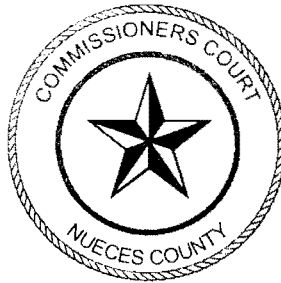


I, Diana T. Barrera, County Clerk of Nueces County, do hereby certify that the following Commissioners Court Minutes are a true and correct record of the proceedings from the Commissioners Court Meeting on December 4, 2013.



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Diana T. Barrera, County Clerk  
and Ex-Officio Clerk of the  
Commissioners Court of  
Nueces County, Texas

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Samuel L. Neal, Jr., County Judge  
Nueces County, Texas

**REGULAR MEETING - December 4, 2013**

BE IT REMEMBERED, that on this the 4th day of December, A.D., 2013, there was begun and held a REGULAR MEETING of the Honorable Commissioners Court of Nueces County, Texas, wherein the following members thereof were present, to-wit:

SAMUEL L. NEAL, JR.	COUNTY JUDGE
MIKE PUSLEY	COMMISSIONER, PRECINCT NO. 1
JOE A. GONZALEZ	COMMISSIONER, PRECINCT NO. 2
OSCAR O. ORTIZ	COMMISSIONER, PRECINCT NO. 3
JOE MCCOMB	COMMISSIONER, PRECINCT NO. 4

and Diana T. Barrera, County Clerk of Nueces County, Texas, wherein the following proceedings were had, to-wit:

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**1. CALL TO ORDER**

- A.** County Judge called for the Invocation by Commissioner Joe McComb.
- B.** Judge Neal led the Pledge of Allegiance to the United States of America and Texas Flags.
- C.** County Judge Neal called the roll at 9:00 a.m., and certified a quorum of the Court with all members present.
- D.** Approve the following Minutes:

Motion by: Commissioner Gonzalez, Second by: Commissioner Ortiz  
**Motion:** Approved the following Minutes:

**Vote:** 5 - 0 Approved

- 1. November 6, 2013
- 2. November 14, 2013

**E.** Present the following Certificate(s) of Recognition:

- 1. Judge Loyd Neal presented Certificates of Recognition to the Incarnate Word Academy - 2013 Texas Association of Private and Parochial Schools (TAPPS) State 4A Boys Cross Country Champions, October 26, 2013, in Waco, Texas.

**2. PUBLIC COMMENT:** None

**3. CONSENT AGENDA:**

- A.** Authorize payment of bills - manual check registers dated November 25, 2013.

- B. Authorize payment of bills - regular bill summaries dated November 15, 2013 B; November 20, 2013; November 22, 2013; and November 27, 2013.
- C. Authorize payment of bills - special motions list dated December 4, 2013.
- D. Authorize payment of Pcard purchases for the month of: October 2013.
- E. Approve personnel actions of a budgeted nature:
  - a. Application Temporary List No. 347
  - b. Unfreeze List No. 676
  - c. Personnel Changes reports dated November 15, 2013 and November 22, 2013.
- F. Accept the following "Outside Agency" Reports for FY 2012-2013:
  - 1. Amistad Community Health Center Inc.
  - 2. Boys & Girls Club of Corpus Christi
  - 3. Corpus Christi Regional Economic Development Corporation
  - 4. North Beach Community Association
- G. Approve a maintenance agreement with DataWorks Plus for the inmate mugshot system at the Nueces County Jail.
- H. Ratify/Approve the Participation Agreement and related forms with Tyler Technologies as they relate to TexFile, the new e filing system in the Office of the Nueces County District Clerk.
- I. Authorize/Execute one-year lease agreements for the following hangars at the Nueces County Airport:
  - 1. M-2 Hangar - Jerry Lunceford;
  - 2. T-6 Hangar - Civil Air Patrol.
- J. Authorize sole source purchase and execution of modification No. 3 for renewal of software license and service agreement with TRI-CEP (Treatment Research Institute) related to the Court Evaluation Program for the Magistrate Drug Court.
- K. Accept the award and executed engagement letters with Ernest R. Garza and Company for RFP No. 2936-13 Auditing Services as approved by the Board of Judges for CSCD and the Juvenile Board for the Juvenile Department.
- L. Approve the application procedure for appointment to the Nueces County Emergency Services District No. 3.

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Motion by: Commissioner Pusley, Second by: Commissioner Gonzalez

**Motion:** Approve Agenda Items 3A thru 3L with exception of 3I.

**Vote:** 5 - 0 Approved

Motion by: Commissioner Pusley, Second by: Commissioner Gonzalez

**Motion:** Approve Agenda Item 3I.

**Vote:** 5 - 0 Approved

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4. **REGULAR AGENDA:**

A. AGENDA ITEMS

1. Received annual report from Fred McCutcheon, Chairman of the Beach Management Advisory Committee, on the Committee's activities over the past year.
2. Discuss and consider execution of an Interlocal Agreement with San Patricio County for the Intoxilyzer Program and Technical Supervisor Services as an adjunct of the law enforcement responsibilities of the parties and related matters.

