

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 April 12, 2017.

Kara Sands
by Amador

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 - April 12, 2017

BE IT REMEMBERED, that on this the 12th day of April, A.D., 2017, 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
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 Loyd Neal called for the Invocation by Bishop Edmond Carmody of the Diocese of Corpus Christi.
- 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 9:15 a.m. and certified a quorum of the Court with all members present.
- D.** Approve the following Minutes:

1. March 21, 2017

Motion by: Commissioner Gonzalez, Second by: Commissioner Marez
Motion: Approve the Commissioners Court Minutes of March 21, 2017.

Vote: 5 - 0 Approved

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

1. 2017 Safety Resolution for Nueces County. Comment: Lance Esswein-Risk Manager introduced Timothy Everest.

Motion by: Commissioner Pusley, Second by: Commissioner Gonzalez
Motion: Proclaims their support on behalf of the County to implement an effective accident prevention plan in agreement with the Texas Association of Counties.

Vote: 5 - 0 Approved

2. Nueces County Safe Digging Month - April 2017.

Motion by: Commissioner Chesney, Second by: Commissioner Pusley

Motion: Proclaim, on behalf of the Pipeline Damage Prevention Subcommittee of the City of Corpus Christi-Nueces County Local Emergency Planning Committee and the Gulf Coast Damage Prevention Council, the month of April 2017, as Nueces County Safe Digging Month and encourages contractors and homeowners throughout Nueces County to always dial 811 before digging.

Vote: 5 - 0 Approved

3. In support of Senate Bill 2161 and Senate Bill 2162 - Protecting Drinking Water from Contamination.

Motion by: Commissioner Gonzalez, Second by: Commissioner Marez

Motion: Approve support of Senate Bill 2161 and Senate Bill 2162-Protecting Drinking Water from Contamination.

Vote: 5 - 0 Approved

4. In opposition to Overweight Trucks.

Motion by: Commissioner Marez, Second by: Commissioner Gonzalez

Motion: Oppose any legislation that would increase the maximum transport haul weights for trucks within Nueces County.

Vote: 5 - 0 Approved

5. In support of Senate Bill 784 and House Bill 1646 - Veterans Fee Waiver, County Clerk.

Motion by: Commissioner Gonzalez, Second by: Commissioner Marez

Motion: Support Senate Bill 784 and House Bill 1646-Veterans Fee Waiver for Assumed Name.

Vote: 5 - 0 Approved

Advance to Regular Agenda Item 4.A.1.

2. **PUBLIC COMMENT:** Steve Mikulencak-Texas A&M Univeristy.

Advance to Regular Agenda Item 4.A.2.

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 March 15, 2017 to April 4, 2017.

- B.** Authorize payment of bills - regular bill summaries dated March 17, 2017, March 24, 2017, March 27, 2017, March 31, 2017 & April 7, 2017.
- C.** Authorize payment of bills - special motions list dated April 12, 2017.
- D.** Authorize payment of bills - group health insurance claims and fees dated March 16, 2017, March 23, 2017, March 29, 2017 & March 30, 2017.
- E.** Authorize payment for Pcard purchases for the month of February 2017.
- F.** Approve personnel actions of a budgeted nature:
 - 1. Temp List No. 413
 - 2. Unfreeze List No. 753
 - 3. Personnel Changes reports dated March 17, 2017, March 24, 2017, and March 31, 2017.
- G.** Approve opening the bid process for applications for the County Bank Depository, County and District Clerk Court Registry Funds Depository, and County Subdepositories and set 5:00 p.m., May 16, 2017, as the time and date for receipt of applications.
- H.** Authorize execution of a Renewal and Extension Agreement for Professional Services with Justice Benefits, Inc. (JBI).
- I.** Authorize the following Motor Vehicle WebDealer Agreements Amendment No. 1: Lithia FLCC, LLC d/b/a Access Ford Lincoln of Corpus Christi; CCLEL Investments, LP d/b/a Volkswagen of Corpus Christi.
- J.** Approve Amendment One to the State Case Registry and Local Customer Service Cooperative Agreement between the Office of the Attorney General of the State of Texas and Nueces County.
- K.** Approve Budget Planning Calendar for Fiscal Year 2017-2018.
- L.** Approve a finding for the method of procurement (request of competitive bids) for Berlanga Community Center Renovations project; and authorize the purchasing agent to publish a notice.
- M.** Authorize Addendum 59 to Master Service Agreement for a TASB BuyBoard State Contract No. 453-14 purchase for maintenance services from Ricoh, Inc.
- N.** Authorize a sole source Continuous Improvement Program Annual Agreement Amendment with Tyler Technologies for maintenance from October 1, 2016 to September 30, 2017 for the Odyssey System.
- O.** Authorize DIR contract No. DIR-TSO-2542 purchase for SMARTnet maintenance ending September 30, 2017 from Insight Networking for the IT Department.
- P.** Accept the award and executed agreement with Aramark Correctional Services, LLC for RFP 3011-16 Food Service Management Services as approved by the Juvenile Board for the Juvenile Department.

