

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 October 19, 2016.

Kara Sands

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 - October 19, 2016

BE IT REMEMBERED, that on this the 19th day of October, 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 Pastor David Beirne of Travis Baptist Church, 5802 Weber Road, Corpus Christi, Texas 78413.
- 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 9:20 a.m. and certified a quorum of the Court with all members present.
- D. Approve the following Minutes:

1. September 28, 2016

Motion by: Commissioner Ortiz, Second by: Commissioner Gonzalez

Motion: Approve the Commissioners Court Minutes of September 28, 2016.

Vote: 5 - 0 Approved

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

1. W. B. Ray High School Athletic Hall of Fame Day honoring the 2016 inductees.

Motion by: Commissioner Chesney, Second by: Commissioner Gonzalez

Motion: Designate October 21, 2016 as "W.B. Ray High School Athletic Hall of Fame Day" honoring the 2016 Inductees: Brenda Marshall (Class of 1973), Patricia Lewandowski (Class of 1997), Taurean J. Mitchell (Class of 2003) and Trey Crain (Class of 2006).

Vote: 5 - 0 Approved

2. Recognizing the groundbreaking for the headquarters of the Port Aransas Art Center. **Comment: Karen Winship.**

Motion by: Commissioner Chesney, Second by: Commissioner Pusley

Motion: Recognize the Port Aransas Art Center and its honorable mission to improve art and culture for local community artists, children and seniors.

Vote: 5 - 0 Approved

3. Recognizing the retirement of Ann Bracher Vaughn from the Port Aransas Chamber of Commerce. **Comment: Ann Bracher Vaughn.**

Motion by: Commissioner Chesney, Second by: Commissioner Gonzalez

Motion: Recognize Ann Bracher Vaughn for her retirement from President and CEO of the Port Aransas Chamber of Commerce and Tourist Bureau.

Vote: 5 - 0 Approved

4. Burn Pits 360 Veterans Organizations' - Coastal Bend Veterans Day Celebration and BBQ Cook-Off.

Motion by: Judge Neal, Second by: Commissioner Gonzalez

Motion: Declares November 12, 2016 as the Burn Pits 360 Veterans Organizations Coastal Bend Veterans Day Celebration and BBQ Cook-Off honoring all who have served this country.

Vote: 5 - 0 Approved

5. National Disability Employment Awareness Month - October 2016. **Tyner Little introduced artist, Denise Tidwell of Corpus Christi and interpreter, Patricia Palomino.**

Motion by: Commissioner Pusley, Second by: Commissioner Ortiz

Motion: Proclaim October 2016 as National Disability Employment Awareness Month in Nueces County.

Vote: 5 - 0 Approved

2. **PUBLIC COMMENT:** Abel Alonzo.

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 21, 2016 to October 11, 2016.
- B. Authorize payment of bills - regular bill summaries dated September 23, 2016, September 30, 2016, October 7, 2016 and October 14, 2016.
- C. Authorize payment of bills - special motions list dated October 19, 2016.