Motion by: Judge Neal, Second by: Commissioner McComb

**Motion:** Approve execution of an Interlocal Agreement with San Patricio County for the Intoxilyzer Program and Technical Supervisor Services as an adjunct of the law enforcement responsibilities of the parties and related matters.

**Vote:** 4 - 0 Approved

Other: Commissioner Gonzalez (Absent)

3. Discuss and consider adopting an order for the creation of a reinvestment zone for property tax abatement as requested by Ticona Polymers, Inc., consisting of approximately 1,423.58 acres located one and one-half mile southwest of Bishop, Texas.

Motion by: Commissioner Gonzalez, Second by: Commissioner McComb

**Motion:** Adopt an order for the creation of a reinvestment zone for property tax abatement as requested by Ticona Polymers, Inc., consisting of approximately 1,423.58 acres located one and one-half miles southwest of Bishop, Texas.

**Vote:** 5 - 0 Approved

4. Discuss and consider adopting an order approving a variance and a temporary tax abatement agreement with Ticona Polymers, Inc., pursuant to Chapter 312 of the Texas Tax Code.

Motion by: Commissioner Gonzalez, Second by: Commissioner Pusley

**Motion:** Adopt an order approving a variance and a temporary tax abatement agreement with Ticona Polymers, Inc., pursuant to Chapter 312 of the Texas Tax Code starting January 1, 2014.

**Vote:** 5 - 0 Approved

Public Comment: Abel Alonzo

5. Discuss and consider approval of Change Order No. 3 for an increase of \$9,199.38 to HSC Electric Company for Bob Hall Pier Kitchen Renovations.

Motion by: Commissioner McComb, Second by: Commissioner Pusley

**Motion:** Approve Change Order No. 3 for an increase of \$9,199.38 to HSC Electric Company for Bob Hall Pier Kitchen Renovations.

**Vote:** 4 - 0 Approved

Other: Commissioner Gonzalez (Absent)

6. Discuss and consider proposal of the AAA Mexican League Team, Aguilas de Veracruz, to lease the County Baseball Stadium facility from January 1, 2014 to December 31, 2014, and related matters.
7. Discuss and consider approval of the proposed Commissioners Court meeting schedule for calendar year 2014.

Motion by: Commissioner Ortiz, Second by: Commissioner McComb

**Motion:** Approve the proposed Commissioners Court meeting schedule for calendar year 2014.

**Vote:** 4 - 0 Approved

Other: Commissioner Gonzalez (Absent)

## B. GRANTS

1. Discuss and consider the acceptance of a grant award for the Emergency Food and Shelter Program Phase 31 made available through the Federal Emergency Management Agency.

Motion by: Judge Neal, Second by: Commissioner McComb

**Motion:** Accept a grant award for the Emergency Food and Shelter Program Phase 31 made available through the Federal Emergency Management Agency.

**Vote:** 4 - 0 Approved

Other: Commissioner Gonzalez (Absent)

## C. PURCHASING

1. Discuss/Award RFP No. 2945-13 Tax Exempt Lease Purchase Financing, related to the phase II Energy Efficiency and Building Retrofit Project for the Nueces County Courthouse/Jail, McKinzie Annex, and Juvenile Justice Center.

Motion by: Judge Neal, Second by: Commissioner McComb

**Motion:** Award RFP No. 2945-13 to All American Investment Group, LLC for a Tax Exempt Lease Purchase Financing, related to the phase II Energy Efficiency and Building Retrofit Project for the Nueces County Courthouse/Jail, McKinzie Annex, and Juvenile Justice Center.

**Vote:** 4 - 0 Approved

Other: Commissioner Gonzalez (Absent)

2. Discuss/Award IFB 2942-13 Mowing Services for the Nueces County Airport.

Motion by: Commissioner Pusley, Second by: Commissioner McComb

**Motion:** Award IFB 2942-13 Mowing Services for the Nueces County Airport.

**Vote:** 4 - 0 Approved

Other: Commissioner Gonzalez (Absent)

3. Discuss and consider making a finding for the method of procurement (request for competitive bids) for Morgue Transport; and authorize the Purchasing Agent to publish a notice.

Motion by: Judge Neal, Second by: Commissioner Pusley

**Motion:** Table

**Vote:** 4 - 0 Approved

Other: Commissioner Gonzalez (Absent)

4. Authorize Tarrant County Purchasing Co-Op 2012-151 purchases from Caldwell Country Ford-Chevrolet for a Ford F150 Pickup in the amount of \$23,361.

Motion by: Commissioner Pusley, Second by: Commissioner Ortiz

**Motion:** Authorize Tarrant County Purchasing Co-Op 2012-151 purchases from Caldwell Country Ford-Chevrolet for a Ford F150 Pickup in the amount of \$23,361.

