

MINUTES OF THE

COMMISSIONERS' COURT

SPECIAL JOINT MEETING - JULY 8, 2019

On the 8th day of July, 2019, there was a Special Joint Meeting of the Commissioners' Court and the City of Rockport City Council in the Commissioners' Courtroom, 2840 Hwy 35 N, Rockport, Aransas County, Texas, with the following members present: **C. H. "Burt" Mills, Jr.**, County Judge; **Jack Chaney**, Commissioner, Precinct 1; **Leslie "Bubba" Casterline**, Commissioner, Precinct 2; **Charles Smith**, Commissioner, Precinct 3; **Wendy Laubach**, Commissioner, Precinct 4; and **Valerie K. Amason**, County Clerk.

City of Rockport Council Members: **Pat Rios**, Mayor; **Michael Sasaki**, Ward 1; **J. D. Villa**, Ward 2 and Mayor Pro Tem; **Barbara Gurtner**, Ward 4; **Teresa Valdez**, City Secretary;

Other City Officers present were **Mike Donoho**, Director of Public Works Department; **Kevin Carruth**, City Manager; **Gregory Stevens**, Police Chief; **Katie Griffin**, Finance Director;

Other County Officers present were **Richard Bianchi**, County Court at Law Judge; **Linda Garcia Haynes**, Executive Assistant to the County Judge; **Collin Jackson**, IT Director; **Michael Geer**, Airport Manager; **John Strothman**, Pathways Project Manager; **Jacky Cockerham**, First Assistant County Auditor;

Long-Term Recovery: **Will Whitson**, **Kim Foutz**, **Randall Freeze**, Long Term Recovery Specialists;

Members of Local City Government, Community Groups and other Interested Parties present:

Local Residents: **Betty Stiles**; **Darrel Janssen**;

Texas General Land Office: Simone Sanders, Administrative Assistant V;

GrantWorks: Robin Alexander, CDBG-DR Application Writer and Project Manager, Austin, Texas;

Spaw Glass - Corpus Christi, TX: Matt Heger, Assistant Superintendent; Justin Caskey, Project Manager;

Mike Probst, Editor and Publisher of the Rockport Pilot Newspaper;

- I. **CALL TO ORDER:** The Meeting was convened at 11:00 a.m.
- II. **DECLARE QUORUM:** Quorums were declared by Judge Mills and Mayor Rios.
- III. **BACKGROUND UPDATE:** William Whitson/Kim Foutz, Long-Term Recovery.

Mr. Whitson went over the Topics listed on the Power Point.  
(See Power Point attached)

- IV. **JOINT OPEN SESSION ITEMS FOR DELIBERATION AND/OR ACTION:**
  1. Discuss, Approve or Disapprove RFQ (Request for Qualifications) Process - William Whitson/Judge Mills/Mayor Rios

**Will Whitson:** Basically we put the RFQ's back out for the second time with all of the tweaks and they only received three back instead of the eight they got the first time. We took the three competitors and put it in a Spreadsheet, you each took the criteria that was

(Insert)

listed in the RFQ's and independently applied it to the Architect Proposal that was in front of you, this is a Total Composite Score.

**See attached Spreadsheet for Re-Ranking of the Architect Scoring)**

**Commissioner Smith:** I make a motion that we accept the ranking process and authorize the negotiations in that order.

**Commissioner Casterline:** I second.

**Judge Mills:** I have a motion and a second, all in favor? (Aye) Unanimous.

**Councilman Villa:** I make the same motion.

**Councilman Sasaki:** I second that.

**Mayor Rios:** Motion was seconded, all in favor? (Aye) Unanimous.

**2. Discuss Ranking of Architect Proposals - William Whitson/Judge Mills/Mayor Rios**

**Commissioner Smith:** I have a question, are we collecting on the entire ranking, because it's my understanding that we are going to negotiate in that order.

