

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 3, 2014.



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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 3, 2014**

BE IT REMEMBERED, that on this the 3rd day of December, A.D., 2014, 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 Neal called for the Invocation by Commissioner Joe McComb.
  - B. County Judge Neal led the Pledge of Allegiance to the United States of America and Texas Flags.
  - C. County Judge Neal called the roll at 9:05 a.m., and certified a quorum of the Court with all members present.
2. **PUBLIC COMMENT:** None.
3. **CONSENT AGENDA:** The following Agenda Items are of a routine nature, and the Commissioners Court has received supporting materials for consideration. All of these Agenda Items will be passed with one vote without being discussed separately, unless a member of the Commissioners Court or the public requests that a particular Agenda Item be discussed. If so, that Agenda Item will be pulled from the Consent Agenda and discussed as part of the regular Agenda at the appropriate time. One vote will approve the remaining items on the Consent Agenda.
  - A. Authorize payment of bills - manual check registers dated November 21, 2014.
  - B. Authorize payment of bills - regular bill summaries dated November 14, 2014 and November 21, 2014.
  - C. Authorize payment of bills - special motions list dated December 3, 2014.
  - D. Approve personnel actions of a budgeted nature:
    1. Unfreeze List No. 698
    2. Personnel changes reports dated November 14, 2014 and November 21, 2014.
  - E. Authorize payment of Pcard purchases for the month of October 2014.
  - F. Authorize payment of bills - group health insurance claims and fees: TPA weekly check register - November 6, 2014 to November 13, 2014.

- G.** Approve the 2014 Chapter 59 Asset Forfeiture Report for Constable 5.
- H.** Approve the following Tax Deeds and highest minimum bid to date:
1. 2.0 acres of land, more or less, out of the Roberts & White Subdivision, being Lot 5301, San Petronila Estates Unit 5, unrecorded, in the amount of \$5,000.00;
  2. Lot 6, Block 70, West End Addition to Bishop, in the amount of \$2,800.00;
  3. Lot 11, Block 57, West End Addition to Bishop, in the amount of \$3,100.00;
  4. Lot 15, Block 4, Flour Bluff Heights, unrecorded, in the amount of \$3,000.00;
  5. Lot 16, Block 4, Flour Bluff Heights, unrecorded, in the amount of \$3,000.00;
  6. Lot 17, Block 4, Flour Bluff Heights, unrecorded, in the amount of \$3,000.00;
  7. Lot 40, Block 'H', Don Patricio Subdivision, in the amount of \$2,000.00;
  8. Lot 8, Block 5, Flour Bluff Heights, in the amount of \$2,000.00;
  9. The west one-half of Lot 20, Lola Johnson Belk Addition, in the amount of \$3,200.00;
  10. Lot 11, Block 5, Tierra Alta Addition, in the amount of \$1,250.00;
  11. Lot 34, Block 7, Westgate Heights, in the amount of \$3,000.00;
  12. Lot 9, Block 9, Robstown Original Townsite, in the amount of \$2,000.00;
  13. Lot 2, Block 1, Tom Price Addition, in the amount of \$1,250.00;
  14. Lot 6, Phillips 66 Subdivision, in the amount of \$2,500.00;
  15. Lot H-2, Priour Tract Subdivision, in the amount of \$2,000.00;
  16. Lot H-3, Priour Tract Subdivision, in the amount of \$2,500.00;
  17. Lot G, Priour Tract Subdivision, in the amount of \$2,000.00;
  18. Lots 14 and 15, Block 5, Seikel Addition, in the amount of \$1,500.00;
  19. Lots 18 and 19, Bay Terrace Addition, in the amount of \$1,500.00;
  20. Lots 9 and 11, Block 26, Brooklyn Addition, in the amount of \$27,147.18;
  21. Lot 34, Block 6, High Terrace Subdivision, in the amount of \$6,000.00;
  22. Lot 31, Block 1, Loma Vista Addition, in the amount of \$1,500.00;
  23. The south one-half of Lot 44, Block 2, Hudson Acres, less the west 30 feet thereof, in the amount of \$250.00.
- I.** Accept Amendment No. 10 to the State Assistance Financial Contract 2014-2015 to provide the Juvenile Probation Department additional funds in the amount of \$10,000 from the Texas Juvenile Justice Department (TJJD) for a study of the Positive Achievement Change Tool (P.A.C.T) as approved by the Juvenile Board.
- J.** Accept the award and execution of an agreement between Justice Benefits, Inc. (JBI) and the Nueces County Juvenile Board as approved by the Juvenile Board.
- K.** Approve execution of the Beach Cleaning and Maintenance Assistance Agreement - GLO Contract No. 15-062-006.
- L.** Authorize sole source purchase of equipment for the the Juvenile Department camera system from Camsec+.
- M.** Authorize the purchase of twenty(20) 1000 watt metal halide sportslights, four breakers and two contactors from Facility Solutions Group (FSG) for the Little League baseball fields at the Lyondell Park.
- N.** Authorize sole source purchase and execution of modification No. 4 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.