- D.** Authorize payment of bills - group health insurance claims and fees dated September 16, 2016 and October 6, 2016.
- E.** Approve personnel actions of a budgeted nature:
1. Temp List No. 404
 2. Unfreeze List No. 742
 3. Personnel Changes reports dated September 23, 2016, September 30, 2016 and October 7, 2016
- F.** Accept the following "Outside Agency" and "Family Protection Fee" Reports for FY 2015-2016:
1. Mission of Mercy
 2. SCORE
 3. Nueces County CPS Community Partners Board (Outside Agency & Family Protection Fee Report)
- G.** Approve the following Tax Deed(s) and highest minimum bid to date:
1. Lot 8, Block 2 Country Club Estates West, an unrecorded subdivision, in the amount of \$2,000.00;
 2. Lot 9, Block 2 Country Club Estates West, an unrecorded subdivision, in the amount of \$2,000.00;
 3. Lot 10, Block 2 Country Club Estates West, an unrecorded subdivision, in the amount of \$2,000.00;
 4. Lots 3 and 4, Block 5, Dan L. Messer Addition to Robstown, in the amount of \$1,200.00;
 5. Lot 1, Block 1, Primavera Estates, in the amount of \$11,000.00;
 6. Lot 6, Block 1, Primavera Estates, in the amount of \$5,000.00;
 7. Lot 4, Block 2, Primavera Estates, in the amount of \$8,200.55;
 8. Lot 24, Block 2, Primavera Estates, in the amount of \$5,000.00;
 9. Lot 2, Block 3, Primavera Estates, in the amount of \$10,000.00;
 10. Lot 24, Block 4, San Pedro Addition to Robstown, in the amount of \$1,500.00;
 11. The East ½ of Lot 7, and all of Lots 8, 9 & 10, Block 28, Robstown Original Townsite, in the amount of \$3,500.00;
 12. Lot 51, Baymoor Addition to Corpus Christi, in the amount of \$4,000.00;
 13. Lot 14, Wildwood Ranch Estates, in the amount of \$12,500.00;
 14. Lots 96 and 97, Block 1, Sandy Hollow Addition Unit 2, in the amount of \$9,500.00;
 15. Lot 5-A, Block 1, Nueces Acres Addition No. 2 to Corpus Christi, in the amount of \$5,250.00;
 16. Lot 8, Block 3, La Pascua Addition No. 2 to Corpus Christi, in the amount of \$3,300.00;
 17. 0.392 acre out of Lot 11, Block 3, Highway Village Addition Section 1 to Corpus Christi, in the amount of \$5,300.00.
- H.** Approve the 2016 Certification of Tax Levy for Nueces County General Fund, Nueces County Farm-to-Market, and Nueces County Hospital District as submitted by the Nueces County Tax Assessor-Collector pursuant to Section 26.09(e) of the Texas Property Tax Code.
- I.** Approve the 2017 Nueces County Holiday Calendar.

- J.** Accept for record purposes, the executed lease agreements for FY 2016-2017 at the Nueces County Airport:
1. T-4 Hangar - Jerry Hunsaker
 2. T-9 Hangar - Gregory P. Gideon
 3. T-13 Hangar - Rock Engineering & Testing Laboratory Inc.
- K.** Ratify acceptance of letter of credit related to Global Spectrum, L.P. d/b/a Spectra Venue Management Agreement for RFP 3015-16, as approved by Commissioners Court on September 14, 2016.
- L.** Approve the application procedure for the following Nueces County Advisory Boards:
1. Citizen's Advisory Board on Health and Welfare;
 2. Nueces County Animal Control Advisory Committee;
 3. Nueces County Child Welfare;
 4. Regional Health Awareness Board.
- M.** Approve a finding for the method of procurement (request of competitive bids) for Renovation to the Bishop County Building Fire Station section; and authorize the purchasing agent to publish a notice.
- N.** Authorize execution of Amendment No. 2 to the agreement with Corpus Christi Disposal Service for IFB No. 2937-13 Solid Waste Collection & Disposal Service (Dumpsters) for County properties only.
- O.** Approve Change Order No. 1 for the Westhaven Park Improvement Project to include 25 additional days for additional sidewalk/walking trail and exercise stations at an additional cost of \$16,050.00 to be funded by Commissioner Pct. 2 - Department 0137.
- P.** Authorize execution of Agreement Amendment No. 1 with EB Foundations, Inc. for IFB 2942-13 Mowing Services for Nueces County Airport.
- Q.** Authorize Sole Source purchase from Courthouse Technologies for annual summons direct and annual support services for the Jury Management System.
- R.** Authorize a TXMAS Contract No. 6-03FAC020 purchase from Firetrol Protection Systems for quarterly, semiannual, and annual fire alarm inspections and maintenance of the Courthouse fire alarm system.
- S.** Authorize Sole Source purchase from SunGard Public Sector for the Application Support Provider (ASP) Contract No. 130661-1 ASP ONEsolution (Global Core, Financial Core, Cognos B1, Grant Management, Position Budgeting), Contract No. 130661-2 ASP ONEsolution (Stores Inventory, Applicant on Line, Personnel Action Forms), and Executime maintenance renewals.
- T.** Approve Engagement Letter for Bond Counsel Services with McCall, Parkhurst & Horton, L.L.P., for representation in the 2016 issuance of certificates of obligations.
- U.** Authorize DIR Contract No. DIR-TSO-1951 purchase for Dell DL 4300 Appliance and Accessories from Insight Networking for the IT Department.
- V.** Approve execution of agreement with Tyler Technologies for Odyssey Maintenance and Support, effective October 1, 2016 through September 30, 2017.

