

MINUTES OF THE

COMMISSIONERS' COURT

SPECIAL JOINT MEETING - OCTOBER 22, 2018

On the 22nd day of October, 2018, 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; **Brian Olsen**, Commissioner, Precinct 3; **Betty Stiles**, Commissioner, Precinct 4; and **Valerie K. Amason**, County Clerk.

Other County Officers present were **Kristen Barnebey**, County District Attorney; **Pam Heard**, District Clerk; **Bill Mills**, Sheriff; **Suzy Wallace**, County Auditor; **Latisha Murphy**, Administrative Assistant to the County Judge; **Collin Jackson**, IT Director; **Linda Doane**, Human Resources Director; **John Strothman**, Pathways Project Manager; **Jacky Cockerham**, Assistant County Auditor;

Long-Term Recovery: **William Whitson**; **Kim Foutz**; **Randall Freeze**, Long Term Recovery Specialist;

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

City of Rockport Council Members: **Pat Rios**, Mayor; **Rusty Day**, Ward 1; **J. D. Villa**, Ward 2; **Warren Hassinger**, Ward 3 and Mayor Pro Tem; **Barbara Gurtner**, Ward 4;

City of Rockport Staff: **Teresa Valdez**, City Secretary; **Terry Biamonte**, City Attorney;

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

**Kenneth C. Burns**, AIA, Burns Architecture, LLC;

The Meeting was convened at 1:30 p.m. at which time quorums were declared by Judge Mills and Mayor Rios, WHEREUPON, the following proceedings were had and done to wit:

**BACKGROUND UPDATE**

**William Whitson** and **Kim Foutz** went over the power point attached.

**JOINT OPEN SESSION ITEMS FOR DELIBERATION AND/OR ACTION:**

1. Discussion on the Request For Qualifications Process:

**William Whitson:** We met with the Governor, his staff, and the Federal Coordinating Officer (FCO) in Austin, we had a discussion which resulted in the them coming down to look at Rockport. We then had an all-day meeting and they asked if we would consider a 428 Program, that's where they can provide Public Assistance (PA) money, like the money they used to clean up the right-of-ways, with all of the debris. So they are going to give us (PA) for the Courthouse but they only give you pennies on the dollar, under the 428 they can add Hazard Mitigation dollars and other Federal Resources, so you can get a better bang for the buck. The catch with 428 is we had to ask for it, and there is a deadline of February to sign an agreement. I have already gotten preliminary numbers back from FEMA, and they are preliminary because we are going to negotiate for more. So we are in that process, and that's the business part of it, the good part of it is they gave us funding for the Architect, up front, we already have it, it's cash in the bank. So they said, go ahead, proceed with the RFQ, so that is what has brought us to today. So we went out with the RFQ, I got coached by 50 lawyers and it wasn't perfect, but I think we got something pretty darn close and we put it out for Requests for Qualifications.

(Inserts)

2. Discuss ranking of Architect Proposals:

**William Whitson:** We received 7 proposals, the first decision we need to make on that is, you saw the bid tab sheet, I've studied that over and over and what I've found is, at the end of the day it's pretty inconsistent. So, I have a recommendation, if you want to hear it, that we don't throw anybody out at this point, that you score them all and if you take that information about who included what into your account in doing your scores. Now, I received some scores ahead of this meeting and some scores I haven't. The first question is, do you agree to score everybody and then take into account, in your judgment, the flaws that were in the packets, or do you want to toss it all and start over again? I need some consensus on that and then we will move to the actual scoring and ranking process. **Judge Mills:** We don't want to start over. **Mayor Rios:** The issue, where some of the things on the bid sheet that were apparently required, were not necessarily in the bid, but in order for me, individually, to look at them, I just considered everybody the same, I didn't necessarily look at the bid sheet, just scored the proposals on their own merits. **Barbara Gurtner:** That's how I did it also, because I thought you had taken care of this piece of it and looked more at proposals. **William Whitson:** Ok, I've provided you with the information, but at the end of the day it's your judgment as to how we treat it. And as long as everyone is treated equally you're not going to have a problem. **Commissioner Chaney:** My only concern with it is, I didn't score, because if you go through and read these, there is not a lot of difference. To me the difference is,

in making calls to the people who have done the work, and they don't need all of us doing that, I would like to get some customer feedback on projects that have been done that are Municipal, County,.... **William Whitson:** Right, got you, let's get the question and we'll get exactly where you are going. **Commissioner Chaney:** Ok, the issue that I was getting at is, we need to come up with like four criteria that are unique to our area, one is, have they done a courthouse, have they done a municipal building, have they done a common area, and have they done a coastal building? Those are the areas that really concern me, I know that there are a lot of issues up in the panhandle, Oklahoma, but like you said this is our home and I'm not qualified to make that type of decision. **William Whitson:** Let's back up, let's take the first question, what I'm hearing is, you don't want to start over, and you want to rate them all. So, is that a consensus? (All agree.) **William Whitson:** Ok, so that being said, everybody gets ranked, you have all of the data and information. I will need your best judgment score, and what we will do is, we will throw those up on the screen, and my recommendation to you is, is that we should cut it to two, the top two, with one alternate. Once we have that we can go back and talk to those individuals about your questions, concerns, and desires, and they will have the burden of coming in and making a presentation to you and we will have time to check their work. Ok, everybody starts at zero and then you will rank them, re-rank them again, so that we know, ok, the person that gets number one, we negotiate with them first and if they are holding out, charging too much, don't like the way it's

going, then we will have a delegation from you to go to the next ranked firm and then the next, ok? So, what we'll do is take into consideration exactly what you're saying Jack, to take it one step at a time in the process, ok? Alright, any questions on that? **Kim Foutz:** William, I actually have a comment, when we call and try to get feedback, what you've listed is very quantitative so it's likely we can get it, but if we start getting into subjective, I know some cities may not provide, by policy, any kind of recommendation. **William Whitson:** We will run it by you and we will put out written, everybody gets the same information, period. **Commissioner Olsen:** And some did offer recommendations within their qualifications. **William Whitson:** Absolutely, alright, let's go back then, now for the scores Collin.

