



NUECES COUNTY, TEXAS COMMISSIONERS COURT AGENDA

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NOTICE OF PUBLIC MEETING

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NUECES COUNTY
DIANA T. BARRERA
COUNTY CLERK
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November 30, 2011

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
JOE A. GONZALEZ	COMMISSIONER, PRECINCT NO. 2
OSCAR O. ORTIZ	COMMISSIONER, PRECINCT NO. 3
JOE MCCOMB	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. Present the following Certificate(s) of Recognition:
 - 1. Jesus V. Guajardo, retiring after 32 years of service to Nueces County.
 - 2. Raul Rodriguez, retiring after 13 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. **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 approve the remaining items on the Consent Agenda.

- A. Authorize payment of bills - regular bill summaries dated November 4, 2011; November 9, 2011; November 10, 2011; November 15, 2011; November 18, 2011 and November 22, 2011.
- B. Authorize payment of bills - manual check register dated November 18, 2011.
- C. Authorize payment of bills - group health insurance claims and fees on TPA Check Register dated October 31, 2011 through November 11, 2011.
- D. Authorize payment of bills - special motions list dated November 30, 2011.
- E. Authorize payment of Pcard purchases for the month of October, 2011.
- F. Approve grant closeout summary report dated November 30, 2011.
- G. Adopt a "No Change" Order for Nueces County's participation in the Texas County and District Retirement System for Plan Year 2012.
- H. Approve application procedure for the following Nueces County Advisory Boards:
 - 1. Nueces County Beach Management Advisory Committee.
 - 2. Nueces County Civil Service Commission.
 - 3. Nueces County Historical Commission.
 - 4. Nueces County Emergency Services District No. 1.
 - 5. Nueces County Emergency Services District No. 2.
 - 6. Nueces County Emergency Services District No. 3.
 - 7. Nueces County Emergency Services District No. 4.
 - 8. Nueces County Emergency Services District No. 6.
 - 9. Nueces County Rural Rail Transportation District.
- I. Approve/concur with joint city/county appointment to the Citizen's Advisory Board on Health & Welfare.
- J. Approve and accept a donation of four (4) Lenovo Think Pad Laptops and four (4) carrying cases from South Texas Library System for the Nueces County Keach Family Library.
- K. Authorize/Execute one-year lease agreements for the following T-hangars at the Nueces County Airport:
 - 1. T-3 Hangar lease with Col. Harry J. Peterson.
 - 2. T-7 Hangar lease with Johnston Fertilizer.
 - 3. T-15 Hangar lease with Midnight Aviation, LLC.
- L. Authorize/Execute a contract for IFB No. 2890-11 N.C. Juvenile Justice Center Chiller Replacement with Columbia Contracting Inc.
- M. Authorize/Execute a contract for IFB No. 2892-11 Drainage Improvements on County

Road 69 with Relmco.

- N. Authorize Sole Source purchase from Intergraph, Inc. for maintenance and related support services related to the County Jail Management System (JMS) for the Sheriff's Office.
- O. Authorize a purchase of All Access Pass and library remote access for two-year period from Atomic Learning, Inc. for the Nueces County Keach Family Library.
- P. Authorize/Execute a contract for IFB No. 2896-11 Nueces County Calderon Building Mechanical Equipment Upgrades with Malek, Inc.
- Q. Authorize/Execute a contract for RFP No. 2897-11 Courthouse Cafeteria Food Service with Rock n Roll Cafe.
- R. Ratify execution of Amendment No. 3 to the Disaster Recovery Non-Entitlement Grant Contract with the Texas General Land Office No. 10-5122-000-5103 (formerly TDRA Contract No. DRS010127).

4. **REGULAR AGENDA:**

A. AGENDA ITEMS

- 1. Discuss and consider acceptance of Nueces County Court of Law No. 3 Judge John Martinez' letter of resignation; Discuss and consider appointment of County Court of Law No. 3 Judge pursuant to Section 87.041 of the Texas Local Government Code and section 25.0009 of the Texas Government Code; and related matters.
- 2. Discuss and consider renaming Amistad Park to Amistad Veterans Memorial Park, in memory of all veterans, Bishop, Nueces County, Texas.
- 3. Receive presentation from Justice Jones, Prevention Coordinator, Texas Forest Service, related to the Nueces County Community Wildfire Protection Plan.
- 4. Discuss and consider approval of a hangar lease with Parker Aeronautics for M-3 Maintenance Hangar.
- 5. Discuss and consider adopting an order designating five Nueces County Beach Management Advisory Committee members and the chairperson to serve two-year terms set to expire in December of 2013 and five members to serve one-year terms to expire in December of 2012, and then returning to a two-year term expiring in December of 2014.
- 6. Discuss and consider hiring Denton, Navarro, Rocha & Bernal, Attorneys At Law, as outside counsel for the legal review and recommended updated revisions of the Nueces County Civil Service Rules and the Nueces County Personnel Manual and related matters; discuss and consider approving and executing a proposal with Denton, Navarro, Rocha & Bernal, Attorneys At Law, as outside counsel for the legal review and updated revisions of the Nueces County Civil Service Rules and Nueces County Personnel Manual and related matters.
- 7. Discuss and consider the request of CC Distributors, Inc., for a letter of support for their application to be a subzone of Foreign Trade Zone No.122 (Port of Corpus Christi).

