

REGULAR MEETING – SEPTEMBER 24, 2008

BE IT REMEMBERED, that on this the 24th day of September, A.D., 2008, 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 DIANA T. BARRERA, COUNTY CLERK & EX-OFFICIO CLERK OF THE COMMISSIONERS COURT of Nueces County, Texas, wherein the following proceedings were had, to-wit:

- A. Pastor Heath Peloguin from Brighton Park Baptist Church gave the invocation.
- B. Judge Neal led the Pledge of Allegiance to the United States of America and Texas Flags.
- C. Judge Neal called roll at 9:05 a.m. and certified a quorum of the Court with all members present.
- D. On motion of Commissioner Ortiz, seconded by Commissioner Bañales, the Court voted to approve the Commissioner Court meeting minutes of July 23, 2008.
- E. Tyner Little introduced the following Legislative “GO” Team for the upcoming 81st Legislative Session: Claudia Jackson, Del Mar College; Mary Sherwood, Texas A&M-Corpus Christi; Bud Harris, Del Mar College; Ken Griffin, AEP Texas; Roland Mower, Corpus Christi Regional Economic Development Corporation; Tom Niskala, Metro Planning Organization, Crystal Lyons, Regional Transportation Authority and Rudy Garza , City of Corpus Christi.

Agenda Item #1

PUBLIC COMMENT

None.

GENERAL INFORMATION REPORTS

Agenda Item #2

Commissioner Bañales reported that this weekend starts the peak of Hawk migration and that two groups of 40 people from Ft Worth and San Antonio have arrived to observe the Hawks at Hazel Bazemore Park. She also invited the public to attend several presentations given by the Texas State Aquarium. The Hispanic Network-La Estrella will be honoring Commissioner Longoria.

Commissioner Ortiz had no report.

Commissioner Longoria invited all Veterans to attend the Veterans Benefits Fair given by the Texas Veterans Land Board and the Texas Veterans Commission on October 4, 2008 from 10:00 a.m. to 1:00 p.m. at the Congressman Solomon Ortiz Center.

Commissioner Cazalas informed the public that the new health clinic in Robstown will have its ribbon cutting sometime in October; and he said that with the completion of this clinic there now are health clinics in all areas of the County.

Judge Neal had no report.

Agenda Item #3

CONSENT AGENDA

On motion of Commissioner Cazalas, seconded by Commissioner Ortiz, 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 September 12, September 18, and September 19, 2008; and the manual checks dated September 19, 2008.
- b. Special Motions List dated September 24, 2008. Volume 40, Page 884.
- c. Pcard purchases for the month of August 2008.
- d. Ratification of sole source purchase from the US Postal Service for postage in the amount of \$30,000.00. Volume 40, Pages 885-887.
- e. Personal services contracts renewals for the following:
 - i. Dr. William W. Burgin, Jr. – Health Dept. Authority, Contract No. 20080172.
 - ii. Tomas Duran – Employee Benefits Management. Contract No. 20080173.
 - iii. Linda Rhodes-Shauer – Magistrate Services. Contract No. 20080174.
 - iv. Melissa Madrigal – Magistrate Services. Contract No. 20080175.

Agenda Item #4

REGULAR AGENDA

Jane Haas, CHRISTUS Spohn Wellness Services gave a report regarding diabetes screening at the Nueces County Diabetes Awareness and Wellness Fairs. Volume 40, Pages 888-895.

Agenda Item #5

Chris Adler, Claudia Jackson, Mary Sherwood and Joe Adame spoke on the completion of Phase I of the BoldFuture of the Coastal Bend. Volume 40, Pages 896-954.

Agenda Item #6

Blake Pettis, Director of Island Parks and Dr. Jennifer Smith-Engle gave a brief update on the impact of Hurricane Ike on the piers and beach.

The Court recessed at 9:55 a.m. for a Press Conference; the Commissioners Court unveiled the Nueces County's new free prescription discount card, Judge Neal and Commissioners Ortiz presented the first card for Free Discount Prescriptions Card to a Nueces County resident.

The Court reconvened to regular session at 10:12 a.m.

Agenda Item #7

On motion of Commissioner Longoria, seconded by Commissioner Bañales, the Court voted to adopt an Order extending Nueces County's disaster declaration related to Hurricane Ike. Volume 40, Page 955.

Agenda Item #8

Tyner Little gave a brief update on the DWI Court Program.

Agenda Item #9

On motion of Judge Neal, seconded by Commissioner Cazalas, the Court voted to adopt a Resolution in support of the Air Permit Application of Las Brisas Energy Center with the Texas Commission on Environmental Quality. Judge Neal, Commissioner Longoria, Commissioner Cazalas, voted Yes. Commissioner Ortiz and Commissioner Bañales voted No

Volume 40, Pages 956-963

PUBLIC COMMENT:

Abel Alonzo spoke in support of economic development.

Agenda Item #10

On motion of Commissioner Ortiz, seconded by Commissioner Bañales, the Court voted to terminate the Corpus Christi-Nueces County Public Health District agreement with Nueces County Medical Education Foundation (NCMEF) and to approve the C.H. Wilkinson Physician Network d/b/a CHRISTUS Medical Group agreement for the provision of health care services for the Title V Material-Child Health Grant; and to authorize Annette Rodriguez, M.P.H., Acting Director of the Corpus Christi-Nueces County Public Health District to sign on behalf of Nueces County. Volume 40, Page 964. Contract No. 20080176.

Agenda Item #11

On motion of Commissioner Longoria, seconded by Commissioner Bañales, 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) to provide for breast and cervical cancer screening in the amount of \$116,009.00 for the period of July 1, 2008 through June 30, 2009, and to authorize the Acting Director for the Public Health District to sign on behalf of Nueces County. Contract No. 20080177.