<b>City:</b>	WKMC	107.6	(1)	<b>County:</b>	WKMC	106	(2)
	PGAL	106	(2)		Randall Scott	102.4	(3)
	Kirksey	96.8	(3)		PGAL	113	(1)

**Raw Total Points:**

- (2) PGAL
- (3) WKMC
- (1) Randall Scott

**William Whitson:** We'll invite them back and they all start at zero. I will consort with you all and put together a memo, we will set a date and all of that. The next question, you've been through this process and I thought it was such a critical

decision, this is such an important project, so my question to you is, we have one more contractor to go on the project and that is what we call a Construction Manager at Risk (CMR) that will work hand and glove with this firm, whoever they are. Do you want to redo this process just like we just did, whenever we get that out and going, or would you rather delegate it to a smaller committee to work with staff? **Consensus on both sides was to delegate it.** Ok, so now I need to know will it be one or two delegates from each side to work with staff or how do you want to do that? **Consensus was two and two.** Now we have two, do we need a public notice? **No. Consensus was that the two for the County should be Judge Mills and Commissioner Olsen, and the two for the City should be Mayor Rios and Councilwoman Barbara Gurtner.** Ok, are there any questions? **Commissioner Olsen:** What's the turn-around time and can we put an ending on this too? **William Whitson:** Yes, I can fly back in and facilitate another round some time in November or December, you pick it and I'll make it happen. **Commissioner Chaney:** Do you want to get your Builder ready first and then the Architecture? **William Whitson:** No the Architect should come first, I've already talked to the attorneys about this and their advice to me was "Thank you William for thinking ahead but you are too way ahead", so go ahead and get your Architect first and then go out for an RFP for the Construction Manager at Risk, so that will lag probably about 35-45 days behind the official Architect selection. My goal is to have the Architect in place in January. **Commissioner Stiles:** Are they going to be available for us to ask questions? **William Whitson:** Absolutely! The scope of work for this Architect is going to be very, very, heavy and one of

their main jobs is to get consensus where we are going. They are going to take input from the public, the elected officials, the staff, input from lots of people and come back with a design that they believe would reflect the best thinking and then the Construction Manager at Risk, his job is to take that design and translate it into something that is cost effective.

3. Motion was made by Commissioner Chaney and seconded by Commissioner Olsen to approve collective Architect Ranking. Question. Motion carried unanimously. It is so ordered.

Motion was made by Councilman Villa and seconded by Councilwoman Gurtner to approve collective Architect Ranking. Question. Motion carried unanimously. It is so ordered.

4. Motion was made by Commissioner Chaney and seconded by Commissioner Olsen to approve appointing Judge Mills and Commissioner Olsen to serve as the representatives for Aransas County in the RFP delegation Process for Construction Manager at Risk. Question. Motion carried unanimously. It is so ordered.

Motion was made by Councilman Villa and seconded by Councilman Warren to approve appointing Mayor Rios and Councilwoman Barbara Gurtner to serve as representatives for the City of Rockport in the RFP delegation Process for Construction Manager at Risk.

Question. Motion carried unanimously.

It is so ordered.

**William Whitson:** Question then Judge, do we want to go before or after Thanksgiving on having the Architect presentations? What you want to do is give written instructions to them, give yourselves time to do your background research or whatever, and then come forward, wipe the slate clean to zero, hear what they have to say and re-rank. Discussion on dates. Decision was made to have it the 12<sup>th</sup> of December at 1:00 p.m. at the City of Rockport Service Center. **Commissioner Chaney:** How much time do we want to allow the Architects to speak? **William Whitson:** I was going to recommend about a fifteen minute presentation apiece. Discussion. **William Whitson:** Ok, we will schedule thirty minutes for presentation and questions.

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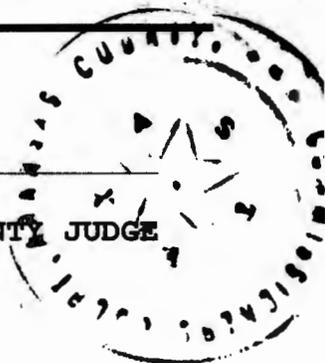
*No further business presenting, the Court adjourned at 2:48 a.m. on motions made by Commissioner Olsen and Councilman Villa and seconded by Commissioner Stiles and Councilwoman Gurtner.*

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A handwritten signature in black ink, appearing to read "C. H. 'Burt' Mills, Jr.", written over a horizontal line.

C. H. "BURT" MILLS, JR., COUNTY JUDGE



A handwritten signature in black ink, appearing to read "Valerie K. Amason", written over a horizontal line.

VALERIE K. AMASON,

EX-OFFICIO CLERK OF THE

COMMISSIONERS' COURT