


I, Kara Sands, 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 September 28, 2016.


Kara Sands, County Clerk
and Ex-Officio Clerk of the
Commissioners Court of
Nueces County, Texas



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

REGULAR MEETING - September 28, 2016

BE IT REMEMBERED, that on this the 28th day of September, A.D., 2016, 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
BRENT CHESNEY	COMMISSIONER, PRECINCT NO. 4

and Kara Sands, County Clerk of Nueces County, Texas, wherein the following proceedings were had, to-wit:

1. CALL TO ORDER

- A. County Judge Neal called for the Invocation by Michael Bergsma, Nueces County Republican Party Chair.
- 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 9:15 a.m. and certified a quorum of the Court with all members present.
- D. Approve the following Minutes:

1. September 14, 2016

Motion by: Commissioner Gonzalez, Second by: Commissioner Chesney

Motion: Approve the Commissioners Court Minutes of September 14, 2016.

Vote: 5 - 0 Approved

- E. Adopt the following Resolution(s), Proclamation(s), and/or Order(s):

1. National 4-H Week in Nueces County - October 2-18, 2016. Comment: Kyle McManus-Texas A&M AgriLife Extension Office, 4-H Members-Jana Grove, Molly May and Zoe Slusher.

Motion by: Commissioner Pusley, Second by: Commissioner Chesney

Motion: Declare October 2-8, 2016 as National 4-H Week in Nueces County.

Vote: 5 - 0 Approved

2. HELP "Hits the High Notes" - October 16, 2016.

Motion by: Commissioner Chesney, Second by: Commissioner Gonzalez

Motion: Recognize Wednesday, October 19, 2016 as "HELP Hits the High Notes" Day.

Vote: 5 - 0 Approved

Advance to Regular Agenda Item 4.A.5.

F. Presented the following Certificate(s) of Recognition:

1. Certificate of Recognition presented to Jeremy Isaac Flores for representing Corpus Christi, Nueces County, and America at the 2016 International San Francisco Meeting of Styles.

2. **PUBLIC COMMENT:** Tyner Little presented a Certificate of Recognition to Marshall Burns for his participation in the ADA Training of Nueces County Employees. Also introduced were "Duncan" the service animal, Victoria Reyes and Monica Gutierrez.

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 September 7, 2016 - September 20, 2016.

B. Authorize payment of bills - regular bill summaries dated September 9, 2016, September 15, 2016, September 16, 2016 and September 23, 2016.

C. Authorize payment of bills - special motions list dated September 28, 2016.

D. Authorize payment of Pcard purchases for the month of August 2016.

E. Authorize payment of bills - group health insurance claims and fees dated August 2016 and September 8 - 15, 2016.

F. Approve personnel actions of a budgeted nature:

1. Unfreeze List No. 741

2. Personnel Changes Reports dated September 9, 2016 and September 16, 2016.

G. Accept the "Family Protection Fee" Report for FY 2015-2016 for the Family Counseling Service.

H. Accept the "Outside Agency" and "Diabetes" Report for FY 2015-2016 for Wesley Community Center.

I. Approve the "Diabetes" contract for FY 2015-2016 with American Legion Post 364, Commissioner Pct. 2 Diabetes Funding \$500.