- O.** Approve execution of Amendment No. 1 with EPIC Aviation, LLC for IFB No. 2947-13 Aviation Fuel for Nueces County Airport.
  - P.** Approve execution of Amendment No. 1 with Bay, LTD for IFB No. 2949-13 Hot Mix Asphaltic Concrete Type D, PG 64-22.
  - Q.** Approve execution of Amendment No. 1 with Ergon Asphalt & Emulsions, Inc. for IFB No. 2950-13 SS-1 Emulsified Asphalt.
  - R.** Authorize the execution of Amendment No. 3 for a one-year extension with Schindler Elevator Corp, Inc. for IFB No. 2823-09 Maintenance Service of Elevators in Courthouse, Sheriff's Office & I.B. Magee Park Buildings.
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Motion by: Commissioner Ortiz, Second by: Commissioner Gonzalez  
**Motion:** Approve Consent Agenda 3.A through 3.R.

**Vote:** 5 - 0 Approved

Motion by: Commissioner Pusley, Second by: Commissioner McComb  
**Motion:** To reconsider Agenda Item 3.M.

**Vote:** 5 - 0 Approved

Motion by: Commissioner Pusley, Second by: Commissioner McComb  
**Motion:** To approve Agenda Item 3.M.

**Vote:** 5 - 0 Approved

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**4. REGULAR AGENDA:**

**A. AGENDA ITEMS**

- 1. The Commissioners Court did not receive a brief from Sheriff Kaelin on the Jail Camera System Upgrades.
- 2. The Commissioners Court received a presentation from Carlos Aguinaga, Managing Attorney, Texas Rio Grande Legal Aid, on FY 2013/2014 activities; and approved Fiscal Year 2014/2015 Contract.

Motion by: Commissioner McComb, Second by: Commissioner Ortiz  
**Motion:** Approve Fiscal Year 2014/2015 Contract.

**Vote:** 5 - 0 Approved

- 3. Discuss and consider approving the following for the December 6, 2014 Special Election, State Senator, District 18:
  - 1. Early voting locations and hours of operation;
  - 2. Appoint Deanna Payne (R) as the Presiding Judge of the Early Voting Ballot Board;
  - 3. Election Day Polling Location.

Motion by: Commissioner Gonzalez, Second by: Commissioner McComb

**Motion:** Approve the following for the December 6, 2014 Special Election, State Senator, District 18:

1. Early voting locations and hours of operation;
2. Appoint Deanna Payne (R) as the Presiding Judge of the Early Voting Ballot Board;
3. Election Day Polling Location.

**Vote:** 5 - 0 Approved

4. Discuss and consider adoption of resolution approving amendments to the Nueces County Guidelines and Criteria for Granting Temporary Property Tax Abatements.

Motion by: Judge Neal, Second by: Commissioner Gonzalez

**Motion:** Approve the existing county tax abatement policy with the minor amendments that have been presented to the Court.

