

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 November 16, 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 - November 16, 2016

BE IT REMEMBERED, that on this the 16th day of November, 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 Reverend Charles "Chip" Blackshear, First Presbyterian Church, 430 S. Carancahua, Corpus Christi, Texas 78401.
- B.** County Judge Neal led the Pledge of Allegiance to the United States of America and Texas Flags.

Commissioner Joe Gonzalez announced the death of Captain Ken Starrs.

- 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.** a. October 19, 2016
 - b. October 26, 2016

Motion by: Commissioner Pusley, Second by: Commissioner Gonzalez

Motion: Approve the Commissioners Court Minutes of October 19, 2016 and October 26, 2016.

Vote: 5 - 0 Approved

Motion by: Judge Neal, Second by: Commissioner Pusley

Motion: Table Consent Agenda Item 3.R and Regular Agenda Items 4.A.1 and 4.A.11.

Vote: 5 - 0 Approved

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

1. Honoring the late Constable Jerry C. Boucher. **Comment: Mrs. Jerry Boucher.**

Motion by: Judge Neal, Second by: Commissioner Pusley

Motion: Recognize the outstanding contributions of Constable Jerry C. Boucher.

Vote: 5 - 0 Approved

2. **PUBLIC COMMENT:** Sue Morrison-March of Dimes World Prematurity Day.

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 October 19, 2016 - November 8, 2016.

B. Authorize payment of bills - regular bill summaries dated October 21, 2016, October 28, 2016, October 31, 2016, November 4, 2016 and November 10, 2016.

C. Authorize payment of bills - special motions list dated November 16, 2016.

D. Authorize payment of bills - group health insurance claims and fees dated October 20, 2016, October 27, 2016 and November 3, 2016.

E. Approve personnel actions of a budgeted nature:

1. Temp List No. 406

2. Unfreeze List No. 744

3. Personnel Change reports dated October 21, 2016, October 28, 2016 and November 4, 2016.

F. Accept the following FY 2015-2016 Outside Agency; Family Protection Fee and Diabetes Reports:

1. American Red Cross - Coastal Bend Chapter

2. Amistad Community Health Center

3. Coastal Bend Bays & Estuaries Program, Inc.

4. Nueces County Children's Advocacy Center

5. Robstown Area Development Commission (RADC)

6. Robstown Area Historical Commission

7. South Coastal Area Health Education Center (SCAHEC)

8. Texas A&M University CC, Antonio E. Garcia Arts & Education Center

G. Accept FY 2015-2016 report; and authorize/execute FY 2016-2017 contract between Nueces County and the United Corpus Christi Chamber of Commerce for the activities of the South Texas Military Facilities Task Force for the economic benefit of Nueces County and the surrounding areas.

