

REGULAR MEETING – NOVEMBER 14, 2007

BE IT REMEMBERED, that on this the 14th day of November, 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.	COUNTY JUDGE
PEGGY BAÑALES	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

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:

C. Court entered into workshop at 8:08 a.m.

- Tyner Little and Steve Waterman gave a presentation on a proposal for a Magistrate Court/Drug (DWI) Court Program.

Workshop closed at 9:05 a.m.

A. Reverend Dana Hamilton of Island in the Son United Methodist Church gave the invocation.

B. Judge Neal led the Pledge of Allegiance.

D. Judge Neal called the meeting to order at 9:15 a.m. and certified a quorum of the Court with all members present.

On motion of Commissioner Cazalas, seconded by Commissioner Longoria, the Court voted to table the following Agenda Items:

9. Discuss and consider approving and executing the Concession Agreement for the Richard M. Borchard Regional Fairgrounds between Global Spectrum, LP, a Delaware Limited Partnership, and Global Spectrum of Texas, LLC and related matters.
 10. Discuss and consider approving and executing Letter Agreement between Global Spectrum, LP and Nueces County regarding the obligations of Global Spectrum LP to Nueces County in connection with the Concession Agreement for the Richard M. Borchard Regional Fairgrounds and related matters.
 11. Discuss and consider approving and executing the Commercial Rights Marketing Agreement for the Richard M. Borchard Regional Fairgrounds between Front Row Marketing Services, L.P., a Pennsylvania Limited Partnership, and Global Spectrum L.P., and related matters.
- 20b. Discuss/Award IFB No. 2722-07 Pre-coated Aggregate Type PB, Grade 3, 4, & 5.

- 20i (iv). Discuss and consider approving an order related to the lease of 121.63 acres of farmland adjacent to the Robstown Airport to appoint the purchasing agent as the designated representative to evaluate the bids submitted under Section 263.007 of the Texas Local Government Code.
- 23a. Discuss and consider executing the "Certificate of the County" related to Commercial Marketing Agreement and Concession Agreement for tax purposes, and related matters.
- E. On motion of Commissioner Longoria, seconded by Commissioner Bañales, the Court voted to approve the minutes of the October 17, 2007 Commissioners Court Meeting.
- F. On motion of Commissioner Cazalas, seconded by Commissioner Longoria, the Court voted to adopt a resolution proclaiming November 14, 2007 as "World Diabetes Day." See Volume 39, Page 622.
- G. On motion of Judge Neal, seconded by Commissioner Ortiz, the Court voted to adopt a proclamation declaring November 2007, as "National Alzheimer's Disease Awareness Month" in Nueces County. See Volume 39, Page 623.
- H. On motion of Commissioner Bañales, seconded by Commissioner Longoria, the Court voted to adopt a proclamation commemorating the Texas 4H Centennial. See Volume 39, Page 624.
- I. On motion of Judge Neal, seconded by Commissioner Bañales, the Court voted to adopt a resolution in recognition of Lt. Roberto Hernandez, Community Supervision and Corrections Department. See Volume 39, Page 625.
- J. The Commissioners Court recognized Robert (Matt) Lowe, County Auditor Assistant Executive Accountant, for successfully completing the requirements for certification as a County Investment Officer (CIO).
- K. On motion of Commissioner Ortiz, seconded by Commissioner Bañales, the Court voted to adopt a proclamation recognizing Nueces County native Tomas "Tonka" Velasquez as a 2007 Tejano Roots Hall of Fame Inductee. See Volume 39, Page 626.

Agenda Item #1

PUBLIC COMMENT

Abel Alonzo commented on his strong support of working together for economic development in Nueces County.

Agenda Item #2

GENERAL INFORMATION REPORTS

Commissioner Bañales stated that if the public has questions about the presentation at the last meeting regarding energy savings, the website for information is www.energy.gov. She also said she received correspondence from the Kennedy family thanking the Court for naming the library after Judge Noah Kennedy.

Commissioner Ortiz had no report.

Commissioner Longoria mentioned she also received a thank you note from the Kennedy family. She also wished all the citizens and families a Happy Thanksgiving and announced that she is celebrating her 48th Wedding Anniversary.

Commissioner Cazalas complimented the Caller-Times Newspaper for all their support and contributions toward the diabetes awareness throughout the community.

Judge Neal congratulated Commissioner Longoria for completion of 60 hours in Advanced Education related to County Government. Judge Neal also mentioned he attended the Tierra Grande Colonia joint clean up.

