REGULAR MEETING - April 30, 2014

BE IT REMEMBERED, that on this the 30th day of April, A.D., 2014, 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 Michael Perkins from Trinity Church of the Nazarene, 6225 Weber Road, Corpus Christi, Texas 78413.

B. 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:

1. April 9, 2014.

Motion by: Commissioner Gonzalez, Second by: Commissioner Ortiz

Motion: Approve the minutes of the April 9, 2014 Commissioners Court Meeting.

Vote: 5 - 0 Approved

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

1. Recognizing Mrs. Wilmerine Howard on her 100th Birthday.

Motion by: Commissioner Pusley, Second by: Commissioner McComb

Motion: Adopt a Resolution recognizing Mrs. Wilmerine Howard on her 100th birthday.

Vote: 5 - 0 Approved
2. Recognizing Ryan Curtin as the 2014 Navy Military Child of the Year.

   Motion by: Commissioner Gonzalez, Second by: Commissioner Pusley
   Motion: Adopt a Resolution recognizing Ryan Curtin as the 2014 Navy Military Child of the Year.
   Vote: 5 - 0 Approved


   Motion by: Commissioner Gonzalez, Second by: Commissioner McComb
   Motion: Adopt a Resolution recognizing National Children's Mental Health Awareness Week - May 4 - 10, 2014
   Vote: 5 - 0 Approved


   Motion by: Commissioner Pusley, Second by: Commissioner Gonzalez
   Motion: Adopt a Proclamation recognizing Holy Cross Catholic Church for its Centennial Jubilee to be held on September 14, 2014.
   Vote: 5 - 0 Approved
   Motion by: Judge Neal, Second by: Commissioner McComb
   Motion: Re-open agenda item. Members of the Holy Cross Catholic Church were given the opportunity to introduce themselves and the item was closed.
   Vote: 5 - 0 Approved


   Motion by: Commissioner Pusley, Second by: Commissioner McComb
   Motion: Adopt a Proclamation declaring May 10, 2014, as Lemonade Day in Nueces County.
   Vote: 5 - 0 Approved

6. In support of controlling non-native invasive Brazilian Pepper Trees in Nueces County.

   Motion by: Commissioner Pusley, Second by: Commissioner McComb
   Motion: Table Agenda Item.
   Vote: 5 - 0 Approved

2. PUBLIC COMMENT: Casilda (Casi) Clarich.

3. CONSENT AGENDA:

   A. Authorize payment of bills - manual check registers dated April 22, 2014.

   B. Authorize payment of bills - regular bill summaries dated March 31, 2014; April 4, 2014 B; April 11, 2014; April 15, 2014; April 18, 2014; and April 25, 2014.
C. Authorize payment of bills - special motions list dated April 30, 2014.

D. Authorize payment of bills - group health insurance claims and fees - TPA checks March 1, 2014 through March 31, 2014.

E. Approve personnel actions of a budgeted nature:
   a. Application Temporary List No. 354
   b. Unfreeze List No. 684
   c. Personnel Changes reports dated April 4, 2014; April 11, 2014; and April 18, 2014.