**Vote:** 4 - 0 Approved

Other: Commissioner Gonzalez (Absent)

5. Authorize Buyboard Contract No. 358-10 purchases from Caldwell Country.

Motion by: Commissioner Ortiz, Second by: Commissioner Pusley

**Motion:** Authorize Buyboard Contract No. 358-10 purchases from Caldwell Country.

**Vote:** 4 - 0 Approved

Other: Commissioner Gonzalez (Absent)

6. Authorize Buyboard Contract No. 358-10 purchases from Caldwell Country Ford-Chevrolet.

Motion by: Commissioner McComb, Second by: Commissioner Ortiz

**Motion:** Authorize Buyboard Contract No. 358-10 purchases from Caldwell Country Ford-Chevrolet.

**Vote:** 4 - 0 Approved

Other: Commissioner Gonzalez (Absent)

7. Authorize Buyboard Contract No. 358-10 purchases from Caldwell Country for two 2500 Express Cargo Vans for two Departments.

Motion by: Commissioner Pusley, Second by: Commissioner McComb

**Motion:** Table

**Vote:** 4 - 0 Approved

Other: Commissioner Gonzalez (Absent)

5. **EXECUTIVE SESSION:** The Commissioners Court entered into executive session at 11:10 a.m. in accordance with the authority of the Government Code, Vernon's Texas Codes, Sections 551.071, 551.072, 551.073, 551.074, 551.0745, 551.076, 551.086, to consult with attorney(s) including matters related to litigation; deliberate regarding real property, prospective gift(s), personnel matters, including termination, county advisory bodies, security devices, and/or economic development negotiations and other matters that may be discussed in an Executive Session.

The Commissioners Court reconvened into open session at 11:25 a.m.

- A. Consult with County Attorney regarding the status of Civil Action No. 2:12-CV-339, Elmer Cox v. Nueces County, Texas, and Jim Kaelin in his Individual Capacity; and Civil Action No. 2:12-CV-341, Thomas Burnside v. Nueces County, Texas, and Jim Kaelin in his Individual Capacity, in the United States District Court for the Southern District of Texas, Corpus Christi Division. No action.
- B. Consult with County Attorney regarding the status of Civil Action 2:12-CV-131, Nueces County v. MERSCORP Holdings, Inc: Mortgage Electronic Registration Systems, Inc; and Bank of America, National Association; In the United States District Court for the Southern District of Texas, Corpus Christi Division. No action.
- C. Consult with County Attorney regarding status of Civil Action No. 2:12-CV-24, Josie Salazar, Individually, Rose Rich, Individually and as Representative of the Estate of Samuel Salazar; and Annette Rodriguez, as Next Friend for A.S., Minor Child, v. Nueces County, Texas; and Norma Real, Individually, In the United States District Court for the Southern District of Texas, Corpus Christi Division. No action.
- D. Consult with County Attorney regarding the status of Cause No. 06-06073-F, Steve Schwerin v. Nueces County Juvenile Board, et al, in the District Court of Nueces County, Texas, 214th Judicial District (Hon. Alex Gabert, by assignment). No action.

**6. BOARD APPOINTMENTS:**

- A. Christus Spohn Health Board of Trustees

Motion by: Judge Neal, Second by: Commissioner McComb

**Motion:** Reappoint Richard L. Bowers to Place 2 on the Christus Spohn Health System Board of Trustees.

**Vote:** 5 - 0 Approved

- B. Nueces County Beach Management Advisory Committee; select chairman.

Motion by: Commissioner McComb, Second by: Commissioner Gonzalez

**Motion:** Reappoint Debbie Lindsey-Opel and appoint Gregory H. Smith as the chairman of the Nueces County Beach Management Advisory Committee.

**Vote:** 5 - 0 Approved

- C. Nueces County Emergency Services District No. 1

Motion by: Commissioner Pusley, Second by: Commissioner McComb

**Motion:** Reappoint Richard W. Rose and Danny Tate to Nueces County Emergency Services District No. 1 for two-year terms.

**Vote:** 5 - 0 Approved

- D. Nueces County Emergency Services District No. 2

Motion by: Commissioner McComb, Second by: Commissioner Gonzalez

**Motion:** Reappoint Miguel Rodriguez and Michael D. Morgan to Nueces County Emergency District No. 2 for two-year terms.

**Vote:** 5 - 0 Approved

**E.** Nueces County Emergency Services District No. 4

Motion by: Commissioner Pusley, Second by: Commissioner Gonzalez

**Motion:** Reappoint Geoff Atwood and Donald W. Herrmann to Nueces County Emergency Services District No. 4 for two-year terms.

**Vote:** 5 - 0 Approved

**F.** Nueces County Emergency Services District No. 6

Motion by: Judge Neal, Second by: Commissioner McComb

**Motion:** Reappoint Donald E. McNair to Nueces County Emergency Services District No. 6 for a two-year term.

**Vote:** 5 - 0 Approved

The Court was adjourned at 11:30 a.m. in memory of Rachel Rawlings, Donald King, Beverly Brock, Susana Ramon, Moises Saucedo, Jose G. De Leon Sr., Teresa Ramos Hinojosa, Christopher Harlen. Judge Neal asked the Court to stand for a moment of silence.

There being no further business to come before the Court, it is ordered that this meeting do now stand adjourned, this the day 4th of December, 2013.