

**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) 888-0296

**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: Wednesday, November 12, 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: Monday, November 24, 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 September 24, 2008, Commissioners Court Meeting.
 - E. Adopt a resolution in honor of Ram Chavez, recipient of the Silver Star Medal.
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- 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.
 - a. Judge Neal, Commissioners Bañales, Longoria, & Ortiz – Comments on General Election.
 - b. Commissioner Cazalas – Comments on General Election & Public Perception; Comments on Conference of Urban Counties Meeting of November 6, 2008.

 - 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 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 October 23, October 24, October 28, October 30, October 31 (2), November 6, and November 7, 2008; and manual checks dated November 6, 2008.
 - b. Authorize payment of bills for group health insurance claims, fees, and check registers, including County Register for October 20 through November 7, 2008; Third Party Administrator (TPA)

- Register for October 1, through October 17, 2008; TPA Register for October 20, through October 23, 2008; TPA Register for October 27, through October 31, 2008.
- c. Authorize payment of Pcard purchases for the month of September 2008.
 - d. Approve Special Motions List dated November 12, 2008.
 - e. Approve monthly revenue report for September 2008, as presented by the County Auditor in accordance with 114.044 of the Texas Local Government Code.
 - f. Approve Equitable Sharing Agreement, Certification, and Annual Certification Report for FY 08 for the Sheriff, Constables Precinct No. 3 & 5, and District Attorney.
 - g. Approve Change Order No. 1, related to IFB No. 2776-08 Steam Boiler No. 2 Replacement, providing for a credit in the amount of \$7,186.00.
 - h. Ratify/approve Motor Vehicle License Point of Sale Sticker Lease with Mike Shaw Toyota.
 - i. Ratify/approve agreement with the Department of State Health Services providing for vital statistics database searches.
 - j. Ratify expenditure of \$7,548 for closing costs and title insurance related to conveyance of property located off IH-37 and Carbon Plant Road to State of Texas for a State Veterans' Cemetery; ratify required closing documents for conveyance of property including Settlement Statements, Closing Acknowledgment and Disclosure Forms, Agreement as to RollBack Tax Affidavit as to Debts and Liens, Disclosure Statement and related documents.

REGULAR AGENDA

4. Canvass the election returns and declare the results for the November 4, 2008 General Election, in accordance with Section 67.003 of the Texas Election Code.
5. Receive presentation from the Nueces County Risk Manager on data related to motor vehicle accidents and job related incidents (Worker's Compensation), through the second quarter 2008 calendar year, and other related safety matters.
6. Discuss and consider naming the courtroom at the Juvenile Justice Center "Honorable Carl E. Lewis Memorial Courtroom."
7. Discuss and consider appointment of Judge to fill vacancy in the Office of Judge, County Court at Law No. 5, pursuant to Section 25.0009 of the Texas Government Code. The Court may go into Executive Session to discuss personnel matters.
8. Discuss and consider request for determination of need for a Dune Protection Permit related to Dune Permit Application for Sunrise

Shores, Lot 3, Block 1, Mustang Island (DNP#0908-01 and LGO BDNC#08-0156), and related matters.

9. Consider, for possible approval, proposed amendment to the contract with Dolphin Ventures I, LLC to extend the closing date of the purchase of the County's 49.395 acre tract of land to January 14, 2010, and to allow a co-assignment of the contract to Cousins Properties, Inc.
10. Discuss and consider adopting a resolution establishing a county economic development program; Consider authorizing agreement with the Robstown Industrial Development Commission for economic development services.
11. As it relates to conveyance of property (approximately 3.241 acres) located off of Prescott Street ("Property") for purposes of building a DPS criminal laboratory:
 - a. Discuss and consider approving resolution conveying title to Property to State of Texas, Department of Public Safety
 - b. Discuss and consider authorizing County Judge to execute Special Warranty Deed to the State of Texas, Department of Public Safety and related documents.
12. Discuss and consider request of the District Attorney to increase the Department's vehicle fleet from two vehicles to four vehicles.
13. Discuss and consider approval of Consent to Assignment of Direct Energy obligations to McKinstry Essention, Inc., due to purchase of substantial portion of assets of Direct Energy by McKinstry Essention, Inc.
14. Discuss and consider execution of Memorandum of Understanding with the Supreme Court of Texas for continuity of court operations in the event of an emergency.
15. Discuss and consider approval of Interlocal Agreement with Nueces County Community Supervision and Corrections Department for fiscal, personnel, and purchasing services.
16. Discuss and consider execution of cooperative agreement with the Office of the Texas Attorney General for local customer services and state case registry, related to Child Support, Family Violence, and Protective Orders filed in the Office of the District Clerk.
17. Discuss and consider approval of a New Hire Orientation Program for Nueces County Employees.

