

REGULAR MEETING – JULY 25, 2007

BE IT REMEMBERED, that on this the 25th day of July, A.D., 2007, there was begun and held a **REGULAR MEETING** of the Honorable Commissioners Court of Nueces County, Texas, wherein the following members thereof were present, to-wit:

SAMUEL L. NEAL, JR.
PEGGY BAÑALES
BETTY JEAN LONGORIA
OSCAR O. ORTIZ
H. C. “CHUCK” CAZALAS

COUNTY JUDGE
COMMISSIONER, PRECINCT NO. 1
COMMISSIONER, PRECINCT NO. 2
COMMISSIONER, PRECINCT NO. 3
COMMISSIONER, PRECINCT NO. 4

and Teresa Melton, Deputy, of Nueces County Clerk, wherein the following proceedings were had, to-wit:

- A. Judge Neal called on Rev. Allen Mosiman, Pastor of Parkway Presbyterian Church for the invocation.
- B. Commissioner Bañales led the Pledge of Allegiance.
- C. The Court entered Workshop at 9:03 a.m. The Judge introduced Mayor Henry Garrett, of the City of Corpus Christi and Mayor Elaine Kemp of the City of Ingleside. Several Ingleside Council Members were also present.
 - The Court discussed issues related to Base Realignment & Closure (BRAC) including Local Redevelopment Authorities and other related matters.

The workshop closed at 9:15 a.m.

- D. Judge Neal called the roll at 9:20 a.m. and certified a quorum of the Court with all members present.
- E. On motion of Commissioner Longoria, seconded by Commissioner Cazalas, the Court voted to remove Agenda Item #E: Adopt a proclamation in recognition of a delegation of elected/appointed officials from Tamaulipas, Mexico; and to table the following Agenda Items:
 - 3f. Approve Change Order No. 1, related to the renovations to Hilltop Center Wing “F”, 11425 Leopard Street, Corpus Christi, Texas.
 - 16. Discuss and consider execution of Funds Transfer Agreement with depository Frost National Bank; Discuss and consider resolution authorizing County Judge to execute Funds Transfer Agreement and Designating County Judge and his designee as authorized representative.

F. The Court recognized Oliver Rosas for his 23 years of service working for Nueces County Public Works.

Agenda Item #1

PUBLIC COMMENT

Joe O'Brien addressed the Court about his views on how the Court could save the taxpayer some money.

Carlos Valdez, Nueces County District Attorney donated an autographed book he authored "*Justice for Selena*" He said he had read in the Caller Times newspaper that the Nueces County Library had no books so he was helping out.

Edward Herrera and Bill Roberts gave a presentation on the Emergency Post-Hurricane Preparedness plan and the use of the Nueces County Fairgrounds as a regional distribution site for emergency supplies, medical assessment teams, FEMA, SBA loans, Red Cross and the Salvation Army.

GENERAL INFORMATION REPORTS

Agenda Item #2

Commissioner Cazalas announced that Friday he would be in Austin, serving as Chairperson for the Texas Community Development Block Grant State Review Committee. He commented that he was glad that there was an agenda item for the new library to buy computers and making it a first class library. He also announced that he was working with the HR department and Glen Sullivan to update the Public Works Director's Position Description to include Dunes matters. Commissioner Cazalas also recommended that a retreat for the Court and the Department Heads be held in late September or early October

Commissioner Longoria commented that the Buy A Book campaign had a good kickoff, raising \$3000.00 on the first day and that several citizens wanted to donate books to the new county library.

Commissioner Ortiz thanked Elsa Saenz, Purchasing Agent for her donation of the latest Harry Potter book for the new county library. He commented Glen Sullivan and Public Works for keeping the mosquitoes down in the rural areas.

Commissioner Bañales thanked Lt. Hernandez for mowing the front and back of the old courthouse. She mentioned that the Lulac Council #1 is having their Feria de las Flores on Saturday, July 28, 2007 at the Del Mar New Richardson Auditorium. She reminded all employees and the Court of the Brown Bag Luncheon for the START Program and to start walking. Commissioner Bañales asked Bill Roberts for an update on the flood situation and thanked Glen Sullivan for his work on pest fogging at night and in the mornings at all the larvae sites.

She asked residents on County Road 73 to prepare for more flooding and stressed they should use the telephone number 211 to register if evacuating the area. She also mentioned that an organization had informed her, that a fundraiser would be held to raise money to help with books for the new county library.

Commissioner Cazalas commented that Glen Sullivan and the vector control were keeping the Southside mosquito population down.

Judge Neal commented that the Court is trying to take action on all the various issues taking place in Nueces County.