H. Reappoint County Judge Neal to the Reinvestment Zone No. Two Board.

- I. Appoint Christopher Boyce to the Coastal Bend Council of Governments (COG) Board and the MetroCom Radio Systems Advisory Committee.
- J. Ratify appointment of Christopher Boyce to MetroCom System Advisory Committee.
- K. Approve the proposed 2017 Commissioners Court meeting schedule.
- L. Ratify Change Order No. 1 for the Terry Shamsie Boulevard Reconstruction.
- M. Approve the interlocal agreement for a period of one year, from January 1, 2017 through December 31, 2017, between San Patricio County and Nueces County regarding sharing expenses for the Intoxilyzer Program and Technical Supervisor Services.
- N. Authorize a TASB BuyBoard State Contract No. 453-14 purchase from Ricoh with Addendum 58 to Master Service Agreement and Product Schedule 58 to lease 28 copiers and maintenance services.
- O. Authorize a TASB BuyBoard State Contract No. 430-13 purchase from Caldwell Country for a 2017 Chevrolet 3500 Silverado crew cab for Public Works.
- P. Authorize a TASB BuyBoard State Contract No. 430-13 purchase from Caldwell Country for a 2017 Chevrolet 3500 Silverado regular cab for Public Works.
- Q. Authorize a TASB BuyBoard State Contract No. 430-13 purchase from Caldwell Country for two 2017 Chevrolet 1500 Silverado double cab trucks for Public Works.
- R. Authorize a TASB BuyBoard State Contract No. 430-13 purchase from Caldwell Country for two 2017 Chevrolet 2500 Silverado regular cab pickup trucks for Public Works.
- S. Authorize a TASB BuyBoard State Contract No. 430-13 purchase from Caldwell Country for a 2017 Chevrolet 2500 Silverado crew cab trucks for Inland Parks.
- T. Authorize reassigning a 2011 Chevrolet Impala, County No. 61093 from the Warehouse to the Sheriff's office.
- U. Authorize a TASB BuyBoard State Contract No. 430-13 purchase from Caldwell Country for a 2017 Chevrolet 4500 Silverado LCF for Public Works.
- V. Authorize TASB BuyBoard EZIQC Contract No. 2012 Area B-LMC purchase to have LMC Corporation for rehabilitation of existing parking lot at the Community Supervision and Corrections Department (CSCD) Building located on Trojan Drive, Corpus Christi, Texas.
- W. Authorize a purchase from Buffel Grass Seed Company, Inc for the installation of an irrigation system at the West Haven Park sports field.
- X. Ratify a purchase with A. Ortiz Construction & Paving, Inc. for additional parking lot improvements to the Bishop Senior Center.
- Y. Authorize an agreement with Martin Marietta Materials for IFB No. 3023-16 Aggregate Type PB, Grade 3 LRA.

- Z. Authorize an agreement with Martin Marietta Materials for IFB No. 3024-16 Aggregate Type PB, Grade 4 LRA.
- AA. Authorize an agreement with CrowderGulf, LLC. for RFP 3027-16 Disaster Debris Removal, Reduction Disposal and other Emergency Services.
- BB. Approve execution of Amendment No. 2 with Staples Contract & Commercial, Inc. for IFB 2998-15 Copy Paper, Computer Paper, NCR Paper, and Envelopes contract.
- CC. Authorize execution of Supplemental Agreement No. 2 between Nueces County and LNV, Inc. for engineering services for RFQ No. 2977-14 surface water lines and connections in Cindy Park.
- DD. Accept the award and executed agreements for residential and nonresidential services as approved by the Juvenile Board for the Juvenile Department.
- EE. Authorize execution of an agreement with CenturyLink Sales Solutions, Inc. for a phone switch and maintenance at the Port Aransas Building, 705 W. Avenue A, Port Aransas, Texas.
- FF. Authorize a purchase with Evergreen Landscape Services for the Bishop County Building.
- GG. Authorize an agreement with Lockwood, Andrews & Newnam, Inc. for RFP No. 3028-16 Consultant Services to Develop a Hazard Mitigation Action Plan.

Motion by: Commissioner Gonzalez, Second by: Commissioner Pusley

Motion: Approve Consent Agenda Items 3.A through 3.GG, with the exception of 3.R and 3.EE.

Vote: 5 - 0 Approved

Motion by: Commissioner Pusley, Second by: Commissioner Chesney

Motion: Table Consent Agenda Item 3.EE.

Vote: 5 - 0 Approved

4. **REGULAR AGENDA:**

A. AGENDA ITEMS

1. Canvass and declare the results of the November 8, 2016 General Election in accordance with Chapter 67 of the Texas Election Code. **Tabled after Agenda Item 1.D.1.**
2. Discuss and consider the adoption of an Order by the Commissioners Court of Nueces County, Texas authorizing the issuance of Nueces County, Texas combination tax and revenue Certificates of Obligation, Series 2016 in an amount not to exceed \$20,500,000 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; providing for the payment of said certificates by the levy of an Ad Valorem Tax upon all taxable property within the County and further securing said certificates by a lien on and pledge of revenues of the Coastal Park System; providing the terms and conditions of said certificates and resolving other matters incident and relating to the issuance, payment, security, sale, and delivery of said certificates; including the approval and distribution of an Official Statement; authorizing the execution of a Paying Agent/Registrar Agreement and a Purchase Agreement; comply with the requirements imposed by letter of representations previously executed with Depository Trust Company; and providing an effective date. **Comment: Noe Hinojosa with Estrada, Hinojosa and Company and Jeff Leuschel with McCall, Parkhurst & Horton.**

