12/11/09 OK

NUECES COUNTY, TEXAS
COMMISSIONERS COURT AGENDA

NOTICE OF PUBLIC MEETING

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NUECES COUNTY
DIANA T. BARRERA
COUNTY CLERK
Fees $0.00

December 16, 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.

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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.

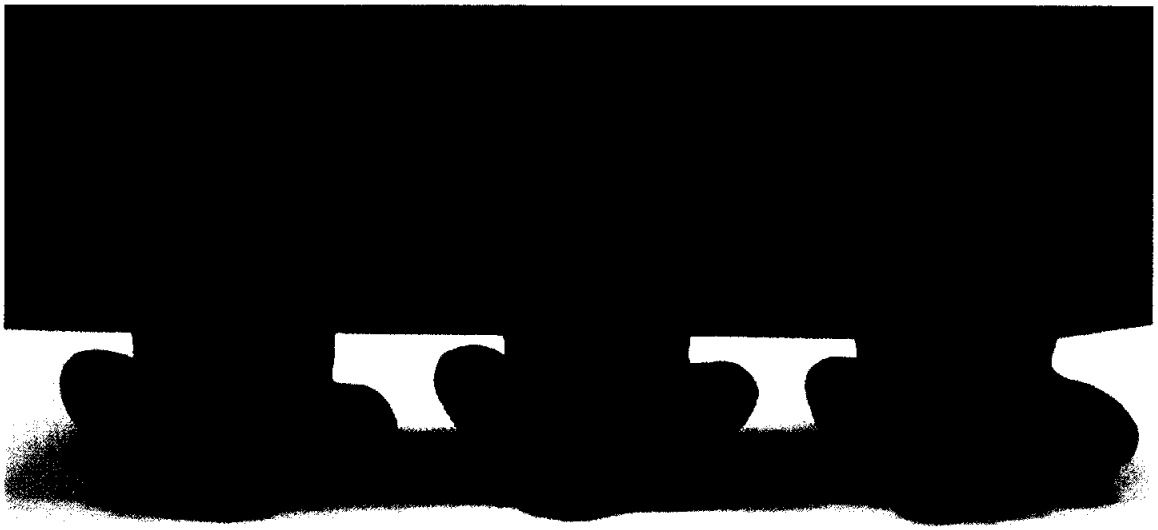
D. Approve the Minutes of the November 16 and November 18, 2009 Commissioners Court Meeting(s).

E. Recognize the following Nueces County Employees:

1. Mary Truesdale, Filing Manager, Nueces County Clerk's Office, completed "Master Registrar Certification" from TX State Dept of Health Services.
2. Diana Rosas-Medina, Chief Deputy, Nueces County Clerk's Office, completed the "County Investment Officer", (CIO) Certification.
3. Bill Roberts, Emergency Management Coordinator, Retirement after 10 years of service to Nueces County.

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:**



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 12/7/09.

B. Authorize payment of bills - Regular Check Registers dated 11/25/09, 12/03/09, 12/10/09, and 12/11/09.

C. Authorize payment of bills - Group Health Insurance claims and fees: TPA Check Register 11/16/09 through 11/27/09.

D. Authorize payment of bills - Special Motions list dated: 12/16/09.

E. Approve the following "Outside Agency" Contracts:
   i. Bishop Economic Development Corporation
   ii. CASA (Court-Appointed Special Advocates)
   iii. Coastal Bend Bays & Estuaries Program, Inc.
   iv. Hispanic Chamber of Commerce

F. Approve contract with the Food Bank of Corpus Christi, Inc., related to the Nueces

County Neighborhood Diabetes Program.

G. Discuss and consider authorizing execution of Third Amendment to Detention Services Agreement between Nueces County and LCS Corrections Services, Inc.

5. **REGULAR AGENDA**

A. AGENDA ITEMS

1. Receive presentation from Jeff Stapper, County Extension Agent, on the 2009 Nueces County Agriculture and Educational Program efforts to address needs of local agriculture producers and review impact of Texas AgriLife Extension Service educational programs for Nueces County citizens in 2009.

2. Receive briefing from Chief Appraiser, Nueces County Appraisal District, regarding the District's handling of unspent monies at year-end.

3. Receive presentation on Nueces County Prescription Cards and their availability to the public through the internet.

4. Discuss and consider submission of an application for a 2% loan through the State Energy Conservation Office (SECO), pursuant to the Energy Efficiency Project Development Agreement entered into with Johnson Controls, Inc., on August 26, 2009, related to Energy Efficiency and Retrofits in the Courthouse and Jail, and related matters; authorize County Judge to execute related documents and attachments and to submit the application prior to December 30, 2009.

5. Discuss and consider setting the place, date, and time for a public hearing to consider the petition for the creation of Emergency Services District No. 6, wholly located in Nueces County in the Bishop, Texas area, pursuant to Chapter 775 of the Texas Health and Safety Code.