**Vote:** 5 - 0 Approved

Motion by: Commissioner Pusley, Second by: Commissioner McComb

**Motion:** Change the policy verbiage from a 5-year construction period to a 3-year construction period.

**Vote:** 5 - 0 Approved

Motion by: Commissioner Pusley, Second by: Commissioner McComb

**Motion:** Authorize a restriction that Nueces County will not consider any type of tax abatements for wind farms. Motion failed.

**Vote:** 2 - 3 Rejected

For: Commissioner Pusley

Commissioner McComb

Motion by: Judge Neal, Second by: Commissioner Gonzalez

**Motion:** Approve the abatement policy for Nueces County with the change of construction period from 5 years to 3 years and the other minor changes to the amendments.

**Vote:** 5 - 0 Approved

5. Discuss and consider adopting a resolution designating approximately seven (7) acres of Road District IV property as no longer used for Road District purposes; and, discuss and consider authorizing the County Judge on behalf of Road District IV to execute a Lease Agreement with Martin Operating Partnership, LP, for lease of approximately 7 acres of Road District IV property on Harbor Island, and related matters.

Motion by: Judge Neal, Second by: Commissioner Gonzalez

**Motion:** Table.

**Vote:** 5 - 0 Approved

6. Discuss and consider the following related to the 3,580.54 acres of School Lands located in Jim Wells and Live Oak Counties held by Nueces County as Trustee on behalf of the School Districts in Nueces County:

- A. Approval of a Letter of Agreement with Eagle Ford Pipeline, LLC.
- B. Execution of an easement agreement with Eagle Ford Pipeline, LLC.

Motion by: Commissioner Pusley, Second by: Commissioner Ortiz

**Motion:** Approve the Right of Ways as related to the 3,580.54 acres of School Lands located in Jim Wells and Live Oak Counties held by Nueces County as Trustee on behalf of the School Districts in Nueces County:

- A. Approval of a Letter of Agreement with Eagle Ford Pipeline, LLC.
- B. Execution of an easement agreement with Eagle Ford Pipeline, LLC.

**Vote:** 5 - 0 Approved

7. 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: Commissioner McComb, Second by: Commissioner Ortiz

**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:** 5 - 0 Approved

## **B. PUBLIC WORKS**

1. Discuss and consider authorizing the County Judge to sign forms "Affidavit To The Public" and "Initial Aerobic Inspection Policy" for the replacement of the existing septic tank at the Department of Public Works Central Garage located at 201 Corn Products Road. The forms are required by the Texas Commission on Environmental Quality.

Motion by: Commissioner Pusley, Second by: Commissioner Gonzalez

**Motion:** Authorize the County Judge to sign forms "Affidavit To The Public" and "Initial Aerobic Inspection Policy" for the replacement of the existing septic tank at the Department of Public Works Central Garage located at 201 Corn Products Road. The forms are required by the Texas Commission on Environmental Quality.

**Vote:** 5 - 0 Approved

2. Discuss and consider approval of transferring the Custodian position, and funding for the position, from Department 1520 located in Bishop to Community Services Department 4190.

Motion by: Commissioner Gonzalez, Second by: Commissioner Ortiz

**Motion:** Approve the transferring of the Custodian position, and funding for the position, from Department 1520 located in Bishop to Community Services Department 4190.

**Vote:** 5 - 0 Approved

**C. PURCHASING**

1. Discuss and award IFB No. 2971-14 Law Enforcement Uniforms.

Motion by: Commissioner Pusley, Second by: Commissioner Gonzalez

**Motion:** Award IFB No. 2971-14 Law Enforcement Uniforms to Lone Star Uniforms.

**Vote:** 5 - 0 Approved

2. Authorize TASB Buyboard Contract No. 358-10 purchases from Caldwell Country Chevrolet.
3. Authorize Tarrant County Purchasing CO-OP Contract No. 2014-165 purchases from Caldwell Country Ford-Chevrolet.
4. Authorize TASB BuyBoard Contract No. 430-13 purchase for Public Works from Caldwell Country Chevrolet.

