

**REGULAR MEETING - NOVEMBER 6, 2019**

BE IT REMEMBERED, that on this the 6th day of November, A.D., 2019, 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:

BARBARA CANALES	COUNTY JUDGE
CAROLYN VAUGHN	COMMISSIONER, PRECINCT NO. 1
JOE A. GONZALEZ	COMMISSIONER, PRECINCT NO. 2
JOHN MAREZ	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 called Pastor Eli Perez from Bridgeway Church of Corpus Christi for the Invocation.
- B. Commissioners Gonzalez led in the Pledge of Allegiance to the United States of America and Texas Flags.
- C. County Judge Canales called the Regular Meeting to order at 9:05 a.m. and certified that a quorum was present. The Meeting was held in the Commissioners Courtroom located at 901 Leopard St. on the 3rd floor of the Nueces County Courthouse.
- D. SAFETY BRIEFING - was given by Timothy Everest.
- E. **PUBLIC HEARING (9:00 A.M.)** - The Nueces County Commissioners Court will conduct a public hearing pursuant to Texas Government Code Section 51.305, for purposes of consideration of a plan for the preservation and restoration of the Nueces County District Clerk's court records archives. Judge Canales opened the Public Hearing at 9:23 a.m. Comment: Anne Lorentzen, Nueces County District Clerk. Judge Canales closed the Public Hearing at 9:44 a.m.
- F. Adopt the following Resolution(s), Proclamation(s), and/or Order(s):
  - 1. Encouraging TXDOT to construct a traffic light at intersection of CR 43 and CR 33 by London schools.  
  
Motion by: Commissioner Chesney, Second by: Commissioner Vaughn  
Motion: Adopt a Resolution encouraging TxDOT to construct a traffic light at intersection of CR 43 and CR 33 by London Schools. Comment: Tyner Little.  
  
**Vote: 5 - 0 Approved**
- G. Present the following Certificate(s) of Recognition:

1. Acknowledgement and recognition of London High School Professional Communication Class.  
Comment: Mrs. Hoff.
2. Martin Longoria has been the Nueces County Veterans Services Officer from November 10, 2015, and his last day will be November 6, 2019. Comment: Martin Longoria.

**H. BOARD APPOINTMENTS:**

1. Nueces County Airport Advisory has received 2 letters of interest from 2 incumbents, Kenneth Shores and Robert Gonzalez.

Motion by: Commissioner Chesney, Second by: Commissioner Marez

Motion: Appoint Kenneth Shores and Robert Gonzalez to the Nueces County Airport Advisory Board.

**Vote:** 5 - 0 Approved

2. **PUBLIC COMMENT:** This section provides the public the opportunity to address the Commissioners Court on any issues within its jurisdiction. The Commissioners Court may not take formal action on any requests made during the Public Comment period which are not on the Agenda, but can refer such requests to County staff for review if appropriate. Comment: William Davis, Tyner Little, and Judge Canales.

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.

Motion by: Commissioner Vaughn, Second by: Commissioner Chesney

Motion: Approve all Consent Agenda Items, except for Items G, H, and I.

**Vote:** 5 - 0 Approved

- A. Authorize payment of bills - regular bill summaries dated October 22, 2019, October 25, 2019, October 31, 2019, and November 01, 2019.
- B. Authorize payment of bills - manual check registers dated October 22, 2019 to October 28, 2019.
- C. Authorize payment of bills - special motions list dated November 06, 2019.
- D. Authorize payment of bills - group health insurance claims and fees:
  1. Boon Chapman - October 22 and 29, 2019.
- E. Accept the following Reports for FY 2018-2019:
  1. South Coastal AHEC - "Outside Agency Report"
  2. South Coastal AHEC - "Diabetes Report"
- F. Ratify Permission for Right-of-Entry along Interstate Highway 37 from North Staples to North Shoreline Boulevard (Historic Courthouse located here), to CDSmuery (TxDOT surveyor) for purposes of various work activities, including highway design.

- G.** Ratify execution of engineering services contract with Richter Architects for the 5th Floor Break Room at the Nueces County Courthouse.

Motion by: Commissioner Gonzalez, Second by: Commissioner Marez

Motion: To Ratify execution of Engineering Services Contract with Richter Architects for the 5th floor Break Room at the Nueces County Courthouse. Comment: Juan Pimentel, Michael Robinson and Laura Garza Jimenez.

**Vote:** 3 - 2 Approved

Against: Commissioner Vaughn  
Commissioner Chesney

- H.** Ratify execution of engineering services contract with Richter Architects for the Modifications/Renovations to the Evidence Storage Room at the Nueces County McKinzie Jail Annex.