6. Discuss and consider authorizing the County Judge to enter into an interlocal agreement with San Patricio County for providing the services of an Intoxilizer Technical Supervisor as an adjunct of the law enforcement responsibilities of the parties and related matters.

7. Discuss and consider adopting a resolution for nomination of a Nueces County Commissioner to serve on the Texas Conference of Urban Counties-Policy Committee and related matters.

8. Discuss and consider execution of a contract with South Texas Colonia Initiative for the purpose of promoting diabetes prevention and awareness that will benefit Nueces County residents.

9. Discuss and consider adopting an order approving a post trial counseling program pursuant to Article 56.04 of the Texas Code of Criminal Procedure for jurors in criminal trials involving graphic evidence or testimony, and related matters.

10. Discuss and consider execution of TexasOnline 2.0 Customer Agreement with the State of Texas acting by and through the Texas Department of Information Resources and

Texas NICUSA, LLC, related to the State's Internet Portal for e-filing in the Nueces County District Clerk's Office.

B. HEALTH DEPARTMENT

1. Discuss and consider execution of an amendment to contract with the Department of State Health Services providing for Local Public Health Preparedness/Public Health Emergency Response (PHER) FY 09-10 in the amount of $633,575; authorize the Acting Director of the Corpus Christi-Nueces County Public Health District to sign on behalf of Nueces County.

C. GRANTS

1. Discuss and consider acceptance of a grant award with the Texas Department of Rural Affairs for Disaster Recovery Funds (non-housing funds).

2. Discuss and consider ratification of a resolution related to the Texas Department of Transportation's 2009 Texas Transportation Enhancement (TE) Program for the Nueces County Regional Fairgrounds Bike & Pedestrian Trail.

D. PUBLIC WORKS

1. Discuss and consider approval of a Merchant Application and terms and conditions with Global Payments for the Credit Card Purchase System at the Nueces County Airport.

2. Discuss and consider approval of pricing guidelines for airport fueling credit card system.

E. PURCHASING

1. Discuss/Award RFP No. 2823-09 Maintenance Service of Elevators in Courthouse, Sheriff's Office & I.B. Magee Park Buildings.

2. Discuss/Award IFB No. 2830-09 Hot Mix Asphaltic Concrete Type D PG 64-22.

3. Discuss/Award IFB No. 2831-09 SS-1 Emulsified Asphalt.

4. Discuss/Award IFB No. 2833-09 Nueces County McKinzie Jail Annex Maintenance Pod "B".

5. Discuss/Award IFB No. 2835-09 Nueces County McKinzie Jail Annex Detention Lock Upgrade.

6. Discuss/Award IFB No. 2838-09 Sale of .223 Acre of Held Industrial Tract (9,724 sf); Execute a Quitclaim Deed after receipt of Bidder's consideration.

7. Accept the award for RFP No. 2836-09 Concession Service for Bob Hall Pier as approved by the Park Board on December 8, 2009.

8. Authorize/Execute a contract for IFB No. 2821-09 Pre-Coated Aggregate Type PB Grade

4 with Vulcan Construction Materials, LP.

F. AUDITOR

1. Budget Change Order No. 5 for Fiscal Year 09/10.

2. Capital Projects Budget Change Orders No. 34 and No. 35.

3. Personnel actions of a budgeted nature:
   a. Application Temporary & Contract No. 260.
   b. Unfreeze List No. 579.
   c. Personnel Changes reports dated: 11/27/09 and 12/4/09.

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 claim of Thomas Buchanan.

B. Discuss and consider claim of Jerry Stark.

C. Discuss and consider ratifying the legal representation of outside counsel, Keith Sieczkowski and the law firm Branscomb, P.C. to represent the interests of Nueces County and John Doe No. 1 and John Doe No. 2 each in their official capacity in all legal matters involving Cheryl Green v. Nueces County, et al, Cause of Action 09-cv-316, and related legal matters.

D. Discuss and consider settlement offer from McRae's Bail Bonds and authorize County Judge to sign Release of Judgment.

E. Discuss and consider settlement offer from Gary Leach and authorize County Judge to sign Release of Judgment.

F. Discuss and consider ratifying the legal representation of outside counsel, Fred McCutchon and the law firm Wood, Boykin & Wolter, P.C. to represent the legal interests of Nueces County and Sheriff Jim Kaelin in his official capacity in Cause #09-62322-4, Lorenzo Forge v Nueces County, Texas et al, and related matters.

G. Discuss and consider ratifying the execution of a fee agreement with Fred McCutchon,

Attorney at Law, with Wood, Boykin and Wolter, P.C. for legal services in the Lorenzo Forge case, and related matters.

H. Discuss and consider presentment of claim by Horn Chen and related matters.

7. Approve Board Appointments, Including the Following;

A. Approve appointments to the Nueces County Beach Management Advisory Committee; authorize re-advertisement of application process for appointment to the Nueces County Tax Appraisal District Board.

Adjournment in Memory (upon request)