



NUECES COUNTY, TEXAS COMMISSIONERS COURT AGENDA

5/29/09
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NOTICE OF PUBLIC MEETING

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NUECES COUNTY
DIANA T. BARRERA
COUNTY CLERK
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June 3, 2009

The Nueces County Commissioners Court will meet on the above date at 9:00 a.m. in the Commissioners Courtroom, 3rd floor, Nueces County Courthouse, 901 Leopard, Corpus Christi, Texas.

SAMUEL L. NEAL, JR.

COUNTY JUDGE

MIKE PUSLEY

COMMISSIONER, PRECINCT NO. 1

BETTY JEAN LONGORIA

COMMISSIONER, PRECINCT NO. 2

OSCAR O. ORTIZ

COMMISSIONER, PRECINCT NO. 3

H.C. "CHUCK" CAZALAS

COMMISSIONER, PRECINCT NO. 4

DIANA T. BARRERA, CLERK OF THE COURT

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 ten (10) 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.

1. **CALL TO ORDER**

- A. County Judge calls for the Invocation.
- B. Pledge of Allegiance to the United States of America and Texas Flags.
- C. County Judge will call roll, note date, time, and location of meeting, and certify a quorum is present.
- D. Approve the Minutes of the April 16, 2009 Commissioners Court Meeting(s).
- E. Adopt the following Resolution(s) and/or Order(s):
 - a. Order Banning Aerial Fireworks in the unincorporated areas of Nueces County for the July Fireworks Season, pursuant to Chapter 352 of the Texas Local Government Code.
 - b. Resolution Expressing Appreciation to Alana Scott for services as Interim Director of the Nueces County Coastal Parks Department.
 - c. Resolution to kickoff the Ten Days of Celebration of the Emancipation Proclamation for Juneteenth 2009.

2. **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.

3. **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. Report on Walk Across Texas Program, closing celebration and announcement of 1st and 2nd place county team winners.

4. **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 - manual check registers dated: 5/29/09
- B. Authorize payment of Pcard purchases for the month of: April 2009
- C. Authorize payment of bills - regular bill summaries dated: 5/21/09, 5/22/09, 5/28/09, 5/29/09
- D. Authorize payment of bills - special motions list dated: 6/3/09
- E. Authorize payment of bills - group health insurance claims and fees: 5/11/09 through 5/22/09
- F. Approve the monthly revenue reports in accordance with LGC 114.044: April 2009
- G. Approve and accept donations to the county in accordance with LGC 81.032
- H. Approve "Outside Agency" contract with the Hispanic Women's Network of Texas.
- I. Approve "Outside Agency" contract with the Gulf Coast Council of La Raza.
- J. Approve the following Tax Deeds and highest minimum opening bid to date:
 - a. Lot 1, Block 1, Highway Village Section 1, in the amount of \$16,000.00.
 - b. Lot 11, Block 4, Hudson Acres, in the amount of \$1,000.00.
 - c. The South 62 feet of Lot 1, Block 2, McNorton Addition, in the amount of \$1,000.00.
 - d. Lot 38, Block 2, Mexican Colony Addition, in the amount of \$250.00.
 - e. Lot 30, Block 9, Robstown Original Townsite, in the amount of \$1,000.00.
 - f. Lot 10, Block 8, Highway Village Section II, in the amount of \$7,800.00.
 - g. Lot 10, Block 1, Shady Acres Subdivision, in the amount of \$1,524.00.
 - h. Lot 33, Block 4, Hudson Acres Addition, in the amount of \$1,000.00.
 - i. 1.0 acre in the John H. Gallagher Survey #166, Abstract 1009, in the amount of \$1,500.00.
 - j. Lot 19, Block 4, McNorton Subdivision #2, in the amount of \$1,000.00.
 - k. The South one-half of Lot 6, Block 9, Colonia Hidalgo Addition, in the amount of \$1,000.00.
 - l. Lot 33, Block 2, Hudson Acres Addition, in the amount of \$1,000.00.

- m. Lot 121, Rancho Banquete II, in the amount of \$3,125.00.
- n. Lot 5, Block 2, Las Delicias Addition, in the amount of \$500.00.
- o. The West one-half of Lot 5, Block 6, Laguna Acres Addition, in the amount of \$5,751.00.
- p. Lot 21, Block 6, Flour Bluff Center, in the amount of \$4,000.00.
- q. 0.154 acre tract of land, in Share VIII of the CC Hart Partition, in the amount of \$500.00.
- r. Lots 51, 52 and 53, Block 1, Cox & Gouger Addition, in the amount of \$1,000.00.
- s. The East one-half of Lot 33, Tierra Grande Unit 3, in the amount of \$5,101.32