- W.** Approve the following Joint Election Agreements: Banquete Independent School District, Corpus Christi Independent School District, Flour Bluff Independent School District, London Independent School District, Robstown Independent School District, West Oso Independent School District, Del Mar College, City of Corpus Christi, City of Port Aransas, City of Robstown, and Nueces County Drainage District No. 2.
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Motion by: Commissioner Gonzalez, Second by: Commissioner Pusley

Motion: Approve Consent Agenda Items 3.A through 3.W, with the exception of Consent Agenda Item 3.V.

Vote: 5 - 0 Approved

Motion by: Judge Neal, Second by: Commissioner Chesney

Motion: Approve Consent Agenda Item 3.V.

Vote: 5 - 0 Approved

4. REGULAR AGENDA:

A. AGENDA ITEMS

- 1.** Received a presentation from Amy Rhoads Granberry, Chief Executive Officer, Charlie's Place Recovery Center, on the FY 2015-2016 activities; and, approve FY 2016-2017 contract. **Comment: Greg Clark.**

Motion by: Judge Neal, Second by: Commissioner Gonzalez

Motion: Approve FY 2016-2017 contract.

Vote: 5 - 0 Approved

- 2.** Received a presentation from Wade H. Fjeld, Executive Director, Palmer Drug Abuse on the Agency's FY 2015-2016 activities; and, approve FY 2016-2017 contract.

Motion by: Commissioner Gonzalez, Second by: Commissioner Ortiz

Motion: Approve FY 2016-2017 contract.

Vote: 5 - 0 Approved

- 3.** Received a presentation by Laura Chapa on the end of the Fiscal Year Grant reporting of the Texas State Library & Archives Commission Special Grants.

- 4.** Discuss and consider naming the Robstown County Park as "Oscar O. Ortiz Park". **Comment: County Judge Neal, Commissioner Joe Gonzalez, Commissioner Mike Pusley, Commissioner Brent Chesney and Commissioner Oscar O. Ortiz.**

Motion by: Judge Neal, Second by: Commissioner Gonzalez

Motion: Approve naming the Robstown County Park as "Oscar O. Ortiz Park".

Vote: 5 - 0 Approved

5. Discuss and consider appointment of Nueces County Constable, Precinct 2 pursuant to Section 87.041 of the Texas Local Government Code, and related matters. **Comment: Commissioner Brent Chesney and Constable Robert W. Sherwood.**

Motion by: Judge Neal, Second by: Commissioner Chesney

Motion: Approve appointment of Mitchell Clark to serve as Nueces County Interim Constable Precinct 2 until the end of the 2016 year, pursuant to Section 87.041 of the Texas Local Government Code, subject to the approval of the bond.

Vote: 5 - 0 Approved

6. Discuss and consider approval of proposed 2016 projects to be funded under the Regional Transportation Authority (RTA) Street Improvement Program.

Motion by: Judge Neal, Second by: Commissioner Gonzalez

Motion: Approve proposed 2016 projects to be funded under the Regional Transportation Authority (RTA) Street Improvement Program.

Vote: 5 - 0 Approved

7. Discuss and consider approval of interlocal agreement with the City of Port Aransas to provide trash collection service along the beach at I.B. Magee Beach Park in Port Aransas, TX.

Motion by: Commissioner Chesney, Second by: Commissioner Ortiz

Motion: Approve an interlocal agreement with the City of Port Aransas to provide trash collection service along the beach at I.B. Magee Beach Park in Port Aransas, TX.

Vote: 4 - 0 Approved

Other: Commissioner Gonzalez (Absent)

8. Discuss and consider the approval of Change Order No. 001R1 with TBC Commerical Construction LLC, to decrease the contract amount relating to the Padre Balli Park Improvements, Phase 1 Project.

Motion by: Judge Neal, Second by: Commissioner Pusley

Motion: Table.