F. Approve the monthly revenue reports in accordance with LGC 114.044 - January 2014.

G. Approve the following Tax Deeds and highest minimum bid to date:
   1. Lot 7, Block 12, Flour Bluff Park, in the amount of $3,000.00
   2. Tract ‘D’, Lot 23, Block ‘H’, Flour Bluff Estates, in the amount of $2,000.00
   3. Lots 7, 8, 9 & the South one-half of Lot 10, Block 29, Hillcrest Addition, in the amount of $4,500.00
   4. A portion of Lot 2, Block 2, Airport Industrial Subdivision, in the amount of $4,000.00
   5. The North one-half of Lot 15 and all of Lot 16, Block 3, M. T. Gaffney Addition, in the amount of $2,150.00
   6. Lot 21, Block 11, Airport Park Subdivision, in the amount of $2,000.00
   7. The Northeast 50 feet of Lot 20 & the Southeast 25 feet of Lot 19, Block 8, Lexington Estates, in the amount of $9,000.00
   8. Lots 16 and 17, Block 18, Central Park Unit 3, in the amount of $8,500.00
   9. Lot 2, Block 4, Hilltop Terrace Addition, in the amount of $5,000.00
   10. Lot 4, Block 4, Laguna Acres, in the amount of $3,000.00
   11. Lot 9-B, Block 1, Flour Bluff Estates No. 2 Subdivision, in the amount of $5,000.00
   12. Lot 16, Block 9, Highway Village Section 2, in the amount of $3,000.00
   13. Lot 8, Block 8, Airport Park Subdivision, in the amount of $3,500.00
   14. The West 50 feet of Lots 1 and 2, Block 4, Gateway Park Addition, in the amount of $4,000.00
   15. Lot 6, Block 3, Coronado Addition, in the amount of $3,000.00
   16. Lot 50, Block 1, San Pedro Addition, in the amount of $8,000.00
   17. Lot 4, Block 5, Airport Park Subdivision, in the amount of $2,000.00
   18. Lot 10-A, Block 13, Highway Village Section 3, in the amount of $2,500.00
   19. Lot 28, Block 1, Hudson Acres Addition, in the amount of $2,000.00
   20. The North one-half of Lot 6, Block 21, Meadow Park Addition, in the amount of $2,000.00
   21. Lot 7, Block 2, Harlem Park Addition, in the amount of $2,000.00
   22. Lot 12, Reynolds Addition No. 2, in the amount of $3,000.00
   23. Lot 30, Block 4, Windsor Park, in the amount of $20,000.00
   24. Lot 23, Block 6, South Park Subdivision, in the amount of $18,000.00
   25. Lot 10, Block 1, Lena Pearse Subdivision, in the amount of $2,500.00

H. Approve change request for installation of an additional 95 network drops to be installed by the DIR approved vendor Insight Public Sector.

I. Approve application procedure for the Behavioral Health Center of Nueces County Board.

J. Authorize Sole Source purchase from Hart InterCivic for software license and support annual renewal for the County Clerk’s Office.

K. Authorize/Execute a contract with Port Enterprises, LTD. for IFB No. 2954-14 Nueces County Central Garage Complex Roofing Replacement.
L. Authorize/Execute a contract with Gulf Coast Hurricane Shutters for RFP 2953-14 Hurricane Shutters for County Courthouse EOC Office, Keach Family Library, and RMB Regional Fairgrounds Conference Center.

M. Authorize/Execute a contract with Dunbar Armored, Inc. for IFB No. 2948-13 Armored Car Service.

N. Authorize/Execute a contract with Texas Sky Aviation for IFB No. 2956-14 Hangar No. 1 County Williams Hangar for Lease.

O. Authorize/Execute Amendment No. 2 for RFP No. 2864-10 Food Management Program for Nueces County Jails with Aramark Correctional Service, LLC.

P. Authorize/Execute Amendment No. 1 to agreement with FasClampitt Paper Store for IFB No. 2909-12, Copy Paper, Computer Paper, NCR Paper and Envelopes.

Q. Authorize Sole Source purchase of tile and bathroom cleaner from Kendall & Son LTD for the Sheriff's office.

R. Approve Tax Deed and highest minimum bid to date by Port Aransas Independent School District to purchase Nueces County's interest in Tax resale property described as Lot 5, Block 2, Survey #9, Mustang Island Surveys- located at 203 Church Street, Port Aransas, Texas.

S. Approve and accept donations (list attached) to the county in accordance with LGC 81.032.

Motion by: Commissioner McComb, Second by: Commissioner Pusley
Motion: Approve Consent Agenda Item 3.A through 3.S with the exception 3.R.
Vote: 5 - 0 Approved

Motion by: Commissioner McComb, Second by: Judge Neal
Motion: Approve Consent Agenda Item 3.R.
Vote: 5 - 0 Approved

4. REGULAR AGENDA:

A. AGENDA ITEMS

1. The Commissioners Court received a presentation from the Pink Lady Hornets of Flour Bluff High School related to their mission of spreading the idea of robotics and female participation in the Science, Technology, Engineering, and Mathematics (STEM) fields; presentation of certificates of recognition.

2. The Commissioners Court received a presentation from Martha Sanchez, Emergency and Risk Management Specialist, related to the refund of the 2013 Worker's Compensation Premium from the Texas Association of Counties.