**William Whitson:** Right, you accept the results, basically the bottom line of that vote and then what staff need to ask is, if you would then delegate to

**(Insert)**

your group committees and we name who that is, the ability to negotiate one, two, three, such that if PGAL doesn't want to meet your terms, terms of price, or timing, maybe they have another job they've got to do or something. We've got to take all of those things into account that we would negotiate in that order and then bring you back the agreement, the contract that we have negotiated for its final acceptance and then you can say, ok, this is our common Architect.

**Commissioner Casterline:** Do we need to amend the motions that were made to reflect that?

**William Whitson:** Well, yes, you could keep the motions that are on the floor and accept the ranking and then on a separate motion, something to that effect.

**3. Discuss, approve, or disapprove Collective Architect Ranking - Judge Mills/Mayor Rios**

**Commissioner Chaney:** I make a Motion that we approve PGAL as the high score and as our selection.

**Commissioner Casterline:** I second that motion.

**Judge Mills:** Motion made and seconded by Commissioner Casterline. All of those in favor? (Aye) Unanimous.

**Councilman Villa:** I make a Motion for the City that we go with PGAL.

**Councilman Saski:** I second that Motion.

**Mayor Rios:** Motion made and seconded by Councilman Saski. All of those in favor? (Aye) Unanimous.

**4. Discuss, approve, or disapprove RFP (Request for Proposals) delegation Process for Construction Manager Agent - Judge Mills/Mayor Rios**

**Will Whitson:** Ok, the next item is the Construction Manager Agent, the way we envision this process is that the Architect would be the lead on getting the design, they would take care of keeping track of all the Federal and State sources of money flowing through this pie, along with the staff. The CMA, Construction Manager Agent, will then take their drawings and their designs and say "Hey wait a minute, I have a problem with this, if you put that out to bid you're going to get double the price on that piece of tile or this thing, you've got to do it this way", they would become your QA and QC element in the team and their job would be to take the drawings and the designs and the things that the Architect comes up with and fine tune them such that when you put it out to bid you pretty much know what you're going to get back and that it's in good shape and good quality. So I need authorization to move forward with the RFQ on that, we already have one drafted and as soon as it clears legal it's going out on the street, such that, by the time that we negotiate your Architect, bring it back to you, get it approved, we would almost have the CMA wrapped up and ready to go in and fit them in the team.

**Commissioner Smith:** I make a Motion to proceed with the RFP process.

**Commissioner Casterline:** Second.

**Judge Mills:** Motion made and seconded by Commissioner Casterline. All in favor? (Aye) Unanimous.

**William Whitson:** And that would be, just technically, be an RFQ because it's professional, it's insured.

**Mayor Rios:** I have a question, when are you planning on issuing that and where will it be posted?

**William Whitson:** It's been drafted, as soon as I can get an attorney to clear it, I've had it in front of the attorney we've already had for weeks now and it still sits, so we are either going to get it out of their hands and get it to somebody that can do it or get it moved on.

**Commissioner Chaney:** And I've got a question, just a technicality, because it's on the Agenda as an RFP, Request for Proposal, I realize it's semantics, but does there need to be something in the motion that recognizes that it needs to be RFQ?

**William Whitson:** Yes, it should be an RFQ and that's probably my fault for letting it go. We focused on it being a CMA, as opposed to something else, but it should be an RFQ.

**Commissioner Chaney:** And Commissioner Smith's motion, how would you recommend the wording to be to make that change.

**William Whitson:** Well, yes his motion is good, except for if you just change the P to a Q.

**Commissioner Smith:** Consider it done.

**Commissioner Smith:** I make a motion to approve the RFQ Process.

**Commissioner Casterline:** Second.

**Judge Mills:** Motion made and seconded by Commissioner Casterline. All of those in favor? (Aye) Unanimous.

**Councilman Villa:** I make the same motion.

**Councilwoman Gurtner:** I second.

**Mayor Rios:** All in favor? (Aye) Unanimous.

**5. CDBG-DR (Community Development Block Grant-Disaster Recovery) County project allocations - Kim Foutz/Grant Works/Judge Mills/Mayor Rios**

**William Whitson:** So that brings us to the last item on your agenda, and that is, Robin, is there anything else that you would like to share with them before they take any action on that?

