

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 October 2, 2013.



Diana T. Barrera, 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 2, 2013

BE IT REMEMBERED, that on this the 2nd day of October, A.D., 2013, 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:

1. CALL TO ORDER

- A. County Judge called for the Invocation by, Pastor Neil, Pulse Fellowship Church, Corpus Christi, Texas 78468.
- B. Judge Neal led the Pledge of Allegiance to the United States of America and Texas Flags.
- C. County Judge Neal called the roll at 9:00 a.m., and certified a quorum of the Court with all members present.
- D. Approve the following Minutes:

Motion by: Commissioner McComb, Second by: Commissioner Pusley

Motion: Approve the following Minutes:

Vote: 5 - 0 Approved

- 1. September 18, 2013.

E. RECESS MEETING

1. PUBLIC HEARING - TEMPORARY TAX ABATEMENT ZONE

The Nueces County Commissioners Court conducted a public hearing to receive public comment on the designation of a zone for temporary property tax abatement to be established under Chapter 312 of the Texas Tax Code. The establishment of the zone is at the request of Ticona Polymers, Inc., and the zone would be 1,423.58 acres of land generally located approximately one and one-half miles southwest of Bishop, Texas.

Comments:

John Bell, with Wood, Boykin and Wolter

Bryan Connolly, Site Director of Celanese, Bishop

CLOSE PUBLIC HEARING (1)

2. PUBLIC HEARING - ALL WAY STOP AT CR 26 AND CR 37

The Nueces County Commissioners Court conducted a public hearing on the proposed installation of an All Way Stop at the intersection of County Road 26 and County Road 37, in Commissioner Precinct No. 2, Nueces County, Texas.

Comments:

Glen R. Sullivan, Public Works Director

CLOSE PUBLIC HEARING (2)

RECONVENE REGULAR MEETING

Motion by: Commissioner Gonzalez, Second by: Commissioner McComb

Motion: The Commissioners Court recessed the Commissioners Court meeting at 9:06 a.m. and called for a Public Hearing on Temporary Tax Abatement Zone.

Vote: 5 - 0 Approved

Motion by: Commissioner Pusley, Second by: Commissioner Gonzalez

Motion: Close the Public Hearing.

Vote: 5 - 0 Approved

Motion by: Commissioner Gonzalez, Second by: Commissioner Pusley

Motion: Enter into Public Hearing for All Way Stop at CR 26 and CR 37.

Vote: 5 - 0 Approved

Motion by: Commissioner Gonzalez, Second by: Commissioner Pusley

Motion: Close the Public Hearing.

Vote: 5 - 0 Approved

F. The Nueces County Commissioners Court joined the Texas Association of Counties in honoring Chairman and State Representative Todd Hunter as a "Friend of County Government" for his support of counties during the 83rd Legislative Session.

G. Adopt the following Resolution(s) and/or Order(s):

1. National Disability Employment Awareness Month - October 2013.

Motion by: Commissioner McComb, Second by: Commissioner Ortiz

Motion: Resolution declaring October, 2013 as National Disability Employment Awareness Month.