Motion by: Commissioner Vaughn, Second by: Commissioner Gonzalez

Motion: To Ratify execution of engineering services contract with Richter Architects for the Modifications/Renovations to the Evidence Storage Room at the Nueces County McKinzie Jail Annex. Comment: Juan Pimentel and Michael Robinson.

**Vote:** 5 - 0 Approved

- I.** Ratify the execution of Amendment No. 2 to Project ID M1916ROBS with the Texas Department of Transportation for the Routine Airport Maintenance Program.

Motion by: Commissioner Gonzalez, Second by: Commissioner Marez

Motion: To Ratify the execution of Amendment No. 2 to Project ID M1916ROBS with the Texas Department of Transportation for the Routine Airport Maintenance Program. Comment: Maria Bedia.

**Vote:** 5 - 0 Approved

- J.** Approve Institutional and Business Subscription Agreement with World Book Online, an on-line information and educational service for the Nueces County Libraries.

- K.** Approve execution of Amendment No. 3 to the agreement with CrowderGulf, LLC. for RFP 3027-16 Disaster Debris Removal, Reduction Disposal and other Emergency Services.

- L.** Authorize execution of agreement with Total Protection, Inc. for ESC Region 2 GoodBuy Contract #19-207T000 purchase for quarterly Fire Protection System inspections.

- M.** Authorize ESC Region 2 GoodBuy Contract #19-207T000 purchase for the quarterly Fire Protection System inspections and maintenance by Total Protection Systems.

- N.** Approve the application procedure for the following Nueces County Advisory Boards:
1. Nueces County Emergency Services District #1
  2. Nueces County Emergency Services District #2
  3. Nueces County Emergency Services District #3
  4. Nueces County Emergency Services District #4
  5. Nueces County Emergency Services District #6

**4. REGULAR AGENDA:**

**A. AGENDA ITEMS**

1. Discuss and consider approval of the District Clerk's Designation of the Records Archive and the District Clerk's Management, Archiving, Preservation, and Restoration Plan pursuant to Section 51.305 of the Texas Government Code.

Motion by: Commissioner Gonzalez, Second by: Commissioner Vaughn

Motion: To approve the District Clerk's Designation of the Records Archive and the District Clerk's Management, Archiving, Preservation, and Restoration Plan pursuant to Section 51.305 of the Texas Government Code.

**Vote:** 5 - 0 Approved

2. Discuss and consider approval of an Order authorizing the issuance of Nueces County, Texas, Limited Tax Refunding Bonds, Series 2020, levying a tax in payment thereof; providing for the award of the sale thereof in accordance with specified parameters; authorizing the execution and delivery of a bond purchase agreement and escrow agreement; approving the Official Statement; and enacting other provisions related thereto.

Motion by: Commissioner Chesney, Second by: Commissioner Gonzalez

Motion: To approve of an Order authorizing the issuance of Nueces County, Texas, Limited Tax Refunding Bonds, Series 2020, levying a tax in payment thereof; providing for the award of the sale thereof in accordance with specified parameters; authorizing the execution and delivery of a bond purchase agreement and escrow agreement; approving the formation of Official Statement; and enacting other provisions related thereto. Comment: Blakely Hernandez and Paul Jack.

**Vote:** 5 - 0 Approved

3. Receive a presentation on Fleet Planning Analysis by a Sourcewell Cooperative Contract #060618-EFM awarded vendor, Enterprise Fleet Management, related to the systematic replacement and maintenance of the Nueces County Vehicle Fleet; authorize staff to bring necessary documents back to the November 20, 2019, Nueces County Commissioners Court. Comment: Michael Sosa and Michael Robinson.
4. Receive a presentation from Alan Wilson, Chairman, Corpus Christi United Chamber of Commerce, South Texas Military Facilities Task Force (STMFTF), on the FY2018-2019 activities; and, authorize FY 2019-2020 contract.

Motion by: Commissioner Vaughn, Second by: Commissioner Marez

Motion: Affirm the allocation and authorize the FY 2019-2020 Contract for the South Texas Military Facilities Task Force (STMFTF). Comment: Alan Wilson, Libby Averyt and Jenny Cross.

**Vote:** 4 - 0 Approved

5. Discuss and consider approval of Interlocal Agreement with the City of Corpus Christi for Tax Increment Reinvestment Zone #4 (TIRZ #4, North Beach); appoint board member to TIRZ #4 Board of Directors; discuss and consider recommendation to City of Corpus Christi of second board member to TIRZ #4 Board of Directors (actions subject to and effective upon creation of such reinvestment zone by the City of Corpus Christi, which is expected to be on November 12, 2019).