Vote: 5 - 0 Approved

9. Discuss and consider selection and execution of a contract with Hanson Professional Services, Inc. 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: Commissioner Chesney, Second by: Commissioner Ortiz

Motion: Authorize selection and execution of a contract with Hanson Professional Services, Inc. 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.

Vote: 5 - 0 Approved

10. Discuss and consider approval of Assignment of Lease Agreement providing for the consent of assignment of lease at the Nueces County Airport from Hunt Mutchler Ag-Services to Thomas Perrigue d/b/a Texas Sky Aviation.

Motion by: Judge Neal, Second by: Commissioner Pusley

Motion: Approve Assignment of Lease Agreement providing for the consent of assignment of lease at the Nueces County Airport from Hunt Mutchler Ag-Services to Thomas Perrigue d/b/a Texas Sky Aviation.

Vote: 5 - 0 Approved

11. Discuss and consider authorizing the County Judge to execute contract with Tyler Technologies for implementation of the Odyssey Jail Management System software.

Motion by: Judge Neal, Second by: Commissioner Pusley

Motion: Authorize the County Judge to execute contract with Tyler Technologies for implementation of the Odyssey Jail Management System software.

Vote: 5 - 0 Approved

12. Discuss and consider approval of the 85th Texas Legislative Session Agenda for Nueces County.

Motion by: Commissioner Chesney, Second by: Commissioner Pusley

Motion: Authorize approval of the 85th Texas Legislative Session Agenda for Nueces County.

Vote: 5 - 0 Approved

13. Discuss and consider authorizing execution of listing agreement with real estate broker Joe Adame & Associates, Inc., Mark Adame, for the purpose of listing for sale the 1914 Nueces County Historic Courthouse.

Motion by: Commissioner Pusley, Second by: Commissioner Chesney

Motion: Authorize execution of listing agreement with real estate broker Joe Adame & Associates, Inc., Mark Adame, for the purpose of listing for sale the 1914 Nueces County Historic Courthouse.

Vote: 5 - 0 Approved

B. GRANTS

1. Discuss and consider the acceptance of a grant award from the Ladd and Katherine Hancher Library Foundation for the Keach Family Library.

Motion by: Judge Neal, Second by: Commissioner Pusley

Motion: Table.

Vote: 5 - 0 Approved

2. Ratify the execution of Amendment No. 2 to Subrecipient Grant Agreement GLO Contract No. 15-053-000-8462 Coastal Management Program (CMP) Cycle 19 for the Hilltop Nature Park Enhancements Phase II.

Motion by: Commissioner Chesney, Second by: Commissioner Gonzalez

Motion: Ratify the execution of Amendment No. 2 for a time extension to Subrecipient Grant Agreement GLO Contract No. 15-053-000-8462 Coastal Management Program (CMP) Cycle 19 for the Hilltop Nature Park Enhancements Phase II.

Vote: 5 - 0 Approved

3. Discuss and consider accepting grant award No. 2315207 from the Office of the Governor Criminal Justice Division (CJD) for the Juvenile Justice Alternative Grant Program for grant period 9-01-2016 - 8-31-2017.

Motion by: Commissioner Chesney, Second by: Commissioner Gonzalez

Motion: Authorize accepting grant award No. 2315207 from the Office of the Governor Criminal Justice Division (CJD) for the Juvenile Justice Alternative Grant Program for grant period 9-01-2016 - 8-31-2017 in the amount of \$33,600.00.

Vote: 5 - 0 Approved

4. Discuss and consider acceptance of a grant award from the Bureau of Justice Assistance (BJA) for the FY 2016 State Criminal Alien Assistance Program (SCAAP).

Motion by: Commissioner Chesney, Second by: Commissioner Gonzalez

Motion: Approve acceptance of a grant award from the Bureau of Justice Assistance (BJA) for the FY 2016 State Criminal Alien Assistance Program (SCAAP) in the amount of \$24,253.00.

Vote: 5 - 0 Approved

C. PURCHASING

1. Discuss and award IFB No. 3025-16 County Road 69 Drainage Improvements.

Motion by: Commissioner Gonzalez, Second by: Commissioner Ortiz

Motion: Award IFB No. 3025-16 County Road 69 Drainage Improvements to Bridges Specialties, Inc. in the amount of \$519,982.23.