5. **REGULAR AGENDA**

- A. Receive presentation from the Council on Drug and Alcohol Abuse.
- B. Discuss and consider execution of a contract with Texas A&M University-Corpus Christi, The National Youth Wellness Program, for the purpose of promoting diabetes prevention and awareness that will benefit Nueces County citizens.
- C. Discuss and consider execution of a contract with LEAD First Foundation of Corpus Christi for the purpose of promoting diabetes prevention and awareness to benefit Nueces County.
- D. Discuss and consider adopting a resolution authorizing execution of an interlocal agreement with the City of Corpus Christi for participation of the County and City in Reinvestment Zone Number three.
- E. Receive a presentation from the Port of Corpus Christi concerning the Joe Fulton International Trade Corridor.
- F. Discuss and consider selection of an engineering consultant and execute contract for preparation of (1) plans and specifications for sidewall shoring/benching and erosion control, (2) storm water pollution prevention plan, and (3) worker health and safety plan for a remediation site at Hazel Bazemore Park.
- G. Discuss and Consider Ratification of Submittal of Application for the Texas Commission on Environmental Quality (TCEQ) Voluntary Cleanup Program to the TCEQ for Cleanup Activity at Hazel Bazemore Park and Related Matters.
- H. Discuss and consider authorizing execution of an amendment to the Personal Services Contract with Julie Smith Wilsey related to analysis and negotiation of commercial real estate transactions.
- I. Discuss and consider approval of Design Plans for Renovations for the Padre Balli Park Bathhouse/Ranger Station, and related matters.
- J. Discuss and consider approval of Dune Protection Permit for a Small Scale Permit for a Pool and Shade Structure, Island Park Estates, Lot 8, Block 2, Mustang Island (DPP#0409-01 and GLO BDNC-09-0117), and related matters.

- K. Discuss and consider Change Order # 3 for Courtroom renovations on the 8th and 9th floors.
- L. Discuss and consider approval of Course Provider License Agreement with the National Traffic Safety Institute, Inc., for the provision of Defensive Driving Courses to the employees of the Department of Public Works.
- M. Discuss and consider the application procedure for appointment to the Nueces County Emergency Services District No. 3.

6. GRANTS

- A. Discuss and consider execution of the Grant Agreement #G09HN0007A and Application for Federal Assistance from the Office of National Drug Control Policy for the High Intensity Drug Trafficking Area (HIDTA)/Texas Coastal Corridor Initiative for an initial award of \$32,413 and a modification of \$42,967 for a total award of \$75,380.
- B. Discuss and consider execution of a resolution and authorization of forms related to the Office of Rural Community Affairs (ORCA) Texas Community Development Block Grant Program (TxCDBG) contract for the Twin Lakes Colonia (contract #728125).

7. PURCHASING

- A. Discuss/Award IFB No. 2803-09 Banquete Park Lighting Improvements for 2 Baseball Fields
- B. Discuss and consider making a finding for the method of procurement (request for competitive bids); and authorize the Purchasing Agent to publish a notice for the following:
 - i. 12 Air-paks, carbon cylinders and large face pieces
 - ii. Padre Balli Bath House/Ranger Station Renovations
- C. Authorize The Cooperative Purchasing Network (TCPN) Contract No R4786 purchase for the Public Works Department for a card reader system from Rx Technology

8. AUDITOR

- A. Budget Change Order No. 16 for Fiscal Year 08/09
- B. Capital Project Budget Change Order No. 32.
- C. Personnel actions of a budgeted nature: Application Temporary & Contract No. 246; Unfreeze List No. 565; Personnel Changes reports dated: 5/19/09 and 5/26/09
- D. Receive report from outside auditor, Mr. Ernest R. Garza, CPA on the audit of fiscal year ended 9/30/08.

9. **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 hiring of outside counsel for John Martinez and Lorenzo Forge, in their individual capacities in Civil Action No. 2:08-cv-00288, Christina Campos et.al.v. Nueces County, Texas, et.al. and related matters.
- B. Discuss and consider Notice of Claim from Michael Siebert, the Estate of Michael Siebert and heirs.
- C. Discuss and consider ratifying the hiring of outside counsel in Civil Action No. 2:08-cv-00288, Christina Campos et.al. and related matters as follows:

Myra K. Morris, Attorney at Law and the firm of Royston, Rayzor, Vickery & Williams, LLP, to represent Sgt. Donald Hatch, in his individual capacity;

Doug Chaves, Attorney at Law and the firm Chaves, Resendez, and Rivero, LLP to represent Bertha DeLeon, a civilian jail employee, in her individual capacity;

Ron Barroso, Attorney at Law, to represent Carlotta Gonzalez, a civilian jail employee, in her individual capacity;

Paul Kratzig, Attorney at Law and the Law Offices of Paul Kratzig, to represent Correctional Officer Bruce Rushing and Sgt. Tomas Gomez in their individual capacities;

Nancy Simonson, Attorney at Law, and the firm Canales and Simonson, to represent Nueces County and all named defendants in their official capacities.

- 10. Approve Board Appointments, Including the Following;
 - A. Approve appointments to the Citizens Advisory Board on Health and Welfare and to the Regional Health Awareness Board.

Adjournment in Memory (upon request)