3. Discuss and consider approving the Early Voting Calendar for the May 27, 2014 Primary Runoff Elections.
Motion by: Judge Neal, Second by: Commissioner Ortiz  
**Motion:** Approve the Early Voting Calendar for the May 27, 2014 Primary Runoff Elections.  
**Vote:** 5 - 0 Approved

4. Discuss and consider approval of the 2014-2015 Budget Planning Calendar, and related matters.  

Motion by: Commissioner Gonzalez, Second by: Commissioner Pusley  
**Motion:** Approve the 2014-2015 Budget Planning Calendar.  
**Vote:** 5 - 0 Approved

5. Discuss and consider authorizing County Judge to provide written notice to Global Spectrum, LP extending the term of the Management Agreement an additional two (2) years, with term to expire at 11:59 p.m. on September 30, 2016.  

Motion by: Commissioner Pusley, Second by: Commissioner Gonzalez  
**Motion:** Authorize County Judge to provide written notice to Global Spectrum, LP extending the term of the Management Agreement an additional two (2) years, with term to expire at 11:59 p.m. on September 30, 2016.  
**Vote:** 5 - 0 Approved

6. Discuss and consider approval of proposed 2014 projects to be funded under the Regional Transportation Authority (RTA) Street Improvement Program.  

Motion by: Commissioner Ortiz, Second by: Commissioner McComb  
**Motion:** Approve the proposed 2014 projects to be funded under the Regional Transportation Authority (RTA) Street Improvement Program.  
**Vote:** 5 - 0 Approved

7. Discuss and consider approval of the following items related to the Nueces County Investment Policy:  
   a. Approve Investment Vendors as recommended by the Investment Committee.  
   b. Adopt a resolution acknowledging the annual review of the Nueces County Investment Policy and Strategies and approving changes to the Policy and Strategies.  

Motion by: Commissioner McComb, Second by: Commissioner Gonzalez  
**Motion:** Approve the following Investment Vendors as recommended by the Investment Committee:  
1. Wells Fargo  
2. Frost  
4. Coastal Securities Inc.  

**Vote:** 5 - 0 Approved  
Motion by: Commissioner Pusley, Second by: Commissioner Ortiz  
**Motion:** Adopt a resolution acknowledging the annual review of the Nueces County Investment Policy and Strategies and approve changes to the Policy and Strategies.  
**Vote:** 5 - 0 Approved
8. Discuss and consider adopting final amendments to Nueces County's Order Adopting Rules of Nueces County, Texas, for On-Site Sewage Facilities and related matters.

Motion by: Commissioner Ortiz, Second by: Commissioner Gonzalez
Motion: Adopt final amendments to Nueces County's Order Adopting Rules of Nueces County, Texas, for On-Site Sewage Facilities.

Vote: 5 - 0 Approved

9. Discuss and consider approval of Change Order No. 1 with MAC Inc. for an increase of $30,300.00 on the PJ's Marina Improvements Phase II.

Motion by: Commissioner McComb, Second by: Commissioner Ortiz
Motion: Approve Change Order No. 1 with MAC Inc. for an increase of $30,300.00 on the PJ's Marina Improvements Phase II.

Vote: 5 - 0 Approved

B. SHERIFF

1. Discuss and consider reclassification of the ID Section, Dept. 3710, Lieutenant Position, to a Captain Position.

Motion by: Commissioner Pusley, Second by: Commissioner Gonzalez
Motion: Approve reclassification of the ID Section, Dept. 3710, Lieutenant Position, to a Captain Position.

Vote: 5 - 0 Approved

C. GRANTS

1. Discuss and consider submission of a grant application to the Office of Justice Programs (OJP) Bureau of Justice Assistance (BJA) for the 2014 Bulletproof Vests Partnership program.

Motion by: Commissioner Gonzalez, Second by: Commissioner Ortiz
Motion: Authorize submission of a grant application to the Office of Justice Programs (OJP) Bureau of Justice Assistance (BJA) for the 2014 Bulletproof Vests Partnership program.

Vote: 5 - 0 Approved

2. Discuss and consider authorizing submission of a grant application to the Bureau of Justice Assistance (BJA) under the FY 2014 State Criminal Alien Assistance Program (SCAAP) for reimbursement of costs related to incarcerating undocumented criminal aliens.