Motion by: Commissioner Pusley, Second by: Commissioner Gonzalez

**Motion:** Approve Agenda Items 4.C.2 through 4.C.4.

**Vote:** 5 - 0 Approved

5. Authorize TASB BuyBoard Contract No. 424-13 purchase for Public Works from Doggett Heavy Machinery Services for a Deere 310SK Backhoe.

Motion by: Commissioner Gonzalez, Second by: Commissioner Ortiz

**Motion:** Approve TASB BuyBoard Contract No. 424-13 purchase for Public Works from Doggett Heavy Machinery Services for a Deere 310SK Backhoe.

**Vote:** 5 - 0 Approved

6. Authorize TASB BuyBoard Contract No. 424-13 purchases for one Pneumatic Compactor from Holt Cat for Public Works.

Motion by: Commissioner McComb, Second by: Commissioner Pusley

**Motion:** Approve TASB BuyBoard Contract No. 424-13 purchases for one Pneumatic Compactor from Holt Cat for Public Works.

**Vote:** 5 - 0 Approved

7. Discuss and consider making a finding for the method of procurement (request for competitive bids) for landscaping at the Padre Balli Park Entrance; and authorize the Purchasing Agent to publish a notice.

Motion by: Commissioner McComb, Second by: Commissioner Gonzalez

**Motion:** Authorize making a finding for the method of procurement (request for competitive bids) for landscaping at the Padre Balli Park Entrance; and authorize the Purchasing Agent to publish a notice.

**Vote:** 5 - 0 Approved

**D. AUDITOR**

1. Approve Budget Change Order No. 4 for Fiscal Year 2014-2015.

Motion by: Judge Neal, Second by: Commissioner Pusley

**Motion:** Approve Budget Change Order No. 4 for Fiscal Year 2014-2015.

**Vote:** 5 - 0 Approved

2. Received status update on FY 2013 Management Letter findings from Auditor's Office.

3. Discuss and consider approval of the payment for Patient-Centered Outcomes Research Fee (PCORI).

Motion by: Judge Neal, Second by: Commissioner Gonzalez

**Motion:** Approve the payment for Patient-Centered Outcomes Research Fee (PCORI).

**Vote:** 5 - 0 Approved

4. Discuss and consider approval of payment of Reinsurance fees pursuant to the Affordable Care Act.

Motion by: Judge Neal, Second by: Commissioner Ortiz

**Motion:** Approval of payment of Reinsurance fees pursuant to the Affordable Care Act.

**Vote:** 5 - 0 Approved

5. Discuss and consider moving the jury function out of Department 3300 - Court Administration and into Department 3530 - District Clerk per statute (GC 62.011) as well as the related budgeted funds.

Motion by: Commissioner Pusley, Second by: Commissioner McComb

**Motion:** Authorize transferring the Court Coordinator Position and other jury functions out of Department 3300 - Court Administration and into Department 3530 - District Clerk per statute (GC 62.011) as well as the related budgeted funds.

**Vote:** 5 - 0 Approved

6. Discuss and consider revision of Court Administrator job description and reclassification from Pay Grade 25A to 33A.

Motion by: Commissioner Pusley, Second by: Commissioner Ortiz

**Motion:** Approve revision of Court Administrator's job description and reclassification from Pay Grade 25A to 30A.

**Vote:** 5 - 0 Approved

5. **EXECUTIVE SESSION:** The Commissioners Court entered into executive session at 11:05 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 11:15 a.m.

- A. Consult with County Attorney to discuss the status of Case No. 2014-DCV-0432-B; Rose Crago v Jim Kaelin and David Crago, in the 117th Judicial District Court of Nueces County, Texas, and related matters. **No action taken.**
- B. Discuss and consider Defendant's proposed settlement offer in Cause No. 2014-CCV-61698-4, Nueces County, Texas v. Integrity Communications, Ltd. and Bill Sugarek, In the Nueces County Court at Law No. 4, and related matters.