- J.** Accept for record purposes, executed lease agreements for FY 2016-2017 at the Nueces County Airport:
1. T-2 Hangar - Jay Hale
 2. T-6 Hangar - Jerry Lunceford
 3. T-11 Hangar - Robert Brunkenhoefer
 4. T-18 Hangar - Tim Bowen
 5. T-20 Hangar - John Reed
 6. T-15 & T-19 Hangar - Troy Cottrell
 7. T-8 Hangar - F. A. Sternberg
- K.** Appointment of Nueces County Local Hazard Mitigation Planning Team for County Facilities and Unincorporated Areas.
- L.** Approve personal services agreement with Tomas Duran for employee benefits management and consulting for FY 2016-2017.
- M.** Approve personal services agreement with Robert Fledderman for video recording of Commissioners Court meetings inclusive of workshops for FY 2016-2017.
- N.** Approve personal services agreements with Trace Finley and Terry Arnold for the purpose of providing strategic planning, consulting, and governmental relations services for FY 2016-2017.
- O.** Ratify the acceptance of a grant award from the Coastal Bend Community Foundation (CBCF).
- P.** Ratify the acceptance of a grant award from the Governor's Criminal Justice Division for funding of the Nueces County Public Safety Enhancements Project.
- Q.** Ratify the execution of a Notice of Subrecipient Grant Award from the Texas Division of Emergency Management for the FY 2016 Emergency Management Performance Grant program.
- R.** Adopt a resolution authorizing the submission of a boating access grant application to the Texas Parks and Wildlife Department for funding for the Hazel Bazemore Boat Ramp Rehabilitation Phase II project.
- S.** Adopt a resolution authorizing the submission of a grant application for the Texas Department of Agriculture, Texans Feeding Texans: Home Delivered Meal Grant Program.
- T.** Authorize TIPS/TAPS Contract No. 6042315 purchase for Public Works for quarterly fire alarm inspections and maintenance from Total Protection Systems.
- U.** Accept the award and executed engagement letter for a third renewal with Ernest R. Garza and Company for RFP No. 2936-13 Auditing Services as approved by the Board of Judges for CSCD.
- V.** Authorize Buyboard Contract No. 456-14 purchase for lighting and electrical upgrades to the Bob Hall Pier and the Horace Caldwell Pier from Facility Solutions Group (FSG) for Coastal Parks.
- W.** Approve sole purchase from Bibliotheca+3M for annual support and maintenance renewal for the Keach Family Library.

Motion by: Commissioner Chesney, Second by: Commissioner Pusley
Motion: Approve Consent Agenda Items 3.A through 3.W.

Vote: 5 - 0 Approved

4. REGULAR AGENDA:

A. AGENDA ITEMS

1. Received a presentation from financial advisor Noe Hinojosa with Estrada Hinojosa & Company and bond counsel Jeff Leuschel with McCall, Parkhurst & Horton, LLP on a plan of finance for the County issuing Certificates of Obligation.
2. Discuss and consider the adoption of a resolution by the Commissioners Court of Nueces County, Texas authorizing and approving publication of a notice of intention to issue and sell one or more series of Certificates of Obligation in an amount not to exceed \$20,500,000 as provided pursuant to the provisions of the Certificate of Obligation Act of 1971, as amended, Texas Local Government Code, Section 271.041 through Section 271.064, for the purpose of paying contractual obligations of the County incurred or to be incurred for making permanent public improvements and for other public purposes, to-wit (1) acquiring, designing, constructing, renovating, repairing and improving various County facilities to comply with the Americans With Disabilities Act and other federal laws; (2) upgrading and improving the County's Information Technology Systems; (3) acquiring, designing, constructing, renovating, repairing, and improving various County facilities; (4) acquiring, designing, constructing, renovating, repairing, and improving various County parks system facilities; (5) acquiring, designing, constructing, renovating, repairing, and improving the County airport runway and facilities; (6) the purchase of materials, supplies, equipment, machinery, landscaping, land and rights-of-way in Nueces County for authorized needs and purposes related to the aforementioned capital improvements; (7) the construction of and improvements to various roads, bridges and drainage facilities throughout Nueces County; (8) and the payment of professional, fiscal, engineering and legal fees incurred in connection therewith.

Motion by: Commissioner Pusley, Second by: Commissioner Chesney

Motion: Adopt a resolution by the Commissioners Court of Nueces County, Texas authorizing and approving publication of a notice of intention to issue and sell one or more series of Certificates of Obligation in an amount not to exceed \$20,500,000 as provided pursuant to the provisions of the Certificate of Obligation Act of 1971, as amended, Texas Local Government Code, Section 271.041 through Section 271.064, for the purposes of paying contractual obligations to be incurred by the County as described in the notice.

Vote: 5 - 0 Approved

Advance to Agenda Item 5 Executive Session.