- Q.** Authorize Sole Source purchase from Hart InterCivic for annual software license and support renewal for the County Clerk's Office.
- R.** Authorize a purchase with Thermo Dynamic Insulation Spray Foam Systems for open cell insulation in the Juvenile Boot Camp Gym.
- S.** Authorize an agreement with D & SS Construction, Inc. for IFB No. 3034-17 ADA modifications to the Calderon Building.
- T.** Authorize an agreement with Infinity Operations & Installations, LLC. for IFB No. 3035-17 Surface Water Lines and Connections Construction in Ranch Colonia.
- U.** Ratify approval of Amendment and Extension of Temporary Workspace License Agreement for Electric Transmission Texas, LLC on Flour Bluff Park Lots 1-5 Block 16 as trustee for all entities.
- V.** Approve the application procedure for the following Nueces County Advisory Boards:
 - 1. Nueces County Airport Advisory Board
 - 2. Nueces County Beach Management Advisory Committee
 - 3. Nueces County Child Welfare Board

Motion by: Commissioner Gonzalez, Second by: Commissioner Marez
Motion: Approve Consent Agenda Items 3.A through 3.V with the exception of Consent Agenda Item 3.F.

Vote: 5 - 0 Approved

Motion by: Commissioner Chesney, Second by: Commissioner Marez
Motion: Approve Consent Agenda Items 3.A through 3.V, including 3.V.2 and 3.V.3 but with the exceptions of Consent Agenda Items 3.F and 3.V.1.

Vote: 5 - 0 Approved

Motion by: Commissioner Pusley, Second by: Commissioner Chesney
Motion: Approve Consent Agenda Item 3.F.

Vote: 5 - 0 Approved

Motion by: Commissioner Marez, Second by: Commissioner Gonzalez
Motion: Approve Consent Agenda Item 3.V.1.

Vote: 5 - 0 Approved

Advance to Regular Agenda Item 4.A.3.

4. REGULAR AGENDA:

A. AGENDA ITEMS

- 1.** Discuss and consider execution of real estate sale contract with Nueces County Courthouse Development Partners, LLC related to the Historic 1914 Nueces County Courthouse.

Motion by: Commissioner Chesney, Second by: Commissioner Gonzalez

Motion: Approve execution of real estate sale contract with Nueces County Courthouse Development Partners, LLC related to the Historic 1914 Nueces County Courthouse with the stipulation that the buyer be allowed to pick a local title company that is not Commissioner Brent Chesney's title company.

Vote: 2 - 3 Rejected

For: Commissioner Gonzalez
Commissioner Chesney

Motion by: Commissioner Pusley, Second by: Commissioner Chesney

Motion: Approve execution of real estate sale contract with Nueces County Courthouse Development Partners, LLC related to the Historic 1914 Nueces County Courthouse as negotiated.

Vote: 5 - 0 Approved

Recess Commissioners Court Meeting at 9:40 a.m. for the ceremonial signing of the sales contract for the Historic 1914 Nueces County Courthouse.

Reconvene the Commissioners Court Meeting at 10:00 a.m.

Return to Public Comment.

2. Received information from Kyle McManus, Texas A&M Agrilife Extension, on "Path to the Plate Dinner Tonight Healthy Cooking School" to be held on Saturday, May 6, 2017, at 5:00 p.m., at Rockin' K Maze, Robstown, Texas. **Comment: Harvey Buehring, President of the Texas & Nueces County Farm Bureau.**

Return to Public Comment.

3. Received presentation from Crystal Drillen with the Nueces County Libraries on the Dias de los Ninos at the Nueces County Libraries scheduled April 22 - 27, 2017.
4. Received a presentation from Tara O'Connell, Regional Director of the Department of Family and Protective Services on the status of Child Welfare in Nueces County.
5. Discuss and consider request of the District Attorney for creation of a new Investigator Position, Pay Group 22, to be paid for by Asset Forfeiture Funds. **Comment: Matt Manning with the District Attorney's Office and Nueces County District Attorney Mark Gonzalez.**

Motion by: Commissioner Pusley, Second by: Commissioner Chesney

Motion: Approve the creation of a new Investigator Position in the District Attorney's Office, Pay Group 22, to be paid for by Asset Forfeiture Funds.

Vote: 5 - 0 Approved

6. Discuss and consider the City-County Health District Re-organization Committee's recommendation to make no changes to the District's management structure.

Motion by: Commissioner Chesney, Second by: Commissioner Gonzalez

Motion: Approve the City-County Health District Re-organization Committee's recommendation to make no changes to the District's management structure.

Vote: 5 - 0 Approved

7. Discuss and consider approval of Road Improvements and Maintenance Agreement with Chapman Ranch Wind I, LLC, for the purpose of county road improvements and maintenance in the Chapman Ranch area of Nueces County.