Motion by: Commissioner Chesney, Second by: Commissioner Gonzalez

Motion: Approve adoption of an Order by the Commissioners Court of Nueces County, Texas authorizing the issuance of Nueces County, Texas combination tax and revenue Certificates of Obligation, Series 2016 in an amount not to exceed \$20,500,000 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; providing for the payment of said certificates by the levy of an Ad Valorem Tax upon all taxable property within the County and further securing said certificates by a lien on and pledge of revenues of the Coastal Park System; providing the terms and conditions of said certificates and resolving other matters incident and relating to the issuance, payment, security, sale, and delivery of said certificates; including the approval and distribution of an Official Statement; authorizing the execution of a Paying Agent/Registrar Agreement and a Purchase Agreement; comply with the requirements imposed by letter of representations previously executed with Depository Trust Company; and providing an effective date.

Vote: 5 - 0 Approved

3. Received a presentation from Melissa Hofstetter, Executive Director, Coastal Bend Council on Alcohol & Drug Abuse on the Agency's FY 2015-2016 activities; and, approve FY 2016-2017 contract. **Comment: Tiffany Montemayor-Director of Communications and Development.**

Motion by: Commissioner Gonzalez, Second by: Commissioner Chesney

Motion: Approve FY 2016-2017 contract.

Vote: 5 - 0 Approved

4. Received a presentation from Iain Vasey, President/Chief Executive Officer, Corpus Christi Regional Economic Development Corporation (CCREDC), on the FY 2015-2016 activities; and, approve FY 2016-2017 contract.

Motion by: Commissioner Chesney, Second by: Commissioner Pusley

Comment: Approve FY 2016-2017 contract.

Vote: 4 - 0 Approved

Other: Commissioner Gonzalez (Absent)

5. Discuss and consider adopting a resolution of intent to establish a Property Assessed Clean Energy (PACE) Program in Nueces County; and setting a date & time for public hearing. **Comment: Charlene Heydinger.**

Motion by: Commissioner Chesney, Second by: Commissioner Gonzalez

Motion: Adopt a resolution of intent to establish a Property Assessed Clean Energy (PACE) Program in Nueces County; and set the public hearing for December 1, 2016 at 9:15 a.m.

Vote: 5 - 0 Approved

Advance to Regular Agenda Item 4.B.1.

6. Discuss and consider approval of State Case Registry and Local Customer Service Cooperative Agreement between The Office of the Attorney General of the State of Texas and Nueces County, Texas. **Comment: Anne Lorentzen-Nueces County District Clerk.**

Motion by: Judge Neal, Second by: Commissioner Gonzalez

Motion: Authorize approval of State Case Registry and Local Customer Service Cooperative Agreement between The Office of the Attorney General of the State of Texas and Nueces County, Texas.

Vote: 5 - 0 Approved

Return to Regular Agenda Item 4.A.9.

7. Discuss and consider adopting an Order prohibiting outdoor burning in the unincorporated areas of Nueces County, pursuant to Section 352.081 of the Texas Local Government Code.

Motion by: Commissioner Chesney, Second by: Commissioner Ortiz

Motion: Adopt an Order prohibiting outdoor burning in the unincorporated areas of Nueces County, pursuant to Section 352.081 of the Texas Local Government Code effective November 16, 2016.

Vote: 5 - 0 Approved

8. Discuss and consider the selection of International Consulting Engineers (ICE) to provide engineering services for the TM Baseball Field Parking Lot and ADA Improvements Project; and approve an Engineering Services Contract.

Motion by: Commissioner Pusley, Second by: Commissioner Gonzalez

Motion: Approve the selection of International Consulting Engineers (ICE) to provide engineering services for the TM Baseball Field Parking Lot and ADA Improvements Project; and approve an Engineering Services Contract.

Vote: 5 - 0 Approved

Return to Regular Agenda Item 4.A.6.

9. Discuss and consider the selection of International Consulting Engineers (ICE) to provide engineering services for the Hilltop Fields Parking Lot and Drainage Improvements; and approve an Engineering Services Contract.