18. Discuss and consider execution of Office Space Agreement with Nueces County Emergency Services District #3, for use of office space at the Bishop County Building.
19. Discuss and consider execution of Interlocal Cooperation Agreements with the incorporated cities of Agua Dulce, Driscoll, Petronila, and Robstown for the provision of Onsite Sewage Facilities inspection, permitting, and related services.
20. Discuss and consider selection of architect to develop plans and specifications for the replacement of the Hazel Bazemore Park Restroom; Authorize the County Judge to execute an Architectural Services Contract.
21. Discuss and consider approval of a rate increase for residential solid waste collection services, as requested by Absolute Waste Services, Inc.
22. Discuss and consider adopting a resolution accepting the 2008 Homeland Security Grant Award for the purchase and installation of Courthouse Audio and Video Security Equipment.
23. Discuss and consider approval of the 2009 Nueces County Holiday Calendar.
24. Discuss and consider approval of Amendments #1, #2, and #3 to the Group Health Master Plan Document and Plan Description of Nueces County effective October 1, 2006.
25. Discuss and consider adopting an order prohibiting outdoor burning in the unincorporated areas of Nueces County, pursuant to Section 352.081 of the Texas Local Government Code.
26. Discuss Maintenance and Inspection of New and Existing Buildings.
27. Discuss inspection of Island Dunes and Vegetation Line as it relates to Section D, 3 (a) & (b) of the Nueces County Beach Management Plan.
28. Discuss and consider the application process for appointment to the following:
 - a. Christus Spohn Health Board of Trustees.
 - b. Nueces County Historical Commission.
 - c. Port of Corpus Christi Authority of Nueces County.
 - d. Nueces County Board of Park Commissioners.
29. Discuss and consider approval of the following:
 - a. Authorize/Execute a contract for RFP No. 2780-08 Network Services, Pharmacy Services, Disease Management, Wellness Programs, Pre-Certification/Utilization Programs, and

- COBRA/HIPPA Administrations with HealthSmart, Inc. f/k/a The Parker Group for Network Services-out-of-area, Wellness Program, Pre-Certification/ Utilization programs, and COBRA/HIPPA administration.
- b. Authorize/Execute a contract for RFP No. 2753-08 Courthouse Cafeteria Food Service with Nueces County Café.
 - 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 Un-coated Aggregate Type B, Grades 3, 4, 5.
 - d. 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 the following:
 - i. Digital equipment, cable and installation for the Jail and Annex.
 - ii. Food Services Program for Community Supervision and Corrections Department.
 - e. Authorize TASB BuyBoard State Contract No. 281-07 purchases from Caldwell Country.
 - i. Two (2) 2009 Ford F150 SuperCabs for the Island Parks.
 - ii. A 2009 Chevrolet Impala for the Juvenile.
 - f. Authorize TASB BuyBoard State Contract No. 306-08 purchase from Rush Bus Center for a 52 Passenger 2009 Blue Bird Convention Bus for the Sheriff's office.
 - g. Authorize the Agreement for the renewal of the Maintenance/ Service Agreement with DISCORP.
 - h. Authorize Sole Source purchase renewal of Full Court software maintenance and support services for 70 user licenses with the Justice Systems, in the amount of \$46,375.00.
30. Approve budget transfers as recommended by the County Auditor, including Budget Change Order No. 29 for FY 2007-2008; Budget Change Order No. 3 for FY 2008-2009; and Capital Projects Budget Change Order No. 26.
31. Consider personnel actions of a budgeted nature, including actions necessary by Order on Page 5 of the County Budget:
- a. Application Temporary and Contract List No. 233 and Unfreeze List No. 551.
 - b. Personnel Change Reports through October 21, October 28, and November 4, 2008.
 - c. Discuss and consider authorizing a change in working hours and salary increase of an Intermediate Clerk, Pay Group 11/01, in Department 3700.

- d. Discuss and consider reclassification of an Intermediate Clerk, pay group/step 11/1, in Department 2378 (HIDTA Grant) to a Secretary, pay group/step 14/1.
32. 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. Ratify the hiring of Ric Navarro with Denton, Navarro, Rocha, and Bernal, PC, Attorneys at Law on legal matters related to Cause No. 08-5382-D, Nueces County Deputy Constables Association vs. Nueces County, and related matters.
 - b. Authorize County Judge to execute Settlement Agreement and Release in lawsuit, San Juanita Suarez vs. Nueces County.

Adjournment in Memory (upon request)