Motion by: Judge Neal, Second by: Commissioner Pusley
Motion: Authorize submission of a grant application to the Bureau of Justice Assistance (BJA) under the FY 2014 State Criminal Alien Assistance Program (SCAAP) for reimbursement of costs related to incarcerating undocumented criminal aliens.

Vote: 5 - 0 Approved
3. Authorize execution of Cost-Share Matching Funds Commitment and Space Match Requirements for the Better Living for Texans Reimbursement Program.

Motion by: Commissioner Pusley, Second by: Commissioner Ortiz
Motion: Authorize execution of Cost-Share Matching Funds Commitment and Space Match Requirements for the Better Living for Texans Reimbursement Program.

Vote: 5 - 0 Approved

4. Discuss and consider the execution of Amendment No. 2 to Subrecipient Grant Agreement GLO Contract No. 13-050-000-6917 Coastal Management Program (CMP) Cycle 17 for the Upper Oso Watershed at LyondellBasell project.

Motion by: Commissioner Pusley, Second by: Commissioner Gonzalez
Motion: Authorize execution of Amendment No. 2 to Subrecipient Grant Agreement GLO Contract No. 13-050-000-6917 Coastal Management Program (CMP) Cycle 17 for the Upper Oso Watershed at LyondellBasell project.

Vote: 5 - 0 Approved

5. Discuss and consider adoption of a resolution restricting mining and surface drilling at LyondellBasell Park, as required by the Texas Parks and Wildlife Department.

Motion by: Judge Neal, Second by: Commissioner Ortiz
Motion: Table Agenda Items 5 and 6.

Vote: 5 - 0 Approved

6. Discuss and consider the execution of a resolution dedicating wetlands/open space/parkland in LyondellBasell Park, as required by the Texas Parks and Wildlife Department.

Tabled per item 5 above in one action.

7. Discuss and consider the ratification of submission of a project proposal to the Coastal Bend Bays and Estuaries Program for consideration of grant funding for the Packery Channel Nature Preserve Park project.

Motion by: Commissioner McComb, Second by: Commissioner Gonzalez
Motion: Ratify the submission of a project proposal to the Coastal Bend Bays and Estuaries Program for consideration of grant funding for the Packery Channel Nature Preserve Park project.

Vote: 5 - 0 Approved

D. PUBLIC WORKS

1. Discuss and consider a Supplemental Agreement for the extension of the Engineering Services Contract with Naismith Engineering, Inc., for the monitoring and sampling of storm water in the rural areas.

Motion by: Commissioner Pusley, Second by: Commissioner McComb
Motion: Approve the Supplemental Agreement for the extension of the Engineering Services Contract with Naismith Engineering, Inc., for the monitoring and sampling of storm water in the rural areas.
Vote: 5 - 0 Approved

2. Discuss and consider authorizing the Department of Public Works to inspect the reconstruction of roads in the Royal Estates Subdivision.

Motion by: Judge Neal, Second by: Commissioner Gonzalez
Motion: Approve Supplemental Agreement for the extension of the Engineering Services Contract with Naismith Engineering, Inc., for the monitoring and sampling of storm water in the rural areas.

Vote: 5 - 0 Approved

E. PURCHASING

1. Authorize a DIR Contract No. DIR-SDD-1777 purchase for cell phone equipment and service from AT&T.

Motion by: Commissioner Pusley, Second by: Commissioner Ortiz
Motion: Authorize a DIR Contract No. DIR-SDD-1777 purchase for cell phone equipment and service from AT&T.

Vote: 4 - 0 Approved

2. Authorize DIR Contract No. DIR-SDD-1369 purchase for Voice Gateways/Routers for remote sites from Insight for the IT Department.

Motion by: Commissioner Pusley, Second by: Commissioner Gonzalez
Motion: Authorize DIR Contract No DIR-SDD-1369 purchase for Voice Gateways/Routers for remote sites from Insight for the IT Department.

Vote: 5 - 0 Approved

3. Authorize Buyboard Contract No. 358-10 purchase of two 2014 Chevrolet Impalas and one Chevrolet 3500 Express Passenger Van from Caldwell Country.

Motion by: Commissioner Ortiz, Second by: Commissioner Gonzalez
Motion: Authorize Buyboard Contract No. 358-10 purchase of two 2014 Chevrolet Impalas and one Chevrolet 3500 Express Passenger Van from Caldwell Country.