Vote: 5 - 0 Approved

2. PUBLIC COMMENT: None.

Motion by: Commissioner Gonzalez, Second by: Commissioner Ortiz

Motion: None

Vote: 5 - 0 Approved

3. CONSENT AGENDA:

- A.** Authorize payment of bills - manual check registers dated September 24, 2013.
- B.** Authorize payment of bills - regular bill summaries dated August 26, 2013; August 30, 2013 C; September 9, 2013; September 13, 2013 B; September 20, 2013; and September 27, 2013.
- C.** Authorize payment of bills - special motions list dated October 2, 2013.
- D.** Authorize payment of Pcard purchases for the month of August, 2013.
- E.** Approve personnel actions of a budgeted nature:
 - a. Application Temporary List No. 344
 - b. Unfreeze List No. 672
 - c. Personnel Changes reports dated September 13, 2013 and September 20, 2013.
- F.** Accept \$2,500.00 in contributions to the Emergency Training Fund, and a \$1,405.31 contribution to the Library Board.
- G.** Ratify a contract with HealthSmart for Primary Network for RFP No. 2933-13 Primary Network Service, Pharmacy Benefit Management (PBM) and Wellness Programs.
- H.** Ratify a contract with Script Care for Pharmacy Benefit Management for RFP No. 2933-13 Primary Network Service, Pharmacy Benefit Management (PBM) and Wellness Programs.
- I.** Approve the following Tax Deed and highest minimum bid to date:
 - 1. 43.01 acres, being Block 8, Rancho Amistad Subdivision, in the amount of \$50,000.00.
- J.** Authorize/Execute a contract with Sungard Public Sector, Inc. for IFAS and OneSource applications, professional services, and hosting fees.
- K.** Approve a contract with the Educational Service Center Region 2 (ESC-2) for Internet services for FY 2013-14.
- L.** Approve sole source purchase of annual maintenance with Intergraph for the Jail Management System.
- M.** Authorize/Execute one-year lease agreements for the following hangars at the Nueces County Airport:
 - 1. M-4 & M-5 Hangars - Integrity Communications, LTD (Bill Sugarek);
 - 2. T-4 Hangar - Jerry Hunsaker;
 - 3. T-6 Hangar - Jerry Lunceford;
 - 4. T-7 Hangar - Johnston Fertilizer, Inc.;
 - 5. T-8 Hangar - F. A. Sternberg;
 - 6. T-8 Hangar - Gregory P. Gideon;
 - 7. T-1 & T-10 Hangar - Donald Bayne Horne, Jr.;
 - 8. T-11 & T-13 Hangar - Guillermo A. Pliego;
 - 9. T-14 Hangar - Hopkins Law Group;
 - 10. T-15 Hangar - Civil Air Patrol;

- N. Authorize/Execute Amendment No. 4, one (1) year renewal, to the Agreement between Nueces County and Public Communications Services, Inc. (PCS) for Inmate Telephone and Public Coin Telephone Services (RFP No. 2799-08).
 - O. Approve the application procedure for appointment to the following Nueces County Advisory Boards:
 - 1. Nueces County Beach Management Advisory Committee;
 - 2. Nueces County Child Welfare Board;
 - 3. Nueces County Civil Service Board;
 - 4. Nueces County Rural Rail Transportation District.
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Motion by: Commissioner Pusley, Second by: Commissioner Gonzalez

Motion: Approve Consent Agenda Items 3.A through 3.0 with the exception of G, J, M.

Vote: 5 - 0 Approved

Motion by: Judge Neal, Second by: Commissioner McComb

Motion: Table Item 3.G.

Vote: 5 - 0 Approved

Motion by: Commissioner McComb, Second by: Commissioner Pusley

Motion: Approve 3.J.

Vote: 5 - 0 Approved

Motion by: Commissioner Ortiz, Second by: Commissioner Pusley

Motion: Table Item 3.M.

Vote: 5 - 0 Approved

4. **REGULAR AGENDA:**

A. AGENDA ITEMS

- 1. Donnie Montemayor introduced Jason Ott the new agent for the Texas A&M AgriLife Extension Service, County Extension Agent-Agriculture and Natural Resources position.
- 2. The Commissioners Court received a presentation by Captain James Brown, City Fire Marshall, on the 2013 Fire Prevention Poster Contest.
- 3. Discuss and consider adopting an order for the creation of a reinvestment zone for property tax abatement as requested by Ticona Polymers, Inc., consisting of approximately 1,423.58 acres located one and one-half mile southwest of Bishop, Texas.

Motion by: Commissioner Pusley, Second by: Commissioner Ortiz

Motion: Table 4. A. 3.

Vote: 5 - 0 Approved

- 4. Discuss and consider adopting an order approving a variance and a temporary tax abatement agreement with Ticona Polymers, Inc., pursuant to Chapter 312 of the Texas Tax Code.

Motion by: Commissioner Pusley, Second by: Commissioner McComb

Motion: Table 4. A. 4.

