



**NUECES COUNTY, TEXAS
COMMISSIONERS COURT AGENDA**

NOTICE OF PUBLIC MEETING

10/23/09
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NUECES COUNTY
DIANA T. BARRERA
COUNTY CLERK
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October 28, 2009

The Nueces County Commissioners Court will meet on the above date at **8:30 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 September 30, 2009 Commissioners Court Meeting(s).
- E. Adopt the following Resolution(s) and/or Order(s):
 - 1. Recognizing Charlie's Place (Coastal Bend Alcohol and Drug Rehabilitation Center).
 - 2. Order prohibiting outdoor burning in the unincorporated areas of Nueces County, pursuant to Section 352.081 of the Texas Local Government Code.
- F. Administer the Oath of Office to the newly appointed members of the Nueces County Airport Advisory Board.
- G. Administer the Oath of Office to the appointed members of the Nueces County Library Advisory Board.
- H. **Workshop**
 - 1. Discuss/review proposed Purchasing Policy

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.

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: 10/19/09
- B. Authorize payment of bills - Regular check registers dated: 10/9/09, 10/15/09, 10/16/09, 10/16/09B, and 10/22/09.
- C. Authorize payment of bills - group health insurance claims and fees:
TPA Check Registers: 9/28/09 through 10/09/09
- D. Authorize payment of PCard purchases for the month of September 2009.
- E. Authorize payment of bills - special motions list dated: 10/28/09.
- F. Approve the monthly revenue reports in accordance with LGC 114.044. September 2009
- G. Approve Grant Closeout Summary Report.
- H. Discuss and consider authorizing execution of contracts with the following organizations related to distribution of Family Protection Fee funds:
 - 1. Nueces County Childrens Advocacy Center.
 - 2. Court Appointed Special Advocates (CASA).
 - 3. Women's Shelter of the Corpus Christi Area, Inc.

5. **REGULAR AGENDA**

A. **AGENDA ITEMS**

- 1. Receive presentation from local industry representatives on industry economic update, brief history on the Port of Corpus Christi and industry's view of proposed Security marine patrols and industry's proposed Security Advisory Council.
- 2. Receive presentation from Rusty Hohlt, County Extension Agent, Texas AgriLife Extension Service, on the wrap up of the Step It Up! Wellness Program and introduce the Maintain No Gain Program sponsored by Nueces County Commissioners Court.
- 3. Discuss and consider authorizing execution of Reinstatement and Amendment No. 1 to Revised and Restated Nueces County Jail Facilities Health Services Agreement between CHRISTUS Spohn Health System Corporation, Nueces County, and the Nueces County Hospital District extending the Agreement to November 30, 2010.
- 4. Discuss and consider authorizing execution of amendment to Sale and Development Agreement between Dolphin Ventures I, LLC and Nueces County to extend the feasibility period for the purchase of the County's 49.395 acre tract of land to January 14, 2011.
- 5. Discuss and consider adopting a resolution approving bonds and facilities for purposes of Section 147 (f) of the Internal Revenue Code, related to the Tarrant County Cultural Education Facilities Finance Corporation issuance of revenue bonds for the financing of the "SQLC" Senior Living Center at Corpus Christi Project, also known as The Mirador.
- 6. Discuss and consider authorizing execution of an agreement with the Driscoll Children's Health

Plan (DCHP) for the purpose of providing diabetes awareness and education to pregnant women through DCHP's "Cadena de Madres" program.

7. Discuss and consider execution of a contract (State Buyboard #284-08) for Global Positioning Satellite (GPS) Monitoring Services by Satellite Tracking of People (STOP), LLC, for the purpose of monitoring inmates in lieu of incarceration in the Nueces County Jail.
8. Discuss and consider approval of Amendment No. 1 to Coastal Lease No. LC920027 (Bob Hall Pier) to allow Nueces County to expand the existing Concession Stand by construction of a covered pavilion and to extend the term of the lease to expire on September 30, 2019, and authorize the County Judge to execute said lease amendment on behalf of Nueces County.
9. Discuss and consider approval of Amendment No. 1 to Coastal Lease No. LC920028 (Horace Caldwell Pier) to allow Nueces County to expand the existing Concession Stand by construction of a covered pavilion and to extend the term of the lease to expire on September 30, 2019, and authorize the County Judge to execute said lease amendment on behalf of Nueces County.
10. Discuss and consider filing suit to partition county property described as Padre Island Nueces County Park #2 undivided 64 percent interest in 30 acres, obtain approval from taxing entities, and hire outside legal counsel and related matters.
11. Discuss and consider sale of property being a portion of 88.83 acres out of the Held Industrial Tract, Nueces County, Texas and discuss and consider conducting a survey and appraisal of said portion.
12. Discuss and consider establishing a Local Data Advisory Board related to criminal history reporting, pursuant to Section 60.10 of the Texas Code of Criminal Procedure.
13. Receive status report on the Nueces County Neighborhood Diabetes Program and a presentation on a proposal for continuing the program in fiscal year 2009-2010.