Vote: 5 - 0 Approved

2. Discuss and award IFB No. 3026-16 the renovations to the former Social Services Office space for the IT Department.

Motion by: Commissioner Pusley, Second by: Commissioner Gonzalez

Motion: Award IFB No. 3026-16 to Progressive Structures, Inc. as the lowest bidder and allow for negotiations for the renovations to the former Social Services Office space for the IT Department.

Vote: 4 - 1 Approved

Against: Commissioner Chesney

3. Discuss and award RFP No. 3028-16 consultant services to develop a Hazard Mitigation Action Plan.
Comment: Christopher Boyce-Emergency Management Coordinator.

Motion by: Judge Neal, Second by: Commissioner Ortiz

Motion: Award RFP No. 3028-16 to Lockwood, Andrews & Newnam, Inc in the amount of \$83,250.00 for consultant services to develop a Hazard Mitigation Action Plan.

Vote: 5 - 0 Approved

D. AUDITOR

1. Approve Budget Change Order No. 1 for Fiscal Year 2016-2017.

Motion by: Commissioner Gonzalez, Second by: Commissioner Ortiz

Motion: Approve Budget Change Order No. 1 for Fiscal Year 2016-2017.

Vote: 5 - 0 Approved

2. Quarterly Investment Report dated June 30, 2016.

Motion by: Commissioner Chesney, Second by: Commissioner Gonzalez

Motion: Approve Quarterly Investment Report dated June 30, 2016.

Vote: 5 - 0 Approved

3. Discuss and consider approval of an increase to the County Library Change Fund from \$100 to \$150.

Motion by: Commissioner Pusley, Second by: Commissioner Ortiz

Motion: Authorize an increase to the County Library Change Fund from \$100 to \$150.

Vote: 5 - 0 Approved

5. **EXECUTIVE SESSION:** The Commissioners Court entered into executive session at 11:40 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 11:55 a.m.

- A. Discuss and consider ratifying the hiring of Douglas E. Chaves, Attorney at Law and the Firm of Chaves, Obregon & Perales, L.L.P. to represent two (2) jailers in their individual capacities in Civil Action No. 2:16-CV-390; Sylvia Fuentes v. Erasmus Gomez and Aldo Garza, in the United States District Court (Southern District of Texas, Corpus Christi Division) and related matters.

Motion by: Judge Neal, Second by: Commissioner Chesney

Motion: Ratify the hiring of Douglas E. Chaves, Attorney at Law and the Firm of Chaves, Obregon & Perales, L.L.P. to represent two (2) jailers in their individual capacities in Civil Action No. 2:16-CV-390; Sylvia Fuentes v. Erasmus Gomez and Aldo Garza, in the United States District Court (Southern District of Texas, Corpus Christi Division) and related matters, with the amounts to consist of \$300.00 per hour for principals and \$250.00 per hour for associate and \$125.00 for paralegal.

Vote: 5 - 0 Approved

- B.** Discuss and consider the status of Master File No. D-I-GN-16-000370; In Re Volkswagen Clean Diesel Litigation: TCAA Enforcement Case; 353rd District Court of Travis County, Texas. Transferred from: 2016DCV-0164-B; Nueces County, Texas and State of Texas v. Volkswagen Group of America, et.al.; 117th District Court of Nueces County, Texas and related matters. **Notice only.**
- C.** Discuss and consider the status of Civil Action No. 2:12-CV-339, Elmer Cox v. Nueces County, Texas, and Jim Kaelin in his individual capacity; Thomas Burnside v. Nueces County, Texas and Jim Kaelin in his individual capacity, USCA No. 16-40141, in the United States District Court (Southern District of Texas, Corpus Christi Division) and related matters. **Notice only.**
- D.** Consult with attorney and receive legal advice concerning the 1914 Nueces County Historic Courthouse. **No action taken.**

The Court was adjourned at 12:00 p.m. in memory of Martha Flores, Constable Jerry C. Boucher, Eric Seaman, Noble Melton "Buddie" Johnson, Barbara June Furlow, Guy Allison, David Crago, Mary Ann Rita Garza and Enrique "Ricky" Felan. 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 19th day of October, 2016.