3. Discuss and consider authorizing the Human Resources Department to begin using Applicant Online for all employment applications on October 1, 2016.

Motion by: Commissioner Pusley, Second by: Commissioner Chesney

Motion: Authorize the Human Resources Department to begin using Applicant Online for all employment applications on October 1, 2016.

Vote: 5 - 0 Approved

4. Discuss and consider adding the Tuloso Midway Independent School District Administration Office Building and Corpus Christi Christian Fellowship as Early Voting locations, and possibly eliminating the Art Center Corpus Christi as a voting location.

Motion by: Commissioner Pusley, Second by: Judge Neal

Motion: Approve adding the Tuloso Midway Independent School District Administration Office Building and Corpus Christi Christian Fellowship as Early Voting locations, and eliminating the Art Center Corpus Christi as a voting location.

Vote: 5 - 0 Approved

5. Received a presentation by John Metz-Coordination Meteorologist and Greg Hibner-Senior Meteorologist of the NOAA/National Weather Service on Nueces County earning the StormReady Community designation.

Returned to Agenda Item F.1.

6. Received a presentation from Danielle Hale of the Office of Emergency Management on the long term recovery efforts related to DR-4223 May/June 2015 severe weather.

7. Discuss and consider an Order rescinding the Resolution in support of Razing the 1914 Nueces County Historic Courthouse and approving Method of Sale.

Motion by: Commissioner Pusley, Second by: Commissioner Ortiz

Motion: Approve an Order rescinding the Resolution in support of Razing the 1914 Nueces County Historic Courthouse and approving Method of Sale.

Vote: 5 - 0 Approved

8. Discuss and consider selection of Joe Adame & Associate, Inc., Mark Adame, and approval of listing agreement for the purpose of listing for sale the 1914 Nueces County Historic Courthouse, and any related order.

Motion by: Commissioner Pusley, Second by: Commissioner Gonzalez

Motion: Approve the selection of Joe Adame & Associates, Inc., Mark Adame, to list the 1914 Nueces County Historic Courthouse and bring the listing agreement back at a later date and granting the Professional Service Exemption to the County Purchasing Act.

Vote: 5 - 0 Approved

9. Received a presentation by R.J. Thomas with the Coastal Bend Council of Governments on Donations Management Exercise and Emergency Management Plan Updates.
10. Discuss and consider accepting the Nueces County Emergency Management Plan Annex O (Human Services) as presented by the Nueces County Emergency Management Coordinator.

Motion by: Judge Neal, Second by: Commissioner Gonzalez

Motion: Accept the Nueces County Emergency Management Plan Annex O (Human Services) as presented by the Danielle Hale-Nueces County Emergency Management Coordinator.

Vote: 5 - 0 Approved

11. Discuss and consider accepting the Nueces County Emergency Management Plan Annex T (Donations Management) as presented by the Nueces County Emergency Management Coordinator.
Comment: Rebecca Rach, Director of Nueces County Social Services.

Motion by: Commissioner Gonzalez, Second by: Commissioner Chesney

Motion: Accept the Nueces County Emergency Management Plan Annex T (Donations Management) as presented by Danielle Hale-Nueces County Emergency Management Coordinator.

Vote: 5 - 0 Approved

12. Discuss and consider selection and execution of a contract with Naismith/Hanson for environmental services to complete a Habitat/Land Use Management Plan for the 3,680 acres of Nueces County owned property in Kleberg County, as recommended by the Coastal Park Board of Commissioners.

Motion by: Judge Neal, Second by: Commissioner Chesney

Motion: Table.