**Robin Alexander:** I am Robin Alexander, I am with GrantWorks and I am the one that will be putting together the CDBG-DR Applications for both the County and the City and getting those in a format that can be submitted. The team, the City, the County, your hired Engineers, your in-house Engineers, have all worked together to put together the lists that you saw of the drainage projects and the non-LMI 30% projects that

will be in your applications. These were put together based on what the rules and regulations require, as far as low-moderate income benefit, what I like to say to most communities that are going through this Grant process is, "You have your priorities and you have the realities of the Grant Program, you have to find a way to meld those two. Sometimes things that you thought were a higher priority won't get through because you have other priorities that the Grant Program sets for you." This has been a process that has taken a long time to get us to this point, once we have approval to move forward with those projects there will be the 30 day public comment period William talked about. We are going to put these out for public comment with a notice that will be at City Hall, at the Courthouse, and maybe the Post Office for 30 days, probably beginning Monday, the 22<sup>nd</sup> of July and those will be out until the 21<sup>st</sup> of August. These are due the 31<sup>st</sup> of August and that's a Saturday so we are obviously going to get those turned in the week before. Finally, each entity, the Town of Fulton, The City of Rockport, and the County or Aransas, will need to pass an Application Resolution authorizing the amount of money you are applying for, the projects that you are applying for, and a couple of other things, making the Mayor or the County Judge the signatory on all documents, etcetera. I expect that I will be bringing the Resolutions to you for your Agendas on the first August Meeting for each entity, so I think that's the 12<sup>th</sup> for the County and the 13<sup>th</sup> for



the City, so I will be in touch with you about that, the Postings and the Resolutions, over the next couple of weeks.

**William Whitson:** Thank you Robin, we felt like this was a great opportunity because of the way the deadlines fell, to give you a sneak preview of this, and because it was so much money we wanted you to understand the logic that went into the suit, if you will, and one thing for the record, that Robin didn't state, that I will state is that another criteria that was major in the selection process was tied back to the storm and to the damage that was done. In fact there has been historical data put together noting the drainage problems in these areas for many years.

**Commissioner Chaney:** Is this agenda item written in such a way that if a project does not rank as well as we think it will rank in the final, that the money can be moved.

**William Whitson:** What I would suggest is, that you not only approve the list that you have in front of you, but perhaps the back-up list as well and grant staff the flexibility to move the projects around based on technical criteria that may come up in the process.

**Robin Alexander:** And when we bring the Resolution to you, that's the actual Application Resolution required by the Grant Program, we will have a listing like an Attachment "A" to the Resolution, that these are the projects that you are applying for and in the case of the County, here is a back-up list of projects and both

of those attachments will be incorporated into your Resolutions.

**Commissioner Chaney:** One additional thing, I think it's important to show in the minutes that GrantWorks has been previously approved to do this for us, it's not that we are doing this and suddenly GrantWorks showed up.

**William Whitson:** Yes, as a matter of fact, our team put together the RFQ that hired them back last year, it was a part of our process.

**Commissioner Casterline:** We've used them for a number of years and honestly, they have a real good ability to rank the projects on the ability to be able to get them and we've been real successful over the years with them.

**William Whitson:** Yes, and they won the bid competitively, I believe we received six proposals, so it was a great process and all done.

**Commissioner Smith:** I have one quick question, you mentioned posting it for public comment, how do you wait and change ranks based on public comment, what's your process?