Vote: 5 - 0 Approved


Motion by: Commissioner Ortiz, Second by: Commissioner Pusley

Vote: 5 - 0 Approved
5. Discuss and Award RFP No. 2955-14 Property, Casualty, and Auto Liability Insurance.

Motion by: Commissioner Pusley, Second by: Commissioner Ortiz
Award Property, Casualty, and Auto Liability Insurance to the following:

1. Automobile Coverage to Texas Association of Counties.
2. Windstorm Coverage to Borden Insurance.
3. Property Coverage to Swantner & Gordon.
4. Miscellaneous Coverage to Swantner & Gordon.

Vote: 5 - 0 Approved

F. AUDITOR

1. Approve Budget Change Order No. 11 for Fiscal Year 2013-2014.

Motion by: Commissioner Gonzalez, Second by: Commissioner Ortiz
Motion: Approve Budget Change Order No. 11 for Fiscal Year 2013-2014.

Vote: 5 - 0 Approved


Motion by: Commissioner Ortiz, Second by: Commissioner Pusley
Motion: Approve the Quarterly Investment Report for period ending December 31, 2013.

Vote: 5 - 0 Approved


4. The Commissioners Court received a report and management letter from the outside auditor, Ernest R. Garza, CPA, on the audit for the fiscal year ended September 30, 2013.


Motion by: Commissioner Gonzalez, Second by: Commissioner Pusley

Vote: 5 - 0 Approved

5. EXECUTIVE SESSION: The Commissioners Court entered into executive session at 12:30 p.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 1:40 p.m.
A. Discuss and consider settlement demand and status of Civil Action 2:14-CV-66; Adam Balle v. City of Corpus Christi, Nueces County, Texas, CCPD Officer A. Salines or A. Salinas #9163 and CCPD Officer B. Perriaz #8738 and CCPD Officer A. Salinas #1362, Ten John Doe Defendants and Ten Jane Doe Defendants, in the United States District Court of the Southern District of Texas, Corpus Christi, Division; and related matters.

Motion by: Judge Neal, Second by: Commissioner Gonzalez

Motion: Deny claim.

Vote: 5 - 0 Approved

B. Discuss and consider claim and settlement demand of Roderick Hornsby; and related matters.

Motion by: Judge Neal, Second by: Commissioner McComb

Motion: Deny claim and settlement.

Vote: 5 - 0 Approved

C. Consult with County Attorney to discuss and consider status of Cause No. 06-6073-F, Steve Schwerin v. Nueces County Juvenile Board, et al., in the District Court of Nueces County 214th Judicial District (Hon. Alex Gabert, by assignment), and Case No. 13-13-346-CV, in the Thirteenth Court of Appeals of Texas; and related matters. Status update, but no action.


E. Consult with County Attorney to discuss and consider status of Cause No. 2012-DCV-0044-G; Jesus Arriaga v. the Nueces County Civil Service Commission, In the District Court of Nueces County, Texas, 319th Judicial District; and related matters. No action.

F. Discuss and consider claim and settlement demand of Elizabeth Garcia; and related matters. No action.

G. Discuss and consider settlement demand and status of Civil Action No. 2:13-CV-26, Catherine Cheek and Gilmer L. Cheek, Individually and as Personal Representatives of the Estate of Gregory L. Cheek, Deceased, and Corin Elizabeth Ceja, as Guardian and Custodian of P.E.C., a minor child, v. Nueces County, Texas; Nueces County Sheriff Jim Kaelin, Individually; Naphcare, Inc.; Daniela Badea-Mic, M.D.; Suzan Salter, P.A.; and Gilberto Maldonado, M.D.; In the United States District Court for the Southern District of Texas, Corpus Christi Division.

Motion by: Judge Neal, Second by: Commissioner Ortiz

Motion: Authorize County Attorney to deny claim.

Vote: 5 - 0 Approved

H. Discuss and consider status of Cause No. 09-05990-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.
The Court was adjourned at 1:42 p.m. in memory of Hector Sanchez, Emma Gonzalez Landin, Irma DelosSantos Molina, Gerald Schaf, Marguerite "Maggie" Smith, Mary Patricia Juranek and Malorie Knapp. Judge Neal asked the Court to stand for a moment of silence.