Vote: 5 - 0 Approved

13. Discuss and consider terminating all current Motor Vehicle DTA Agreements; Authorize and approve all webDealer Agreements:

Current Car Dealers with DTA Agreements - submitted for Termination:

1. AN Corpus Christi Motors, Inc. d/b/a AutoNation Hyundai Corpus Christi
2. AN Corpus Christi T Imports, LP d/b/a AutoNation Toyota Corpus Christi
3. Crosstown Partners Inc. d/b/a Sames Ford
4. Ed Hicks Nissan, LTD
5. Ed Hicks Imports, LTD
6. JCL Gulf Motors, LLC d/b/a BMW of Corpus Christi
7. Port City Imports, Inc. d/b/a AutoNation Honda South Corpus Christi;

Car Dealers with New WebDEALER Agreements - submitted for Approval

1. AN Corpus Christi Motors Inc. d/b/a AutoNation Hyundai Corpus Christi - Certificate #2016-109081.
2. AN Corpus Christi T Imports, LP d/b/a AutoNation Toyota Corpus Christi - Certificate #2016-110227.
3. Crosstown Partners Inc. d/b/a Sames Ford - Certificate #2016-108472.
4. Ed Hicks Imports Ltd. - Certificate #2016-106440.
5. Ed Hicks Nissan Ltd. - Certificate #2016-106441.
6. Ed Hicks Infiniti Ltd. - Certificate #2016-106439.
7. CAH-DHL Automotive LLC - Certificate #2016-106608.

8. JCL Gulf Motors, LLC d/b/a BMW of Corpus Christi - Certificate #2016-110887.
9. Port City Imports, Inc. d/b/a AutoNation Honda South Corpus Christi.

Motion by: Commissioner Chesney, Second by: Commissioner Pusley

Motion: Authorize terminating all current Motor Vehicle DTA Agreements and authorize and approve all webDealer Agreements:

Current Car Dealers with DTA Agreements - submitted for Termination:

1. AN Corpus Christi Motors, Inc. d/b/a AutoNation Hyundai Corpus Christi
2. AN Corpus Christi T Imports, LP d/b/a AutoNation Toyota Corpus Christi
3. Crosstown Partners Inc. d/b/a Sames Ford
4. Ed Hicks Nissan, LTD
5. Ed Hicks Imports, LTD
6. JCL Gulf Motors, LLC d/b/a BMW of Corpus Christi
7. Port City Imports, Inc. d/b/a AutoNation Honda South Corpus Christi;

Car Dealers with New WebDEALER Agreements - submitted for Approval

1. AN Corpus Christi Motors Inc. d/b/a AutoNation Hyundai Corpus Christi - Certificate #2016-109081.
2. AN Corpus Christi T Imports, LP d/b/a AutoNation Toyota Corpus Christi - Certificate #2016-110227.
3. Crosstown Partners Inc. d/b/a Sames Ford - Certificate #2016-108472.
4. Ed Hicks Imports Ltd. - Certificate #2016-106440.
5. Ed Hicks Nissan Ltd. - Certificate #2016-106441.
6. Ed Hicks Infiniti Ltd. - Certificate #2016-106439.
7. CAH-DHL Automotive LLC - Certificate #2016-106608.
8. JCL Gulf Motors, LLC d/b/a BMW of Corpus Christi - Certificate #2016-110887.
9. Port City Imports, Inc. d/b/a AutoNation Honda South Corpus Christi.

Vote: 5 - 0 Approved

B. HEALTH DEPARTMENT

1. Discuss and consider Amendment Five to a contract between the Corpus Christi-Nueces County Public Health District (CCNCPHD) and the Texas Health and Human Services Commission (HHSC) for the Texas Nurse-Family Partnership Program in the amount of \$616,017.00 for the period of September 1, 2016 to August 31, 2017; and authorize the director of the Corpus Christi-Nueces County Public Health District to sign on behalf of Nueces County.

Motion by: Commissioner Gonzalez, Second by: Commissioner Chesney

Motion: Approve Amendment Five to a contract between the Corpus Christi-Nueces County Public Health District (CCNCPHD) and the Texas Health and Human Services Commission (HHSC) for the Texas Nurse-Family Partnership Program in the amount of \$616,017.00 for the period of September 1, 2016 to August 31, 2017; and authorize the director of the Corpus Christi-Nueces County Public Health District to sign on behalf of Nueces County.

