordinance was considered:

Ordinance authorizing the City Manager to execute a Settlement and Release Agreement with FDL-CC, L.L.C., Harvey Cleary Builders and SpawGlass Civil Construction, Inc. related to the fire suppression foam spill on the City's Taxiway K Project; amending the FY 2019 Operating Budget; and appropriating certain funds into Airport Fund No. 4610; and authorizing a payment of \$312,500 to SpawGlass Civil Construction, Inc. as provided in the Settlement and Release Agreement.

Council Member Lindsey-Opel 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 - Mayor McComb, Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member Lindsey-Opel, Council Member Roy, Council Member Rubio and Council Member Smith

Absent: 1 - Council Member Molina

Abstained: 0

Enactment No: 031583

- 20. 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 Texas Utilities Code, utility billing regulations, policies, and practices, the regulation of and charges associated with biochemical oxygen demand, total suspended solids, and other wastewater components, and other matters related to the provision of water services, including, but not limited to, issues related to Kane Beef, and agreements related to the aforementioned matters.**

This E-Session Item was discussed in executive session.

L. RECESS FOR LUNCH

The recess for lunch was held during executive session.

S. IDENTIFY COUNCIL FUTURE AGENDA ITEMS

Mayor McComb referred to Identify Council Future Agenda Items. The following items were identified: an update on the listing for the property located on Ennis Joslin and requesting that the City include Texas A & M University - Corpus Christi on the list; an update on the City's drone program, both submerged and aerial; and a comprehensive review of any and all ordinances that define or allow bars, taverns, dens, and lounges in residential areas, commercial areas, and business districts, a map identifying these zoning districts, and clarification regarding a bar versus a restaurant.

T. ADJOURNMENT

The meeting was adjourned at 2:07 p.m.