Motion by: Commissioner Chesney, Second by: Commissioner Marez  
Motion: Approve Interlocal Agreement with the City of Corpus Christi for Tax Increment Reinvestment Zone #4 (TIRZ #4, North Beach); Appoint Commissioner Vaughn as a Board Member to TIRZ #4 Board of Directors and recommend Judge Canales as a second board member to TIRZ #4 Board of Directors, subject to and effective upon creation of such reinvestment zone by the City of Corpus Christi, which is expected to be on November 12, 2019.

**Vote:** 5 - 0 Approved

6. CLERK'S NOTE: Commissioners Court recessed at 11:12 a.m. and reconvened into Regular Session at 1:20 p.m.

Receive Annual Report Nueces County Libraries. Comment: Ida Garza and Crystal Drillen.

7. Discuss and consider suspension of the maximum accrual of vacation hours under Rule 4.21 of the Personnel Rules for the 2018-2019 fiscal year for any and/or all applicable county employment positions; authorize the Director of Human Resources to request suspension of Civil Service Rule 4.21 of the Civil Service Rules for any and/or all such employees covered under Civil Service for the 2018-19 fiscal year from the Nueces County Civil Service Commission. Comment: Julie Guerra.
8. Discuss and consider Gulf Copper request to be granted Foreign Trade Zone status; and consider related agreements.

Motion by: Commissioner Chesney, Second by: Commissioner Vaughn  
Motion: Tabled item until, November 20, 2019.

**Vote:** 5 - 0 Approved

9. Discuss and consider adding Volunteer Law Enforcement Reserves to the current coverage.

Motion by: Commissioner Chesney, Second by: Commissioner Vaughn  
Motion: Add Volunteer Law Enforcement Reserves to the current coverage. Premium coverage for 2020 will be an additional Contribution for Volunteer Law Enforcement - \$1,027 for the year. Comment: Timothy Everest and Sheriff Hooper.

**Vote:** 5 - 0 Approved

10. Discuss and consider authorizing county road crossings for fiber optics in the Great Lakes Bluntzer area in Northwest Nueces County.

Motion by: Commissioner Chesney, Second by: Commissioner Vaughn  
Motion Tabled item until, November 20, 2019.

**Vote:** 5 - 0 Approved

11. 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 Vaughn, Second by: Commissioner Marez  
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.

**Vote:** 5 - 0 Approved

12. Discuss and consider alleged inappropriate comments made by Port of Corpus Christi appointee, Richard (Dick) Bowers, at a recent meeting of the Board of Commissioners of the Port of Corpus Christi Authority of Nueces County and any remedies available. Henry Williams and Pastor Adam Carrington.

**B. PUBLIC WORKS**

1. Discuss and consider approval to sign and accept the roof repair and rehabilitation warranty from DLJ Roofing, LLC (DLJ) at the Juvenile Justice Center Office Building.

Motion by: Commissioner Vaughn, Second by: Commissioner Marez

Motion: Approval to sign and accept the roof repair and rehabilitation warranty from DLJ Roofing, LLC (DLJ) at the Juvenile Justice Center Office Building. Comment: Juan Pimentel.

**Vote:** 5 - 0 Approved

2. Discuss and consider approval of Change Order No. 15 for the McKinzie Jail Annex Dormitory Renovation Project.

Motion by: Commissioner Vaughn, Second by: Commissioner Marez

Motion: Approve Change Order No. 15 for the McKinzie Jail Annex Dormitory Renovation Project. Comment: Juan Pimentel.

**Vote:** 5 - 0 Approved

3. Discuss and authorize the County Judge to enter into a Modernization Proposals with Thyssenkrupp Elevator Corporation for the following elevators;
  1. Four (4) Courthouse Tower Elevators.
  2. Three (3) Jail Elevators.

Motion by: Commissioner Gonzalez, Second by: Commissioner Vaughn

Motion: Tabled item until, November 20, 2019. Comment: Juan Pimentel and Laura Garza Jimenez.

**Vote:** 5 - 0 Approved

4. Discuss and approve the County Judge to sign the Gold Service Agreement with Thyssenkrupp Elevator Corporation for elevator maintenance in the Courthouse and the County Jail.

Motion by: Commissioner Gonzalez, Second by: Commissioner Vaughn

Motion: Tabled item, until November 20, 2019.

**Vote:** 5 - 0 Approved

5. Discuss and ratify Work Order for Tower Elevator Doors under Omnia Partners Contract No. TX-R150801-304292 with Thyssenkrupp Elevator Corporation.