Motion by: Commissioner Pusley, Second by: Commissioner Gonzalez

Motion: Authorize the selection of International Consulting Engineers (ICE) to provide engineering services for the Hilltop Fields Parking Lot and Drainage Improvements; and approve an Engineering Services Contract.

Vote: 5 - 0 Approved

10. Discuss and consider the selection of International Consulting Engineers (ICE) to provide engineering services for the Agua Dulce Community Center Project; and approve an Engineering Services Contract.

Motion by: Commissioner Ortiz, Second by: Commissioner Chesney

Motion: Authorize the selection of International Consulting Engineers (ICE) to provide engineering services for the Agua Dulce Community Center Project; and approve an Engineering Services Contract.

Vote: 5 - 0 Approved

11. Discuss and consider authorizing execution of Commercial Contract between Nueces County and Lupe Guadalupe Ochoa, Jr. for the sale of property at 3041 Morgan Ave., Corpus Christi, TX.
Tabled after Agenda Item 1.D.1.

12. Discuss and consider an agreement with Nueces County Emergency Services District 2 for fire and emergency rescue services in unincorporated areas of Nueces County.

Motion by: Commissioner Gonzalez, Second by: Commissioner Chesney

Motion: Approve an agreement with Nueces County Emergency Services District 2 for fire and emergency rescue services in unincorporated areas of Nueces County.

Vote: 5 - 0 Approved

13. Discuss and consider accepting the Nueces County Emergency Management Plan Annex U (Legal) as presented by the Nueces County Emergency Management Coordinator.

Motion by: Commissioner Chesney, Second by: Commissioner Gonzalez

Motion: Accept the Nueces County Emergency Management Plan Annex U (Legal) as presented by Christopher Boyce, the Nueces County Emergency Management Coordinator.

Vote: 5 - 0 Approved

14. Discuss and consider accepting the Nueces County Emergency Management Plan Annex P (Mitigation) as presented by the Nueces County Emergency Management Coordinator.

Motion by: Commissioner Gonzalez, Second by: Commissioner Pusley

Motion: Accept the Nueces County Emergency Management Plan Annex P (Mitigation) as presented by Christopher Boyce, the Nueces County Emergency Management Coordinator.

Vote: 5 - 0 Approved

B. HEALTH DEPARTMENT

1. Discuss and consider accepting a contract amendment with the Department of State Health Services (DSHS) providing funding for Ebola Public Health Preparedness activities; 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 Ortiz

Motion: Authorize acceptance of contract amendment in the amount of \$43,497.00 with the Department of State Health Services (DSHS) providing funding for Ebola Public Health Preparedness activities; authorize the Director of the Corpus Christi-Nueces County Public Health District, to sign on behalf of Nueces County.

Vote: 5 - 0 Approved

Return to Regular Agenda Item 4.A.7.

C. PUBLIC WORKS

1. Discuss and consider the approval of Change Order No. 2 for the County Road 52 construction project.

Motion by: Commissioner Pusley, Second by: Commissioner Ortiz

Motion: Authorize the approval of Change Order No. 2 for the County Road 52 construction project.

Vote: 5 - 0 Approved

2. Discuss and consider approval of a rate increase for residential solid waste collection in the rural areas of Nueces County.

Motion by: Commissioner Pusley, Second by: Commissioner Ortiz

Motion: Authorize approval of a rate increase of \$0.27 for residential solid waste collection in the rural areas of Nueces County.

Vote: 5 - 0 Approved

3. Discuss and consider the approval of Change Order No. 1 for the County Road 48 Paving Improvements project.

Motion by: Commissioner Chesney, Second by: Commissioner Ortiz

Motion: Authorize the approval of Change Order No. 1 for the County Road 48 Paving Improvements project.

Vote: 5 - 0 Approved

D. AUDITOR

1. Approve Budget Change Order No. 3 for Fiscal Year 2016-2017.

Motion by: Commissioner Pusley, Second by: Commissioner Ortiz

Motion: Approve Budget Change Order No. 3 for Fiscal Year 2016-2017.

Vote: 5 - 0 Approved

2. Discuss and consider approving the Federal Equitable Sharing Agreement & Certification for Constable Pct. 3 and Constable Pct. 5.

