

**County  
of  
Nueces**



**COMMISSIONERS  
COURT  
AGENDA**

**LOYD  
NEAL**

**Nueces County Judge**  
(361) 888-0444

**PEGGY  
BAÑALES**

**Commissioner, Precinct 1**  
(361) 888-0245

**BETTY JEAN  
LONGORIA**

**Commissioner, Precinct 2**  
(361) 888-0294

**OSCAR  
ORTIZ**

**Commissioner, Precinct 3**  
(361) 387-1151

**H.C. "CHUCK"  
CAZALAS**

**Commissioner, Precinct 4**  
(361) 888-0268

**DIANA T. BARRERA**  
**Nueces County Clerk**  
(361) 888-0580

**LAURA GARZA JIMENEZ**  
**Nueces County Attorney**  
(361) 888-0391

**MARGARET HAYES**  
**Nueces County Auditor**  
(361) 888-0556

**DATE: Tuesday, March 11, 2008**

**9:00 a.m. Commissioners Court Meeting**

**SPECIAL NOTES**

Information on procedures followed on Public Comment and other Commissioners Court meeting components are presented on the next page. Members of the Public are encouraged to review them before attending the Commissioners Court meeting in the Commissioners Courtroom, Nueces County Courthouse.

Next Meeting: Wednesday, March 19, 2008, at 9:00 a.m.  
(tentative setting)

901 Leopard Street, Third Floor, Corpus Christi, Texas 78401

## **INFORMATION ON THE COMMISSIONERS COURT AGENDA**

**CONSENT AGENDA:** At most meetings, the Commissioners Court establishes a Consent Agenda. It consists of those Agenda Items which are routine or non-controversial, and which neither a member of the Commissioners Court nor the public has asked to be pulled for discussion. Once the Commissioners Court has established the Consent Agenda, Agenda Items included on it will be voted upon in one vote, and will not be discussed separately unless requested by the County Judge, Commissioner, or a citizen.

**EXECUTIVE SESSION:** The Commissioners Court may go into Executive Session to discuss those matters listed anywhere on the Agenda or as otherwise permitted by law.

**PUBLIC COMMENT:** Members of the public will have the opportunity to address the Commissioners Court during this section on any Agenda Item or any subject within its jurisdiction except a matter related to pending litigation. Each speaker should sign in on the Public Comment Sheet available at the rear of the Courtroom at least five (5) minutes before commencement of the Commissioners Court meeting. Speakers should limit their comments to two (2) minutes. The County Judge may, if he deems it necessary, limit both the number of speakers and the time allotted to each speaker. Under the law, the Commissioners Court may only take action on items specifically listed on the Agenda. Subject matter presented which is not part of the Agenda will be referred to the appropriate department for review and subsequent action. Materials submitted during public hearings will not be returned unless prior arrangements have been made through the County Clerk, with the approval of the County Judge. At least seven (7) copies of any document to be used by any speaker should be available for distribution. The speaker's name and, if applicable, Agenda Item number should be clearly marked on such documents. Public Comment for items not on the Agenda will normally be held at the end of the meeting.

**ADJOURNMENTS IN MEMORY:** The Commissioners Court may adjourn the meeting in memory of deceased community leaders, County employees, and other distinguished persons. Requests for Adjournment in Memory may be made through any County Commissioner or the County Judge.

**AUXILIARY AIDS OR SERVICES:** Persons with disabilities who plan to attend this meeting of the Commissioners Court, and who may need special assistance, services or auxiliary aids, should contact the Office of the Nueces County Judge (361-888-0444) at least forty-eight (48) hours ahead of the meeting so that appropriate arrangements can be made.

The Nueces County Commissioners Court will meet in the Commissioners

Courtroom in the Nueces County Courthouse in Corpus Christi, Nueces County, Texas, to consider the following:

- A. County Judge calls for Invocation
  - B. Pledge of Allegiance to the United States of America and Texas Flags
  - C. County Judge will call the roll, note date, time, and location of meeting, and certify a quorum is present.
  - D. Approve the minutes of the January 23, and February 6, 2008, Commissioners Court meetings.
  - E. Adopt a proclamation recognizing Grandis Lenken.
- 
- 1. **PUBLIC COMMENT:** This section provides the public the opportunity to address the Commissioners Court on any issues within its jurisdiction. The Commissioners Court may not take formal action on any requests made during the Public Comment period which are not on the Agenda, but can refer such requests to County staff for review if appropriate.
  