8. Discuss and consider adopting a resolution in support of maintaining current size limitations on trucks.
9. Discuss and consider adoption of Order to tax Goods-in-Transit pursuant to 11.253 of the Texas Tax Code.

B. GRANTS

1. Discuss and consider execution of a Waiver of Retroactivity for Land Acquisition with the Texas Parks and Wildlife Department for a Texas Recreation and Parks Accounts Program related to LyondellBasell Park.

C. PUBLIC WORKS

1. Discuss and consider approval of Change Order No. 2 to the Garrett Construction Company Rose Acres Street and Drainage Improvements project.
2. Discuss and consider approval of Change Order No. 2 to the Largin Construction Services, LLC. project for the construction of the Courthouse Multi-Purpose Training Area-5th Floor Renovation.
3. Discuss and consider approval of Certificate of Substantial Completion for the Banquete Park Phase II project completed by SafeNet Services, LLC.
4. Discuss and consider approval of Certificate of Substantial Completion for the Richard M. Borchard Fairgrounds - Improvements Package No. 2 project completed by SafeNet Services, LLC.
5. Discuss and consider approval of a rate increase for residential solid waste collection in the rural areas of Nueces County.

D. PURCHASING

1. Discuss and consider making a finding for the method of procurement (request for proposals) for collection software; authorize the Purchasing Agent to publish a notice; and adopt an order delegating evaluation authority to a selection committee.
2. Authorize lease-purchase agreement with Holt Texas, Ltd. for a Caterpillar Wheel Loader as bid through the Texas Association of School Boards TASB (BuyBoard) to include, amendment no. 1, extended warranty and letter agreement; discuss and consider resolution approving documents related to lease-purchase of Caterpillar Wheel Loader, authorizing County Judge to execute documents, and all other action necessary to carry out such transaction.
3. Authorize Product Schedule, Lease Amendment, and Addendum 54 to Master Service Agreement for a TASB BuyBoard State Contract No. 255-06 and 299-08 purchase for various County Departments to replace 16 lease copiers, add 1 copier, and maintenance services from Ikon Office Solutions, Inc.
4. Authorize BuyBoard Contract No. 358-10 purchase of four (4) 2012 F350 DWR Pickup

Trucks from Grande Truck Center for Public Works Department.

5. Authorize a BuyBoard Contract No. 358-10 purchase of a 2012 Chevrolet 2500 Silverado extended cab from Caldwell Country for the Inland Parks Department.

E. AUDITOR

1. Budget Change Order No. 3 for Fiscal Year 2011-2012.
Capital Projects Budget Change Order No. 42.
 2. Personnel actions of a budgeted nature:
 - a. Application Contract List No. 03
 - b. Frozen List No. 06
 - c. Unfreeze List No. 626
 - d. Personnel Changes reports dated November 4, 2011, November 10, 2011 and November 18, 2011.
 3. Discuss and consider the Chapter 59 Asset Forfeiture reports from the District Attorney, Constables 1, 2, 3, 4, 5 and Sheriff's office for submission to the Office of the Attorney General; Authorize the County Judge to sign.
 4. Discuss and consider approving the Federal Equitable Sharing Agreements & Certifications for Constable 3, Constable 5, County Sheriff and District Attorney, and authorize the County Judge to sign.
 5. Accept report from the County Auditor's office and receive a demonstration from the County Information Technology Department on posting check registers on the County's website in compliance with the Texas Comptrollers Leadership Circle project striving to meet a high standard for financial transparency online.
5. **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 authorizing the County Judge to settle property damage claim in the amount of \$1,535.55, and sign property damage release.
 - B. Discuss and consider hiring outside counsel to represent Nueces County in Civil Action No. 3:11-CV-2733, Dallas County, Texas v. MERSCORP, Inc., et al., in the United States

District Court for the Northern District of Texas (Dallas Division), and related matters.

- C. Discuss and consider settlement of Cause No. 06-1351-H, Joe Guadalupe Ballesteros v. Nueces County, Texas, in the District Court of Nueces County, Texas, 347th Judicial District; Authorize the County Judge to sign the settlement agreement and related matters.

6. **BOARD APPOINTMENTS:**

- A. Christus Spohn Health Board of Trustees.

Adjournment in Memory (upon request)