Vote: 5 - 0 Approved

5. Discuss and consider authorizing participation in the Don't Mess with Texas Water Program related to the placement of signs at the Nueces River crossing at FM 666. No action.
6. Discuss and consider approving the following for the upcoming November 5, 2013 Nueces County Constitutional Amendment Election:
 - a. Early Voting Substations
 - b. Mobile Calendar
 - c. Election Day Polling Places

Motion by: Commissioner McComb, Second by: Commissioner Pusley

Motion: Approve the following for the upcoming November 5, 2013 Nueces County Constitutional Amendment Election:

- a. Early Voting Substations
- b. Mobile Calendar
- c. Election Day Polling Places

Vote: 5 - 0 Approved

7. Receive presentation on a phase II Building Retrofit and Energy Efficiency Project related to the Courthouse/Jail, McKinzie Annex, and Juvenile Justice Facilities; authorize staff to move forward with 3rd Party Review and development of a Project Agreement with Johnson Controls, Inc.

Motion by: Commissioner Pusley, Second by: Commissioner Ortiz

Motion: Table Agenda 4. A. 7.

Vote: 5 - 0 Approved

8. Discuss and consider accepting proposal for leasing office space in the Corpus Christi Regional Transportation Authority Staples Service Center building for the Nueces County Veterans Services Office and Human Services Office.

Motion by: Commissioner Gonzalez, Second by: Commissioner Pusley

Motion: Accept proposal for leasing office space in the Corpus Christi Regional Transportation Authority Staples Service Center building for the Nueces County Veterans Services Office and Human Services Office.

Public Comment: Abel Alonzo.

Vote: 5 - 0 Approved

9. Discuss and consider approving a simplified application form for commissions or boards appointed by the Nueces County Commissioners Court.

Motion by: Commissioner Pusley, Second by: Commissioner McComb

Motion: Approve a simplified application form for commissions or boards appointed by the Nueces County Commissioners Court.

Vote: 5 - 0 Approved

10. Discuss and consider approval of the Sheriff's and Constable's Fees for 2014, pursuant to Section 118.131 of the Texas Local Government Code.

Motion by: Commissioner Gonzalez, Second by: Commissioner Pusley

Motion: Approve the Sheriff's and Constable's Fees for 2014, pursuant to Section 118.131 of the Texas Local Government Code.

Vote: 5 - 0 Approved

11. Discuss and consider modifying the procedure for board incumbents to reapply for boards or commissions appointed by the Nueces County Commissioners Court.

Motion by: Commissioner Gonzalez, Second by: Commissioner Pusley

Motion: Approve letter of interest for incumbent board applicants reapplying for appointment.

Vote: 5 - 0 Approved

B. GRANTS

1. Discuss and consider acceptance of a grant award from the Governor's Criminal Justice Division for funding for the Nueces County Drug/DWI Court.

Motion by: Commissioner Gonzalez, Second by: Commissioner Pusley

Motion: Accept a grant award from the Governor's Criminal Justice Division for funding for the Nueces County Drug/DWI Court.

Vote: 5 - 0 Approved

2. Discuss and consider acceptance of a grant award and execution of related contract documents for the Texas Parks and Wildlife Department (TPWD) – Local Land and Water Conservation Fund for Nueces County LyondellBasell Park (Project No. 48-001124).

Motion by: Commissioner Pusley, Second by: Commissioner Gonzalez

Motion: Accept a grant award and execution for Nueces County Lyondell Basell Park (Project No. 48-001124).

Vote: 5 - 0 Approved

3. Discuss and consider execution of a Sub-Recipient Grant Award for the Homeland Security Grant Program (HSGP) - FY 13 State Homeland Security Program (SHSP).

Motion by: Judge Neal, Second by: Commissioner Ortiz

Motion: Authorize execution of a Sub-Recipient Grant Award for the Homeland Security Grant Program (HSGP) - FY 13 State Homeland Security Program (SHSP).

Vote: 5 - 0 Approved

C. PUBLIC WORKS

1. Discuss and consider approving installation of an All Way Stop at the intersection of County Road 26 and County Road 37 in Precinct 2.