Motion by: Judge Neal, Second by: Commissioner Ortiz

**Motion:** Authorize the County Attorney to deny the offer to settle.

**Vote:** 5 - 0 Approved

- C. Consult with County Attorney to discuss and consider Cause No. 13-13-00570-CV, Nueces County, Texas v. Virginia Canas, In the Thirteenth District Court of Appeals on appeal from Cause No. 2012-CCV-60799-1, Virginia Canas v. Nueces County, Texas, in the County Court at Law No. 1 of Nueces County, Texas (Senior Judge Robert M. Blackmon, by assignment) authorize mediation and settlement, and related matters.

Motion by: Judge Neal, Second by: Commissioner McComb

**Motion:** Authorize the County Attorney to enter into mediation on Cause No. 13-13-00570-CV.

**Vote:** 5 - 0 Approved

6. **BOARD APPOINTMENTS:**

- A. Christus Spohn Health System Board of Trustees

Motion by: Judge Neal, Second by: Commissioner Ortiz

**Motion:** Appoint Rachel Canales to the Christus Spohn Health System Board of Trustees. This three-year term expires December, 2017.

**Vote:** 5 - 0 Approved

- B. Nueces County Beach Management Advisory Committee

Motion by: Commissioner McComb, Second by: Commissioner Pusley

**Motion:** Reappoint incumbents Dr. James R. Dinn, James Skrobarczyk, Linda Strong and Lawrence Young to the Nueces County Beach Management Advisory Committee. Appoint as new member Sean Babcock. These two-year terms will expire in December, 2016.

**Vote:** 5 - 0 Approved

- C. Nueces County Child Welfare Board

Motion by: Judge Neal, Second by: Commissioner Pusley

**Motion:** Reappoint incumbent Jackie Hasson to the Nueces County Child Welfare Board. Appoint as new members Sandra Graven and Samantha Weddle. All to serve three-year terms beginning January 1, 2015 and ending December 31, 2018.

**Vote: 5 - 0 Approved**

**D. Nueces County Board of Coastal Parks Commissioners**

Motion by: Commissioner McComb, Second by: Commissioner Gonzalez

**Motion:** Reappoint incumbents Janie Bell, Garry Camp, Jim Needham, Robert Paulison and Charles Zahn to the Nueces County Board of Coastal Parks Commissioners. Appoint as new members Troy Adler and Tyler Thorsen. All to serve two-year terms which expire in January, 2017.

**Vote: 5 - 0 Approved**

Motion by: Judge Neal, Second by: Commissioner Pusley

**Motion:** Appoint Charles Zahn as Chairperson of the Nueces County Board of Coastal Parks Commissioners.

**Vote: 5 - 0 Approved**

**E. Nueces County Hospital District Board of Managers**

Govind Nadkarni and John E. Valls were nominated for the vacancy in Place 2 on the Nueces County Hospital District Board of Managers created by the death of Dan Winship. **Roll call vote: Commissioner Pusley-Nadkarni; Commissioner Ortiz-Valls; County Judge Neal-Nadkarni; Commissioner Gonzalez-Valls; Commissioner McComb-Valls.** John E. Valls will serve in Place 2 on the Nueces County Hospital District Board of Managers for the unexpired term ending September 1, 2015.

**F. Port of Corpus Christi Authority of Nueces County**

The following were nominated for two terms to the Port of Corpus Christi Authority: Charles Zahn-Incumbent; Alex Harris; Scott Mandel and Richard Bowers. **Roll call vote: Commissioner McComb-Zahn & Bowers; Commissioner Gonzalez-Harris & Mandel; County Judge Neal-Zahn & Bowers; Commissioner Ortiz-Zahn & Harris; Commissioner Pusley-Zahn & Bowers.** Charles Zahn is appointed with four votes and Richard Bowers is appointed with three votes to the Port of Corpus Christi Authority for three-year terms expiring at the end of December, 2017.

The Court was adjourned at 11:20 a.m. in memory of Dayle Gary; Joyce Ragan; Harlew Conally; Tracey Gollnick; Rev. Inez Ramon; Olivia Mendez; Pedro Herrera Gomez; Alfred Franklin Koenig and Paul Daniel Gonzalez. 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 now stands adjourned, this the 3rd day of December, 2014.