**Agenda Item #12a,
12b & 12c**

On motion of Commissioner Longoria, seconded by Commissioner Bañales, the Court voted to approve the following as it related to conveyance of real estate ("Property") owned by Flint Hills L.P. located at Interstate Highway 37 and Carbon Plant Road:

- a. Memorandum of Agreement with the State of Texas, General Land Office and the City of Corpus Christi to execute the transfer of Property from County to State upon the County's acquisition. Contract No. 20080178
- b. Indemnification Assignment and Remediation Obligation Agreement executed between the County and the State of Texas as it relates to the transfer of property. Contract No. 20080179
- c. The County Judge to authorize the following:
 - i. Acceptance of Property conveyance from Flint Hills, L.P.
 - ii. Execute Special Warranty Deed to the State

Agenda Item #13

On motion of Commissioner Cazalas, seconded by Commissioner Longoria, the Court voted to authorize the submission of a grant application for the Task Force on Indigent Defense Formula Grant Program.

Agenda Item #14

On motion of Commissioner Bañales, seconded by Commissioner Longoria, the Court voted to accept a grant award from the Texas State Library and Archives Commission (TSLAC) Loan Star Libraries Grant.

Agenda Item #15

On motion of Commissioner Cazalas, seconded by Commissioner Longoria, the Court voted to accept a grant award from the National Endowment for Humanities for the *Picturing America* Grant Program.

Agenda Item #16

On motion of Commissioner Longoria, seconded by Commissioner Bañales, the Court voted to accept a grant award from the Criminal Justice Division (CJD), State Criminal Justice Planning (421) Fund for a Child Abuse Prosecutor in the amount of \$13,900.00.

Agenda Item #17

On motion of Commissioner Longoria, seconded by Commissioner Bañales, the Court voted to authorize execution of an amendment to the agreement with Texas Department of Aging and Disability Services Meals on Wheels Title XX program. Contract No. 20080180.

Agenda Item #18

Tyner Little gave an update on the status of the Nueces County Strategic Goals and Objectives for 2008.

Agenda Item #19

On motion of Commissioner Ortiz, seconded by Commissioner Cazalas, the Court voted to accept a Routine Airport Maintenance Program Grant from the Texas Department of Transportation. Contract No. 20080181.

Agenda Item #20a On motion of Commissioner Longoria, seconded by Commissioner Cazalas, the Court voted to award RFP No. 2785-08 Stop Loss Insurance Option I, to ING Employee Benefits in the amount of \$265,424.40.

Agenda Item #20b On motion of Commissioner Cazalas, seconded by Commissioner Longoria, the Court voted to rescind the award of RFP No. 2780-08 to Health-Smart for Network Services-out-of-network, Wellness Program, Pre-Certification/Utilization Programs, and COBRA/HIPPA Administration; and award RFP No. 2780-08 to the Parker Group for Network Services-out-of-network, Wellness Program, Pre-Certification/Utilization Programs, and COBRA/HIPPA.

Agenda Item #20c& 20d On motion of Commissioner Longoria, seconded by Commissioner Cazalas, the Court voted to table the following Agenda Items:

- c. Authorize/Execute a contract for RFP No. 2780-08 Network Services, Pharmacy Services, Disease Management, Wellness Programs, Pre-Certification/Utilization Programs, and COBRA/HIPPA Administration for the following service:
 - i. CHRISTUS Spohn Hospital for Network Services-in-area.
 - ii. Parker Group for Network Services-out-of-area, Wellness Program, Pre-Certification/Utilization programs, and COBRA/HIPPA administration.
 - iii. Script Care for Pharmacy Services/Prescription Drugs.
- d. Authorize Sole Source purchase from Avaya Communications for an annual phone maintenance agreement for the County's software support to maintain our telephone system that consists of 80 ports, audix and other connectors in the amounts of \$38,956.80.

Agenda Item #20e On motion of Judge Neal, seconded by Commissioner Bañales, the Court voted to authorize a Sole Source purchase of four (4) Master III Conventional Repeater Stations communication equipment from Dailey-Wells. Volume 40, Page 965.

Agenda Item #21 On motion of Commissioner Bañales, seconded by Commissioner Longoria, the Court voted to approve Budget Change Order No. 26 for FY2007-2008. Volume 40, Pages 966-969.

Agenda Item #22a On motion of Commissioner Cazalas, seconded by Commissioner Longoria, the Court voted to approve Application Temporary and Contract List No. 230, with an amendment from Records Management. Volume 40, Pages 970-971.

On motion of Commissioner Cazalas, seconded by Commissioner Ortiz, the Court voted to approve the Unfreeze List No. 548 Volume 40, Pages 972-973.

Agenda Item #22b On motion of Commissioner Longoria, seconded by Commissioner Bañales, the Court voted to approve Personnel Changes through September 9, and September 16, 2008. Volume 40, pages 974-984.

Agenda Item #22c On motion of Commissioner Bañales, seconded by Commissioner Ortiz, the Court voted to adopt salary schedules A, B, and Misc. related to the 3% cost of living salary increase in accordance with the 2008/2009 budget. Volume 40, pages 985-999.

Agenda Item #23 **EXECUTIVE SESSION**

The Court entered into executive session at 11:40 a.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 to open session at 12:15 p.m.

The Court was adjourned at 12:20 p.m. in memory of Wanda Garcia, wife of the late Dr. Hector Garcia. Judge Neal asked the Court to stand for a moment of silence.

There being no further business to come before the Court, it is ordered that this meeting do now stand adjourned, this the 24th day of September, 2008.

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