B. HEALTH DEPARTMENT

1. Discuss and consider authorizing the County Judge to execute Amendment No. 001A to Contract No. 2009-030619 with the Department of State Health Services (DSHS) providing for control and prevention of Sexually Transmitted Diseases (STD's) and HIV/AIDS for an additional \$9,871 for the period of September 16, 2009 through December 31, 2009.

C. SHERIFF

1. Discuss and consider the reclassification of a Lieutenant position (pay group LE4) to a Sergeant (pay group LE3).

D. GRANTS

1. Discuss and consider execution of a contract with the State of Texas for the acceptance of a State Homeland Security grant in the amount of \$77,741.68.
2. Discuss and consider acceptance of a grant award for the FY 2009 Operation Stonegarden (OPSG) grant program from the U.S Department of Homeland Security (DHS).
3. Discuss and consider submittal of a letter of intent to apply for and accept an Energy Efficiency and Conservation Block Grant (EECBG) Program allocation from the Texas Comptroller's State Energy Conservation Office (SECO); discuss and consider submission of an application for funding under the Distributed Renewable Energy Technology Program of SECO for a solar energy project located at the Richard M. Borchard Regional Fairgrounds Complex.

4. Discuss and consider execution of a grant agreement with the Texas State Library and Archives Commission (TSLAC) for a Loan Star Libraries Grant.
5. Discuss and consider authorization to submit a grant application to the National Endowment for Humanities for a 2009-2010 We the People "A More Perfect Union" Bookshelf project.
6. Discuss and consider acceptance of a grant award from the Criminal Justice Division (CJD) of the Governors Office for a Drug Court Program Project in the amount of \$44,000.

E. PUBLIC WORKS

1. Discuss and consider approval of Change Order No. 1 for the Nueces County McKinzie Annex Sewage Grinder System.
2. Discuss and consider approval of an Amended Plat of Lots 1A through 15A, New West Lake Unit 2.

F. PURCHASING

1. Discuss/Award IFB No. 2825-09 Improvements Package No. 1 for A/C, Pavement, Sidewalk, Lights and Trench Covers; discuss and consider execution of a contract subject to the submission of a performance and payment bond and insurance certificate and related matters.
2. Discuss/Award IFB No. 2826-09 Nueces County Commissioners Court Renovations; discuss and consider execution of a contract subject to the submission of a performance and payment bond and insurance certificate and related matters.
3. Authorize/Execute a contract for IFB 2819-09 Water Distribution System Improvements for San Petronilla Estates 2, Phase 2 with Allstate Utilities and Construction.
4. Authorize/Execute a contract for IFB 2820-09 Regional Fairgrounds Bucking Chutes & Penning Equipment with Lonestar Livestock Equipment Co., Inc.
5. Authorize/Execute a contract for IFB No. 2799-08 Inmate Coinless & Public Coin Telephone Service with Public Communications Services (PCS).
6. 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 projects:
 - i. Banquete Park Phase 1B
 - ii. Hot Mix Asphaltic Concrete Type "D" PG 64-22
 - iii. SS-1 Emulsified Asphalt
7. Authorize the purchase of a Kodak CR Classic digital x-ray reader for the Medical Examiner from Siemens Medical Solutions USA, Inc.
8. Approve/ratify the renewal of the hardware maintenance support of Host Bus Adapters (HBA) and EMC CX-500 Storage Area Network (SAN) with Dell.
9. Discuss and consider making a finding for the method of procurement (request for proposals); authorize the Purchasing Agent to publish a notice; and adopt an order delegating evaluation authority to a selection committee for Concessionaire Services at Bob Hall Pier.
10. 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 projects:
 - i. McKinzie Jail Annex Detention Lock Upgrade

- ii. McKinzie Jail Annex Roof Replacement
- iii. McKinzie Jail Annex Maintenance to Pod "B"

- 11. Authorize DIR Contract No. DIR-SDD-890 and DIR-SDD-1014 purchases for 129 Dell OptiPlex 780 Minitower Computers and software to be used for the Jail Management System for the Sheriff's Office from Dell Inc. in the amount of 187,097.43.

G. AUDITOR

- 1. Budget Change Order No. 27 for Fiscal Year 08/09.
Budget Change Order No. 2 for Fiscal Year 09/10.
- 2. Personnel Actions of a budgeted nature:
 - a. Application Temporary & Contract List No. 257.
 - b. Unfreeze List No. 576.
 - c. Personnel Changes reports dated: 10/9/09 and 10/16/09.
- 6. **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 ratifying the hiring of outside counsel Myra Morris with Royston, Rayzor, Vickery & Williams, in Civil Action No. 2:09-cv-239, Stephanie Weldy v Nueces County et al. to represent Donald Hatch and Steve Walker in their individual capacity and related matters.
 - B. Discuss and consider claim of Sara Longoria for backpay.
- 7. Approve appointments to the Nueces County Rural Rail Transportation District.

Adjournment in Memory (upon request)