Motion by: Judge Neal, Second by: Commissioner Pusley

Motion: Table Agenda Item 4.A.7.

Vote: 5 - 0 Approved

8. Discuss and consider accepting the Nueces County Emergency Management Plan Annex H (Health & Medical Services) as presented by the Nueces County Emergency Management Coordinator.
9. Discuss and consider accepting the Nueces County Emergency Management Plan Annex Q (Hazardous Materials & Oil Spill Response) as presented by the Nueces County Emergency Management Coordinator.

Motion by: Commissioner Chesney, Second by: Commissioner Gonzalez

Motion: Approve Regular Agenda Items 4.A.8 and 4.A.9 in one vote to accept the Nueces County Emergency Management Plan Annex H (Health & Medical Services) and the Nueces County Emergency Management Plan Annex Q (Hazardous Materials & Oil Spill Response) as presented by the Nueces County Emergency Management Coordinator.

Vote: 5 - 0 Approved

-
10. Discuss and consider settlement of Document Logistix and CBM Archives claim; authorize the County Judge to sign the settlement agreement and related matters.

Motion by: Commissioner Chesney, Second by: Commissioner Gonzalez

Motion: Approve the settlement of Document Logistix and CBM Archives claim in the amount of \$100,000.00 and authorize the County Judge to sign the settlement agreement and related matters.

Vote: 5 - 0 Approved

11. Discuss and consider reclassifying and unfreezing an Intermediate Clerk (pay group 11) to a Cook (pay group 13) both in department 4190 Senior Community Services.

Motion by: Commissioner Marez, Second by: Commissioner Gonzalez

Motion: Approve reclassifying and unfreezing an Intermediate Clerk (pay group 11) to a Cook (pay group 13) both in department 4190 Senior Community Services.

Vote: 5 - 0 Approved

B. PUBLIC WORKS

1. Discuss and consider a request to reclassify and unfreeze the following positions in Department 1500 - Mechanical Maintenance: Electrician to Electrical Systems Technician II and Communications Maintenance Technician to Electrical Systems Technician I.

Motion by: Judge Neal, Second by: Commissioner Marez

Motion: Authorize reclassifying and unfreezing the following positions in Department 1500 - Mechanical Maintenance: Electrician to Electrical Systems Technician II and Communications Maintenance Technician to Electrical Systems Technician I.

Vote: 5 - 0 Approved

2. Discuss and consider the approval of Change Order No. 4 for the County Road 52 construction project.

Motion by: Commissioner Pusley, Second by: Commissioner Chesney

Motion: Approve Change Order No. 4 for the County Road 52 construction project.

Vote: 5 - 0 Approved

C. AUDITOR

1. Approve Budget Change Order No. 11 for Fiscal Year 2016-2017.

Motion by: Commissioner Pusley, Second by: Commissioner Marez

Motion: Approve Budget Change Order No. 11 for Fiscal Year 2016-2017.

Vote: 5 - 0 Approved

2. Monthly Financial Report for the Month of January 2017.

Motion by: Commissioner Pusley, Second by: Commissioner Gonzalez

Motion: Approve Monthly Financial Report for the Month of January 2017.

Vote: 5 - 0 Approved

5. **EXECUTIVE SESSION: The Commissioners Court entered into executive session at 11:20 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 11:40 a.m.

- A. Discuss and consider hiring legal defense organization of First Liberty Institute to provide legal services related to Ten Commandments display on county courthouse grounds.

Motion by: Judge Neal, Second by: Commissioner Chesney

Motion: Authorize the County Attorney to hire the legal defense organization of First Liberty Institute to provide legal services related to Ten Commandments display on county courthouse grounds.

Vote: 5 - 0 Approved

- B.** Consult with County Attorney regarding available legal remedies concerning issues associated with the Padre Balli Park Improvements - Phase I construction project, and related matters. **No action taken.**

6. BOARD APPOINTMENTS:

- A.** Nueces County Airport Advisory Board

Motion by: Commissioner Pusley, Second by: Commissioner Gonzalez

Motion: Appoint Thomas Klassen to the Nueces County Airport Advisory Board for the unexpired at-large position ending October 1, 2018.

Vote: 5 - 0 Approved

- B.** Nueces County Emergency Services District No. 3

Motion by: Commissioner Marez, Second by: Commissioner Pusley

Motion: Table Regular Agenda Item 6.B.

Vote: 5 - 0 Approved

- C.** South Texas Water Authority

Motion by: Commissioner Chesney, Second by: Commissioner Gonzalez

Motion: Approve reappointment of Kathleen Lowman to the South Texas Water Authority to continue for a two-year term.

Vote: 5 - 0 Approved

The Court was adjourned at 11:45 a.m. in memory of George D. Shaffer, Cindy Deleon Garcia, Ryan Morales, Valentin "Val" Gonzalez, Atlee B. Tyree and Billy Harden, Sr. 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 12th day of April, 2017.