Vote: 5 - 0 Approved

C. PURCHASING

1. Discuss and award IFB No. 3024-16 Aggregate Type PB, Grade 4 LRA.

Motion by: Judge Neal, Second by: Commissioner Ortiz

Motion: Award IFB No. 3024-16 to Martin Marietta Materials for 40,000 tons of Aggregate Type PB, Grade 4 LRA at a unit cost of \$50.95 per ton.

Vote: 5 - 0 Approved

2. Discuss and award IFB No. 3023-16 Aggregate Type PB, Grade 3 LRA.

Motion by: Commissioner Pusley, Second by: Commissioner Gonzalez

Motion: Award IFB No. 3023-16 to Martin Marietta Materials for 10,000 tons of Aggregate Type PB, Grade 3 LRA at a unit cost of \$50.95 per ton.

Vote: 5 - 0 Approved

D. AUDITOR

1. Authorize and approve removal of fixed assets that are no longer located within the departments.

Motion by: Commissioner Pusley, Second by: Commissioner Ortiz

Motion: Authorize the removal of fixed assets that are no longer located within the departments.

Vote: 5 - 0 Approved

2. Approve Budget Change Order No. 22 for Fiscal Year 2015-2016.

Motion by: Judge Neal, Second by: Commissioner Chesney

Motion: Approve Budget Change Order No. 22 for Fiscal Year 2015-2016.

Vote: 5 - 0 Approved

3. Monthly Financial Report for the month of July 2016.

Motion by: Commissioner Pusley, Second by: Commissioner Gonzalez

Motion: Approve the Monthly Financial Report for the month of July 2016.

Vote: 5 - 0 Approved

4. Authorize and approve Nueces County Pay Schedule-A reflecting the 2% cost of living pay increase effective October 1, 2016.

Motion by: Judge Neal, Second by: Commissioner Pusley

Motion: Approve the Nueces County Pay Schedule-A reflecting the 2% cost of living pay increase effective October 1, 2016.

Vote: 5 - 0 Approved

5. Discuss and consider approval of a formal travel policy and procedures manual for Nueces County employees.

Motion by: Commissioner Gonzalez, Second by: Commissioner Pusley

Motion: Approve the formal travel policy and procedures manual for Nueces County employees.

Vote: 5 - 0 Approved

6. Dale Atchley, Nueces County Auditor updated the Court on Executime.

5. **EXECUTIVE SESSION:** The Commissioners Court entered into executive session at 10:05 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 10:35 a.m.

- A. Discuss and consider Fred and Suzanne Castro's property damage claim, and related matters.

Motion by: Commissioner Chesney, Second by: Commissioner Gonzalez

Motion: Authorize the County Attorney to deny Fred and Suzanne Castro's property damage claim, and related matters.

Vote: 4 - 0 Approved

Other: Commissioner Ortiz (Absent)

- B. Consult with attorney and receive legal advice concerning the 1914 Nueces County Historic Courthouse. **No action.**
- C. Discuss and consider ratifying hiring of Denise Cheney and the legal firm of Bickerstaff Heath Delgado Acosta LLP to provide legal services related to the sale of the 1914 Nueces County Historic Courthouse, and related matters.

Motion by: Judge Neal, Second by: Commissioner Pusley

Motion: Ratify the hiring of Denise Cheney and the legal firm of Bickerstaff Heath Delgado Acosta LLP to provide legal services related to the sale of the 1914 Nueces County Historic Courthouse, and related matters.

Vote: 5 - 0 Approved

Return to Regular Agenda Item 4.A.3.

6. **BOARD APPOINTMENTS:**

- A. Nueces County Emergency Services District No. 3

Motion by: Commissioner Chesney, Second by: Commissioner Gonzalez

Motion: Appoint Gary J. Eulenfeld to the Nueces County Emergency Services District No. 3

Vote: 5 - 0 Approved

The Court was adjourned at 11:50 a.m. in memory of Howard Butt, Jr., Manuel Hasette and Joshua David Hineman. 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 does now stand adjourned, this the 28th day of September, 2016.