Motion by: Commissioner Gonzalez, Second by: Commissioner Ortiz

Motion: Approve installation of an All Way Stop at the intersection of County Road 26 and County Road 37 in Precinct 2.

Vote: 5 - 0 Approved

D. PURCHASING

1. Discuss/Award RFP No. 2936-13 for Auditing Services.

Motion by: Commissioner Pusley, Second by: Commissioner Ortiz

Motion: Award RFP No. 2936-13 for Auditing Services to Ernest R. Garza.

Public Comment: Abel Alonzo.

Vote: 5 - 0 Approved

2. Discuss and consider making a finding for the method of procurement (request for competitive bids) for Armored Car Service; 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 Armored Car Service; and authorize the Purchasing Agent to publish a notice.

Vote: 5 - 0 Approved

E. AUDITOR

1. Approve Budget Change Order No. 24 for Fiscal Year 2012-2013.

Motion by: Commissioner Pusley, Second by: Commissioner McComb

Motion: Approve Budget Change Order No. 24 for Fiscal Year 2012-2013.

Vote: 5 - 0 Approved

2. Discuss and consider creating and unfreezing an Application Support Analyst position, pay group 25, in the Information Technology Department to provide on-going support to departments in implementing and using Odyssey and other software applications.

Motion by: Commissioner Pusley, Second by: Commissioner Gonzalez

Motion: Create and unfreeze an Application Support Analyst position, pay group 25, in the Information Technology Department to provide on-going support to departments in implementing and using Odyssey and other software applications.

Vote: 5 - 0 Approved

5. **EXECUTIVE SESSION:** The Commissioners Court entered into executive session at 10:36 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 11:13 a.m.

- A. Discuss with County Attorney and consider authorizing the County Attorney's Office to pursue the County's claims in regard to the HVAC problems at the Keach Family Library, and authorizing the County Attorney to send a demand letter to responsible parties.

Motion by: Judge Neal, Second by: Commissioner McComb

Motion: Authorized the County Attorney's Office to pursue the County's claims in regard to the HVAC problems at the Keach Family Library, and authorizing the County Attorney to send a demand letter to responsible parties.

Vote: 5 - 0 Approved

- B. Discuss and consider authorizing the County Attorney to file a petition for mandamus in the Texas Supreme Court from Case No. 13-13-346-CV, Steve Schwerin v Nueces County, et al., In the Thirteenth Court of Appeals, on appeal from Cause No. 06-6073-F, in the 214th Judicial District, Nueces County, Texas (Hon. Alex Gabert by assignment), and related matters.

Motion by: Judge Neal, Second by: Commissioner Pusley

Motion: Authorize the County Attorney to file a petition for mandamus in the Texas Supreme Court from Case No. 13-13-346-CV, Steve Schwerin v Nueces County, et al., In the Thirteenth Court of Appeals, on appeal from Cause No. 06-6073-F, in the 214th Judicial District, Nueces County, Texas (Hon. Alex Gabert by assignment).

Vote: 5 - 0 Approved

- C. Discuss and consider status of Cause No. 09-5990-C, San Patricio County, Texas v Nueces County, Texas, and Nueces County Appraisal District, In the 94th Judicial District Court of Nueces County, Texas, and related matters. No action.

- D. Discuss and consider status of Cause No. 2013-DCV-4282-G; Ismael Hernandez v. Judge Mike Westergren, et al, In the 319th Judicial District Court of Nueces County, Texas, and related matters. No action.

- E. Discuss and consider authorizing County Attorney to file an 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 (Hon. Robert Blackmon, by assignment), and related matters.

Motion by: Judge Neal, Second by: Commissioner McComb

Motion: Authorize County Attorney to file an 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 (Hon. Robert Blackmon, by assignment).

Vote: 5 - 0 Approved

The Court was adjourned at 11:15 a.m. in memory of Arthur Santana, Consuelo Ramirez, Maria Teresa Canales. 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 do now stand adjourned, this the day 2nd of October, 2013.