CONSENT AGENDA

Agenda Item #3

On motion of Commissioner Cazalas, seconded by Commissioner Longoria, the Court voted to approve the following consent agenda items:

- a. Payment of bills and claims certified by the County Auditor, including regular bill summaries dated July 12, July 13, July 19, and July 20 2007, and manual checks dated July 23, 2007.
- b. Special Motions List dated July 25, 2007. See Volume 39, Pages 199-200.
- c. Payment of Pcard purchases for the month of June 2007.
- d. Monthly revenue report for the month of May 2007, as presented by the County Auditor in accordance with Section 114.044 of the Texas Local Government Code. See Volume 39, Pages 201-202.
- e. Contract with the Texas State Guard. Contract No. 20070124.
- g. Change Order No. 1, granting additional working days to the contractor for the Nueces County Courthouse Window Renovation Project. Contract No. 20070125.

REGULAR AGENDA

Agenda Item #4

On motion of Commissioner Bañales, seconded by Commissioner Longoria, the Court voted to adopt a disaster declaration related to the County Judge's disaster declaration of July 11, 2007. See Volume 39, Page 203.

Agenda Item #5

Ronnie Canales, Tax Assessor-Collector gave a presentation on the status of property tax and motor vehicle operations for the periods, 2006-2007 and 2002-2007.

Agenda Item #6

Julie Guerra and Tyner Little gave a presentation related to the 2007 Change a Light, Change the World Campaign continuing from July through September 13, 2007.

Agenda Item #7 On motion of Commissioner Longoria, seconded by Commissioner Bañales, the Court voted to adopt a resolution related to the designation of a Local Redevelopment Authority and defining its powers, including actions that may rescind prior resolutions and/or orders. See Volume 39, Page 204.

Agenda Item #8 On motion of Commissioner Cazalas, seconded by Commissioner Longoria, the Court voted to authorize execution of amendment with the Department of State Health Services to standardize procedures for developing, distributing, and implementing percent of poverty income guidelines based on Poverty Income Guidelines issued by the Secretary of Health and Human Services. Contract No. 20070126.

Agenda Item #9 On motion of Commissioner Longoria, seconded by Commissioner Cazalas, the Court voted to authorize execution of Attachment No. 002A to contract No. 2007-020431 with the Department of State Health Services (DSHS) for fee for services for Title V clients. Contract No. 20070127.

Agenda Item #10 On motion of Commissioner Cazalas, seconded by Commissioner Longoria, the Court voted to authorize the Corpus Christi-Nueces County Public Health District to enter into a contract with the Department of State Health Services (DSHS) providing for breast and cervical cancer screening in the amount of \$43,500.00. Contract No. 20070128.

Agenda Item #11 On motion of Commissioner Cazalas, seconded by Commissioner Longoria, the Court voted to approve the briefing from the Juvenile Probation Department in reference to the independent auditor, Patillo, Brown, & Hill.

Agenda Item #12 On motion of Commissioner Longoria, seconded by Commissioner Bañales, the Court voted to approve Year Two Budget revisions to reflect carry-over funds in the Jail Diversion Program in the amount of \$791,828.00.

Agenda Item #13 On motion of Commissioner Longoria, seconded by Commissioner Cazalas, the Court voted to approve and accept the quarterly investment report as of June 30, 2007 as presented by Steve Waterman. See Volume 39, Pages 205-212.

Agenda Item #14

On motion of Commissioner Cazalas, seconded by Commissioner Longoria, the Court voted to authorize execution of the following with depository Frost National Bank:

- a. Safekeeping Agreement
 - b. Attachment A Safekeeping Agreement Governmental Entity Rider
 - c. Addendum to Safekeeping Agreement
- Contract No. 20070129.

Agenda Item #15a & 15b

On motion of Commissioner Cazalas, seconded by Commissioner Longoria, the Court voted to adopt the following resolutions related to Safekeeping Agreement with Frost National Bank:

- a. Resolution identifying individual authorized to sell, assign, and endorse for transfer of County securities. See Volume 39, Page 213.
- b. Resolution authorizing the County Judge to enter into Safekeeping Agreement, Addendums, Attachments, and related documents and designating Frost Bank as depository for safekeeping of securities. See Volume 39, Page 214.

Agenda Item #17

On motion of Commissioner Bañales, seconded by Commissioner Longoria, the Court voted to adopt a resolution for the acceptance of \$191,000.00 from the Coastal Bend Regional Advisory Council to provide Interoperable Communications Radio Equipment within the Regional Trauma Service Area. See Volume 39, Page 215.