  - 2. **GENERAL INFORMATION REPORTS:** Members of the Commissioners Court may communicate information to the public and Commissioners Court concerning pertinent County-related issues or projects. The Commissioners Court may not take formal action on any matter discussed under general information reports.
  
  - 3. **CONSENT AGENDA:** The following Agenda Items are of a routine nature, and the Commissioners Court has received supporting materials for consideration. All 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 adopt the remaining items on the Consent Agenda.
    - a. Authorize payment of bills and claims certified by the County Auditor, including regular bill summaries dated February 14, February 21, February 22 (2), February 28, February 29 (2), March 6, and March 7, 2008; and manual checks February 29, 2008.
    - b. Approve Special Motions List dated March 11, 2008.
    - c. Approve monthly revenue report for the month of January 2008, as presented by the County Auditor in accordance with Section 114.044 of the Texas Local Government Code.
    - d. Approve/Ratify substantial completion for the Keach Family Library Project.
    - e. Approve contract for Older Americans Act Programs, Meals on Wheels for 2008 – 2010.
    - f. Discuss and consider approval of “Outside Agency” agreement with Al Amin Shrine.

- g. Approve agreement with Al Amin Shrine for Diabetes Awareness and Prevention Services.
- h. Approve Change Order No. 1 for the Up River Road Rehabilitation Project.

### **REGULAR AGENDA**

- 4. Discuss and consider Dune Permit application for a Large Scale Dune Protection Permit for Nueces County Island Parks for Public Access Roads 4, 5, 6, I.B. Magee, and Cotter Street Access Road, (DP1107-03)BDNC-08-0022, and related matters.
- 5. Discuss and consider approving a Second Amendment to the Sale and Development Agreement between Dolphin Ventures, I, LLC and Nueces County at the Richard Borchard Fairgrounds to modify the feasibility period provisions, and related matters.
- 6. Discuss and consider execution of a contract with Texas Rural Legal Aid for the provision of legal services for low income residents of Nueces County.
- 7. Discuss and consider approval of the Corpus Christi-Nueces County Public Health District to enter into a contract with the Department of State Health Services providing for control and prevention of Sexually Transmitted Diseases and HIV/AIDS; authorize Acting Director of the Public Health District to sign on behalf of Nueces County.
- 8. Discuss and consider approval of the Corpus Christi-Nueces County Public Health District to enter into a contract with the Department of State Health Services providing for breast and cervical cancer screening; authorize the Acting Director of the Public Health District to sign on behalf of Nueces County.
- 9. Discuss and consider submission of a grant application for the FY08 Local Border Security Program to the Office of the Governor, Division of Emergency Management.
- 10. Discuss and consider rescinding a notice to proceed dated October 30, 2006 and executing a new, limited notice to proceed to King Isles, Inc. for the Rose Acres Colonia Project (IFB No. 2665-06 Water & Wastewater System Improvements).
- 11. Discuss and consider submission of a letter of support to the Coastal Bend Bays and Estuaries Program (CBBEP) for a grant submittal to the National Oceanic and Atmospheric Administration (NOAA) for a River Cleanup Grant.

12. Discuss and consider approval of Memorandum of Understanding with Naismith Engineering, Inc., for the purposes of acquiring a Global Positioning Base Station at Padre Balli Park.
13. Discuss and consider execution of engineering services contract with Dos Logistics, Inc., for the Equistar Park Improvements Project.
14. Discuss and consider adopting a resolution pertaining to collective bargaining (1) recognizing the Nueces County Sheriff's Officer's Association as the bargaining agent for eligible employees, (2) authorizing proceeding with collective bargaining (3) authorizing the Director of Commissioners Court Administration and others to collective bargain on behalf of Nueces County in open deliberation (4) directing the Director of Commissioners Court Administration to maintain the Commissioners Court informed and to formulate and implement procedures for collective bargaining negotiations and (5) other matters relating to collective bargaining in accordance with Chapter 174 of the Texas Local Government Code.
15. Authorize, open, discuss and award bids and purchases in accordance with the County Purchasing Act, and related matters:
  - a. Discuss/Award RFP No. 2757-08 Water Distribution System Improvements, San Petronilla Estates 2, Phase I.
  - b. Accept the executed agreement for RFP No 2736-07 Concession Service for Bob Hall & Horace Caldwell Piers with Bill E. Fintel as approved by the Park Board.
  - c. Discuss and consider making a finding for the method of procurement (Texas Local Government Code section 262.023 - Request for competitive bid); discuss and consider authorizing the purchasing agent to publish a notice for competitive bid for the following:
    - i. Replacing Fire Pumps No. 1 & No. 2
    - ii. HFRS-2P Emulsified Asphalt
    - iii. CRS-2 Emulsified Asphalt
    - iv. SS-1 Emulsified Asphalt
  - d. Discuss and consider making a finding for the method of procurement (Texas Local Government Code section 262.030 - Request for Proposals); discuss and consider authorizing the Purchasing Agent to publish a notice; and order delegating evaluation authority to a selection committee for Property & Casualty Insurance.
  - e. Discuss and consider making a finding for the method of procurement (Texas Local Government Code section 262.0295 - Request for Proposals); discuss and consider authorizing the Purchasing Agent to publish a notice; and order delegating evaluation authority to a selection committee for a Third Party Administration (TPA) of health claims adjudication for the Nueces County Employee Self-Funded Group Health program, or alternative partially self-funded or fully insured proposals.