Motion by: Commissioner Vaughn, Second by: Commissioner Marez

Motion: Ratify Work Order for Tower Elevator Doors under Omnia Partners Contract No. TX-R150801-304292 with Thyssenkrupp Elevator Corporation. Comment: Juan Pimentel, and Dale Atchley.

**Vote:** 5 - 0 Approved

5. **EXECUTIVE SESSION: PUBLIC NOTICE** is given that the Commissioners Court may elect to go into an Executive Session anytime during the meeting 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 the event the Commissioners Court elects to go into Executive Session regarding an agenda item, the section or sections of the Open Meetings Act authorizing the Executive Session will be publicly announced by the presiding officer. 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, the Commissioners Court 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, the Commissioners Court may in an open session take such action as appropriate on items discussed in an Executive Session. Court convened into Executive Session at 1:20 p.m. and reconvened into Regular Session at 1:56 p.m.

A. Discuss and consider claims and settlement demand of Maximillian Tortorelli, and related matters.

Motion by: Commissioner Gonzalez, Second by: Commissioner Vaughn

Motion: Deny claims and settlement demand of Maximillian Tortorelli, and related matters.

**Vote:** 5 - 0 Approved

B. Consult with County Attorney on alleged inappropriate comments made by Port of Corpus Christi appointee, Richard (Dick) Bowers, at a recent meeting of the Board of Commissioners of the Port of Corpus Christi Authority of Nueces County and any remedies available. No action taken.

C. Consult with the County Attorney regarding the selection of Phipps Deacon Purnell, PLLC to represent Nueces County in pursuing legal matters involving the prosecution of all pending and subsequent property tax litigation between Nueces County and Valero related to tax years 2018, 2019, and 2020; and related matters.

Discuss and consider an Order authorizing the County Judge to execute the Professional Services Agreement (Contingent Fee Counsel for Nueces County property tax litigation) with Phipps Deacon Purnell, PLLC, to represent Nueces County in legal matters involving the prosecution of all pending and subsequent property tax litigation between Nueces County and Valero related to tax years 2019, 2019, and 2020; and related matters.

Motion by: Commissioner Chesney, Second by: Commissioner Gonzalez

Motion: Adopt an Order authorizing the County Judge to execute the Professional Services Agreement (Contingent Fee Counsel for Nueces County property tax litigation) with Phipps Deacon Purnell, PLLC, to represent Nueces County in legal matters involving the prosecution of all pending and subsequent property tax litigation between Nueces County and Valero related to tax years 2018, 2019, and 2020.

**Vote:** 5 - 0 Approved

D. Discuss and consider settlement of Cause No. 2016DCV-5228-H, Joshua Sorensen v. Nueces County Civil Service Commission, Nueces County, Texas, and James "Jim" Kaelin, In the 347th Judicial District Court, Nueces County, Texas; on appeal in 13-18-00631-CV in the 13th Court of Appeals, Corpus Christi-Edinburg; Authorize the County Judge to sign the settlement agreement and related matters.

Motion by: Commissioner Gonzalez, Second by: Commissioner Vaughn  
Motion: Authorize the County Judge to sign the Settlement Agreement and related matters for Cause No. 2016DCV-5228-H, Joshua Sorensen v. Nueces County Civil Service Commission, Nueces County, Texas, and James "Jim" Kaelin, in the 347th Judicial District Court, Nueces County, Texas; on appeal in 13-1-00631-CV in the 13th Court of Appeals, Corpus Christi-Edinburg, in an amount of \$32,000.

**Vote:** 5 - 0 Approved

- E. Discuss and consider authorizing County Attorney to submit and pursue settlement of claim for \$10,016.13 against Julius Zdansky regarding damages that Zdansky's farming equipment caused to County Road 75 on October 24, 2019, and related matters.

Motion by: Commissioner Gonzalez, Second by: Commissioner Marez  
Motion: Authorize County Attorney to submit and pursue settlement of claim for \$10,016.13 against Julius Zdansky regarding damages that Zdansky's farming equipment caused to County Road 75 on October 24, 2019, an related matters.

**Vote:** 5 - 0 Approved

The Court was adjourned at 3:08 p.m. in memory of Marcie Taylor and Elle Longoria. There being no further business to come before the Court, it is ordered that this meeting does now stand adjourned, this the 6th day of November, 2019.

I, Kara Sands, County Clerk of Nueces County and Ex-Officio Clerk of the Commissioners Court, do hereby certify that the following Regular Meeting Minutes from November 6, 2019 are a true and correct record of the proceedings.

---

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