**Robin Alexander:** If we get public comments that require changing the rankings, we will come back to you, we are going to have you go ahead and pass the Application Resolution at your first meeting in August, but if something comes in by the 21<sup>st</sup> of August, a public comment that would change what you put in your Resolution, we will go to the second meeting of the

month or call a Special Meeting right before the Application is due to change that.

**Commissioner Smith:** I understand that, but what kind of comments, how much weight would you be giving to these public comments that would change the ranking?

**Robin Alexander:** It would have to be, the Commissioners and the City Council Members have been elected to make these decisions, it would have to be something where they were pointing out a technicality, which is very unlikely, that has not been thought of or something like that, that would make a project probably ineligible and something that none of us caught and I think that is very unlikely, but it would take something of that level to make a change.

**Commissioner Smith:** But you would advise us?

**Robin Alexander:** Yes, we would advise you.

**Commissioner Chaney:** Along that line, we've had recent annexation in the South end of the County, and have still have ongoing annexation, by the City of Aransas Pass, as that occurs before we put this to bed, how are they going to be involved in it?

**Robin Alexander:** If there were a project that overlapped, like that Banty Lane Project, that is separate from the CDBG that's coming from the GLO, it's through the Department of Agriculture, but all of that Annexation got finalized after that project was already on the books with the TDA. We will have the County and the City pass an Intergovernmental Agreement that will allow the County to do the work and then if it's

something that the City and the County agree with, turn over that work for continued maintenance to the City of Aransas Pass.

**Commissioner Chaney:** Because it is coming from our Disaster Recovery Team, I would recommend Randall Freeze would be the one to contact, to talk to them about that, because he is on the Planning & Zoning Commission for the City of Aransas Pass and that's part of their forte, and so with your permission and his acceptance, I would suggest that he do it, because they have been looking at that for a while.

**William Whitson:** Yes, I think that is an excellent comment, and so at this point all we are looking for is consensus that you like the projects enough to go forward and then obviously the technical part would be a coordination of the Resolutions and get these things started.

**Commissioner Chaney:** I have attempted to bring the City of Aransas Pass into this process and to this point I don't know what they have done but they are now becoming a major portion of Precinct 1A and I'm concerned about that.

**Commissioner Smith:** So we are looking for a motion at this point?

**William Whitson:** Yes.

**Commissioner Smith:** I make a Motion to approve the County Project Allocation and a backup moving forward.

**Commissioner Chaney:** I'll second that.

**Judge Mills:** Motion made and seconded, all of those in favor? (Aye) Unanimous.

**Councilwoman Gurtner:** I make a Motion that the City of Rockport confirm their Construction Manager Recovery Project Allocations.

**Councilman Saski:** I'll second that motion.

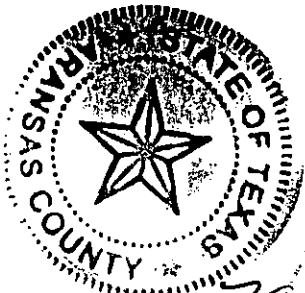
**Mayor Rios:** Motion made and seconded, any further discussion? All in favor? (Aye) Unanimous.

**V. ADJOURNMENT**

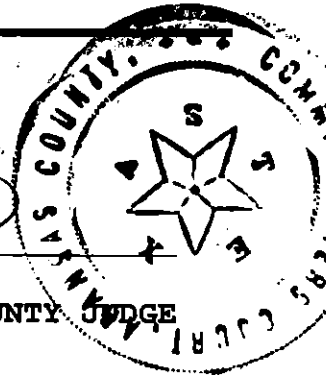
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*No further business presenting, the Court adjourned at 11:56 a.m. on a motion made by Commissioner Smith and seconded by Commissioner Laubach. Motion made by Councilman Villa and seconded by Councilwoman Gurtner.*

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*[Signature]*  
C. H. "BURT" MILLS, JR., COUNTY JUDGE



*[Signature]*  
VALERIE K. AMASON,

EX-OFFICIO CLERK OF THE

COMMISSIONERS' COURT