- f. Authorize a credit application, prices and terms documents, off-site rental package agreement and addendum to off-site rental package agreement between the County and Mobile Mini, Inc. for a Mobile office.
  - g. Authorize an Interlocal agreement between the County and CSCD to have food service provided to the CSCD facility under the Nueces County Jail Food Service contract.
  - h. Authorize GSA Contract No V797P-4067A purchase for AED Devices from Cardiac Science Corporate.
  - i. Authorize DIR Contract No DIR-SDD-597 to purchase internet service for 84 air card devices to communicate with CAD/RMS systems; project estimated cost of \$45,957.14.
  - j. Authorize TXMAS Contract No TXMAS-7-51V080 purchase for the Island Park from United Rental for a Scissor lift.
  - k. Authorize Sole Source maintenance agreement with Time Warner Cable-Southwest Division of Commercial Services for High Speed Internet Connection at 4540 FM 892 County Building.
  - l. Authorize Sole Source purchases from Data Works Plus, LLC for:
    - i. maintenance agreement for the mug shot retrieval system, safe ID system and NIST finger print database system
    - ii. Upgrade of server, camera, and printer and provide ID card and arm band supplies
  - m. Authorize Sole Source maintenance agreement from CBM Archives for a Image Archival system.
  - n. Accept the forfeited property from the Nueces County Sheriff listed in exhibit "A" consisting of Gambling devices, Gambling equipment and paraphernalia pursuant to the Agreed Judgment rendered by the 94<sup>th</sup> District Court and such property to be part of the County's inventory at the County Property Warehouse; discuss and consider an Order to transfer gambling equipment to the Texas Building and Procurement Commission per the Texas Local Government Code section 263.152 (a) 5.
  - o. Accept the award from 28<sup>th</sup> District Court of a 2000 Chevrolet Tahoe to be used in Constable Pct 3 vehicle fleet.
16. Approve budget transfers as recommended by the County Auditor, including Budget Change Order No. 11 for FY 2007-2008 and Budget Change Order Nos. 29 & 29A for Fiscal Year 2006-2007.
17. Consider personnel actions of a budgeted nature, including actions necessary by Order on Page 9 of the County Budget:
- a. Application Temporary and Contract List No. 216 and Unfreeze List No. 533.
  - b. Personnel Change Reports through February 19, and February 26, 2008.
  - c. Discuss and consider reclassification of Sergeant Investigator position (Pay Group 20/1) to a Deputy Sheriff (Pay Group 19/1);

and Supervisor, Crime Data Section (Pay Group 17/1 to Pay Group 18/1), for net decrease in funding in the amount of \$143.00.

18. EXECUTIVE SESSION: PUBLIC NOTICE is given that the Commissioners Court may elect to go into an Executive Session anytime during the meeting to discuss matters listed on the Agenda, when authorized by the provisions of the Open Meetings Act, Chapter 551 of the Texas Government Code. In the event the Commissioners Court elects to go into Executive Session regarding an agenda item, the section or sections of the Open Meetings Act authorizing the Executive Session will be publicly announced by the presiding officer. 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, the Commissioners Court will hold an Executive Session 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. Upon completion of the Executive Session, the Commissioners Court may in an open session take such action as appropriate on items discussed in an Executive Session.
  - a. Discuss and consider the offer of settlement on the Mark Paisley judgment.
  - b. Discuss and consider the Donna Clement claim.
  - c. Discuss and consider the Samuel Zamorano claim.
  - d. Discuss and consider the Guadalupe Bazaldua claim.
  
19. Approve board appointments, including the Nueces County Bail Bond Board, Nueces County Library Advisory Board, and the Nueces County Rural Rail Transportation District.

**Adjournment in Memory (upon request)**