Agenda Item #18

On motion of Commissioner Longoria, seconded by Commissioner Bañales, the Court voted to adopt an order for the temporary closure of County Road 34 on Saturday, August 4, 2007, for a Hazardous Material accident exercise. See Volume 39, Page 216.

Agenda Item #19

On motion of Judge Neal, seconded by Commissioner Longoria, the Court voted to authorize execution of Interlocal Agreement with Texas Department of Family and Protective Services for housing of one TDFPS employee within the County Attorney's office. Contract No. 20070130.

Agenda Item #20

On motion of Commissioner Longoria, seconded by Commissioner Bañales, the Court voted to adopt a resolution authorizing the submittal of a grant application to the Texas Parks and Wildlife Department (TPWD) for a Texas Recreation and Parks Accounts Program (TRPA). See Volume 39, Page 217.

Agenda Item #21

On motion of Commissioner Longoria, seconded by Commissioner Ortiz, the Court voted to authorize execution of a Special Offer Amendment to the Westlaw Subscriber Agreement with the deletion of the paragraph 6 on the Confidentiality Statement. Contract No. 20070131.

Agenda Item #22

On motion of Judge Neal, seconded by Commissioner Longoria, the Court voted to approve the application process/procedure for appointment to the Nueces County Hospital District Board of Managers, Regional Transportation Authority Board of Directors, and the Nueces County Special Task Unit of Adult Protective Services. Application period will be open from July 25, 2007 to Friday, August 17, 2007 at 5 p.m.

Agenda Item #23a

On motion of Commissioner Cazalas, seconded by Commissioner Longoria, the Court voted to authorize an Order delegating authority to the Purchasing Agent to issue addenda's. See Volume 39, Pages 218-221.

Agenda Item #23b

On motion of Commissioner Longoria, seconded by Commissioner Cazalas, the Court voted to award IFB No. 2717-07 Two (2) Sport Utility Vehicles for CSCD to Sames Crow Ford in the amount of \$42,170.00.

Motion withdrawn due to County Attorney recommendation to discuss in closed session.

On motion of Commissioner Ortiz, seconded by Commissioner Cazalas, the Court voted to table Agenda Item #23b; Discuss/Award IFB No. 2717-07 Two Sport Utility Vehicles for CSCD to closed session.

Agenda Item #23c

On motion of Commissioner Ortiz, seconded by Commissioner Cazalas, the Court voted to award IFB No. 2710-07 Nueces County Jail Insulation Removal to Alamo Construction in the amount of \$17,800.00.

Agenda Item #23d

On motion of Commissioner Longoria, seconded by Commissioner Bañales, the Court voted to authorize the following related to procurement of Professional Services to develop a needs assessment for an Oso Creek Watershed On-Site Sewage Facility (OSSF) Assistance Project:

- 1) the use of the Request for Proposal method of procurement
- 2) the Purchasing Agent to publish and
- 3) adoption of an order delegating an evaluation committee consisting of the Grants Administrator, Purchasing Agent, Juan Mireles, a City & County Inspector, and Jim Bowman Project Manager for the Coastal Bend Bays & Estuaries See Volume 39, Pages 222-225.

Agenda Item #23e

On motion of Commissioner Bañales, seconded by Commissioner Cazalas, the Court voted to authorize the use of the Competitive bid method of procurement and to authorize the purchasing agent to publish a notice for competitive bid for the Bulk Fuel Contract.

Agenda Item #23f

On motion of Commissioner Cazalas, seconded by Commissioner Longoria, the Court voted to authorize the following related to procurement of Medical Stop Loss Insurance.

- 1) the use of the Request for Proposal Method of procurement,
- 2) the Purchasing Agent to publish a notice; and
- 3) adoption of an order delegating an evaluation committee consisting of the Director of Court Administration, Purchasing Agent, Risk Manager and County Judge. See Volume 39, Pages 226-227.

Agenda Item #23g

Discussion in Executive Session.

Agenda Item #23h-

On motion of Commissioner Bañales, seconded by Commissioner Longoria, the Court voted to authorize use of the Texas DIR State Contract to purchase HP Computer Equipment from Hewlett-Packard for the Keach Family Library in the amount of \$33,208.01.

Agenda Item #23i

On motion of Commissioner Bañales, seconded by Commissioner Cazalas, the Court voted to execute an Interlocal Agreement to join Tarrant County's Cooperative Purchasing Association. Contract No. 20070133.

On motion of Commissioner Longoria, seconded by Commissioner Cazalas, the Court voted to table the purchase of a 2007 Ford F-150 Supercab Truck for the Island Parks.