Motion by: Judge Neal, Second by: Commissioner Gonzalez

Motion: Authorize approval of the Federal Equitable Sharing Agreement & Certification for Constable Pct. 3 and Constable Pct. 5.

Vote: 5 - 0 Approved

5. **EXECUTIVE SESSION:** The Commissioners Court entered into executive session at 10:40 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 10:50 a.m.

- A. Consult with County Attorney to discuss and consider Civil Action No. 2:15-CV-452, Sam Balboa v. City of Bishop, Texas, Reynaldo Cortez, Individually, Nueces County, Texas; and F. Martinez, Individually, In the United States District Court for the Southern District of Texas, Corpus Christi Division, attend court-ordered mediation and authorize settlement, and related matters. **No action taken.**

6. BOARD APPOINTMENTS:

- A. Nueces County Animal Control Advisory Committee

Motion by: Commissioner Gonzalez, Second by: Commissioner Chesney

Motion: Reappoint Chris Cooper and Tom E. Watson, Jr. to the Nueces County Animal Control Advisory Committee and re-open the vacant position.

Vote: 5 - 0 Approved

B. Nueces County Child Welfare Board

Motion by: Commissioner Pusley, Second by: Judge Neal

Motion: Reappoint Annette M. Duvall and Sandra J. Dawod and appoint Susan O'Connell to the Nueces County Child Welfare Board for three-year terms.

Vote: 5 - 0 Approved

C. Regional Health Awareness Board

Motion by: Judge Neal, Second by: Commissioner Gonzalez

Motion: Appoint Dr. Shannon Ydoyaga to the Regional Health Awareness Board.

Vote: 5 - 0 Approved

Motion by: Judge Neal, Second by: Commissioner Chesney

Recess the Commissioners Court Meeting at 10:50 a.m.

Vote: 5 - 0 Approved

Advance to Convene meeting of Road District IV.

CONVENE MEETING OF ROAD DISTRICT IV:

A. EXECUTIVE SESSION: Road District IV entered into executive session at 10:50 a.m. to discuss matters listed on the Agenda, when authorized by the provisions of the Open Meetings Act, Chapter 551 of the Texas Government Code. 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, 551.087, Road District IV will hold an Executive Session 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. Upon completion of the Executive Session, Road District IV may in an open session take such action as appropriate on items discussed in an Executive Session.

1. Consult with County Attorney to seek legal advice on matters related to sale of Road District IV real property and related legal matters.

Road District IV reconvened into open session at 11:05 a.m.

B. Discuss and consider sale of Road District IV real property known as Nueces County Road No. 4 (also known as Causeway Property) and real property located at Harbor Island, Nueces County; discuss and consider conducting title opinion, survey, and/or appraisal of said property and related matters. **Comment: Commissioner Richard Bowers-Port of Corpus Christi.**

Motion by: Commissioner Chesney, Second by: Commissioner Pusley

Motion: Approve sale of Road District IV real property known as Nueces County Road No. 4 (also known as Causeway Property) and real property located at Harbor Island, Nueces County; conduct title opinion, survey, and/or appraisal of said property and related matters and all cost to be paid for by the Port of Corpus Christi.

Vote: 5 - 0 Approved

Adjourn Road District IV Meeting.

Motion by: Judge Neal, Second by: Commissioner Chesney

Motion: Adjourn Road District IV Meeting at 11:09 a.m.

Vote: 5 - 0 Approved

Motion by: Commissioner Pusley, Second by: Commissioner Chesney

Motion: Reconvene the Commissioners Court Meeting at 11:09 a.m.

Vote: 5 - 0 Approved

Continue with Adjournment in Memory.

The Court was adjourned at 11:13 a.m. in memory of Alex Gutierrez, Jr., Susanna Molina (mother of Health Department Director Annette Rodriguez), Jose P. Hinojosa (father of Senator Chuy Hinojosa), Thomas Goad, Caroline Blackmar, Luz Elida Gonzalez (mother of Robstown Fire Chief Richard Gonzalez), Jesus "Jesse" Pena, Kim O'Donely Wilson and Betty June Bates Rasco. 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 16th day of November, 2016.