Agenda Item #23j

On motion of Commissioner Bañales, seconded by Commissioner Longoria, the Court voted to adopt a Resolution (See Volume 39, Page 228) and an Interlocal Agreement (Contract No. 20070132) with the Region 4 Education Service Center Co-op related to the Cooperative Purchasing Network.

Agenda Item #23k

On motion of Commissioner Bañales, seconded by Commissioner Cazalas, the Court voted to table Agenda Item #23k; Authorize Sole Source purchase to Avaya Communications for an annual phone maintenance agreement for the County's software support to maintain the telephone system that consists of 80 ports, audix and other connectors in the amount of \$38,902.56.

Agenda Item #24

On motion of Commissioner Cazalas, seconded by Commissioner Ortiz, the Court voted to approve budget transfers as recommended by the County Auditor, including Budget Change Order No. 18 for FY 2006/2007. See Volume 39, Pages 229-230.

Agenda Item #25a & 25b

On motion of Commissioner Ortiz, seconded by Commissioner Cazalas, the Court voted to approve the following personnel items:

- a. Unfreeze List No. 517. See Volume 39, Page 231.
- b. Personnel Changes Reports through July 17, 2007. See Volume 39, Pages 232-235.

EXECUTIVE SESSION

Agenda Item #26

The Court entered into executive session at 12:07 p.m. 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, 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 as action as appropriate on items discussed in an Executive Session.

The Court reconvened into regular session at 1:40 p.m.

Agenda Item #23b

On motion of Commissioner Longoria, seconded by Commissioner Bañales, the Court voted to award IFB No. 2717-07 Two Sport Utility Vehicles for CSCD To Sames Crow Ford in the amount of \$42,170.00.

Agenda Item #23g(i)

On motion of Commissioner Longoria, seconded by Commissioner Cazalas, the Court voted to approve an order authorizing the use of the sealed proposal procedure an order of procurement for the sale of 45 acres of real property. See Volume 39, Pages 236-241.

Agenda Item #23g(ii)

On motion of Judge Neal, seconded by Commissioner Bañales, the Court voted to adopt a sealed proposal procedure for sale of county land and to authorize and direct the purchasing agent to carry out the Proposal Procedure.

Agenda Item #23g(iii)

On motion of Commissioner Longoria, seconded by Commissioner Cazalas, the Court voted to authorize the purchasing agent or her designee to order an appraisal of the land through a licensed appraiser.

Agenda Item #23g(iv)

On motion of Commissioner Longoria, seconded by Commissioner Bañales, the Court voted to authorize the purchasing agent to publish a notice for sealed proposals.

Agenda Item #23g(v)

On motion of Commissioner Bañales, seconded by Commissioner Cazalas, the Court voted to authorize the purchasing agent to issue addenda as needed in the Request for Proposals.

Agenda Item #23g(vi)

On motion of Commissioner Ortiz, seconded by Commissioner Longoria, the Court voted to appoint the following evaluation committee to evaluate the proposals: County Judge, County Attorney, Purchasing Agent, Director, Commissioners Court Administration and Julie Smith Wilsey, Real Estate Consultant.

Agenda Item #23k

On motion of Judge Neal, seconded by Commissioner Longoria, the Court voted to authorize Sole Source purchase of an annual phone maintenance agreement for the County's telephone system software support from Avaya Communications in the amount of \$38,902.56.

Agenda Item #23i

On motion of Commissioner Cazalas, seconded by Commissioner Longoria, the Court voted to approve the purchase of a 2007 Ford F-150 Supercab Truck for the Island Parks in the amount of \$14,926.00.

Agenda Item #26a

On motion of Judge Neal, seconded by Commissioner Bañales, the Court voted to authorize the County Attorney to settle the claim of Penelope Grochow in the amount of \$662.00.

Agenda Item #26b

No action taken.

Agenda Item #25b

On motion of Commissioner Ortiz, seconded by Commissioner Cazalas, the Court voted to rescind the prior motion to approve Department 0120 Suspension of Manuel Tagle, Jr and Michael A. Szepessy on the Personnel Changes Reports dated July 17, 2007.

Judge Neal adjourned the meeting at 1:50 p.m. wishing the best to the County Auditor and honoring his wife for 48 years of Marriage coming up this weekend.

There being no further business to come before the Court, it is ordered that this meeting do now stand adjourned, this the 25th day of July, 2007.

Samuel L. Neal, Jr., County Judge
Nueces County, Texas

ATTEST:

Diana T. Barrera, County Clerk
And Ex-Officio Clerk Of The
Commissioners Court Of
Nueces County, Texas

Diana T. Barrera, County Clerk