Agenda Item #3

CONSENT AGENDA

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

- a. Payment of bills and claims certified by the County Auditor, including regular bill summaries dated October 30, November 1, November 2 (2), November 8, and November 9, 2007, and manual checks dated November 9, 2007.
 - b. Special Motions List dated November 14, 2007. See Volume 39, Pages 627-628.
 - c. Creation of a change fund for County Library in Robstown in the amount of \$20.00 and at the Bishop Branch in the amount of \$5.00.
 - d. Amendment of the 2008 Holiday Calendar. See Volume 39, Page 629.
 - e. Change Order No. 2 deducting labor cost in the amount of \$992.00, related to the Courthouse Window Renovation Project. Contract No. 20070201.
 - g. Change Order No. 6 for the Nueces County Juvenile Justice Center, with no net change in total contract amount. Contract No. 20070203.
 - h. Change Order No. 1 for the Hilltop Renovations of Wing "F", in the amount of \$6,206.00. Contract No. 20070204.
 - i. Certificate of Substantial Completion for the Hilltop Renovations to Wing "F" Project. Contract No. 20070205.
 - j. Certificate of Substantial Completion to the Nueces County Community Center Project in Robstown. Contract No. 20070206.
 - k. Contract amendment No. 2 for Architectural Services (JEC Architects, Inc.) for renovations to the Briscoe King Pavilion. Contract No. 20070207.
 - l. Authorizing the Nueces County Judge to execute an amendment to original Contract with the Department of State Health Services (DSHS) providing control and prevention of Sexually Transmitted Disease and HIV/AIDS in the amount of \$12,445.00 for the period of January 1, 2007, through December 31, 2007. Contract No. 20070208.
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- m. Acceptance of the Juvenile Justice Alternatives Grant #1470909 awarded from the Criminal Justice Division, Office of the Governor, in the amount of \$39,265.00.
 - n. Acceptance of the Juvenile Accountability Incentive Block Grant #1336309 awarded from the Criminal Justice Division, Office of the Governor, in the amount of \$19,762.00.
 - o. Adoption of a Resolution to be delivered to the General Land Office to encourage federal and state funding for Nueces County beach maintenance activities. See Volume 39, Pages 630-634.
 - p. Execution of a contract amendment to the agreement between Nueces County and Charlie's Place in association with the South Texas Jail Diversion Program (SAMHSA). Contract No. 20070209.
 - q. Acceptance of a grant award for the Office of Justice Programs (OJP) Bureau of Justice Assistance (BJA) 2007 Bullet Proof Vests Partnership program.
 - r. Acceptance of an agreement with Treasury Law Enforcement Agencies and Local, County and State Law Enforcement Agencies for Reimbursement of Expenses. Contract No. 20070210.
 - s. Acceptance of the 3rd and final year of independent financial audit of Patillo, Brown, and Hill, L.L.P., for fiscal year ended September 30, 2007, in accordance with governmental auditing standards; and authorize the County Judge to sign engagement letter. See Volume 39, Pages 635-641.
 - t. Release in Full of All Claims and Rights regarding Claim No. PA0007416981, related to a County Vehicle accident claim; and related matters.
 - u. The following "Outside Agency" agreements:
 - i. Coastal Bend Alcohol & Drug Rehabilitation Center. Contract No. 20070211.
 - ii. Bishop Chamber of Commerce. Contract No. 20070212.
 - iii. Palmer Drug Abuse Program. Contract No. 20070213.
- 3f. On motion of Commissioner Longoria, seconded by Commissioner Ortiz, the Court voted to approve Change Order No. 3 for the Courthouse 5th Floor Renovations, in the amount of \$3,002.67. Commissioner Bañales excused herself and abstained from voting. Contract No. 20070202

REGULAR AGENDA

Agenda Item #4

The Commissioners Court canvassed the election returns and On motion of Commissioner Bañales, seconded by Commissioner Longoria, the Court voted to declare the results of the November 6, 2007, Constitutional Amendment Election an Election for the Adoption of Chapter 174 of the Texas Local Government Code Entitled "The Fire and Police Relations Act," in accordance with Section 67.003 of the Texas Election Code. See Volume 39, Page 642.

Agenda Item #5 On motion of Commissioner Bañales, seconded by Commissioner Ortiz, the Court voted to adopt a resolution of the Council of the District Judges increasing the per diem paid to contract court interpreters from \$100.00 per day to \$160.00 per day, and from \$50.00 per half day to \$80.00 per half day. See Volume 39, Pages 643.-644.

Agenda Item #6 Jeff Ripley, District Extension Administrator for District 11, introduced Candidate Jeff Stopper as the new County Extension Agent, Agriculture Coordinator.

Agenda Item #7 Roland Mower, President & CEO of the Corpus Christi Regional Economic Development Corporation gave a presentation related to the recently developed Strategic Plan.

Agenda Item #8 Amy Rhoads Granberry gave a report on the activities of the Coastal Bend Alcohol and Drug Rehabilitation Center (Charlie's Place). See Volume 39, Pages 645-650.

Agenda Item #12 On motion of Commissioner Ortiz, seconded by Commissioner Longoria, the Court voted to authorize execution of a Seismic Permit Agreement with Buffalo Natural Gas Ltd. Contract No. 20070214.

Agenda Item #13 On motion of Commissioner Ortiz, seconded by Commissioner Bañales, the Court voted to authorize the County Attorney to give notice to the lessee, Lance Young of Young Ranch, about the seismic survey to be conducted by Buffalo Natural Gas Ltd.

Agenda Item #14 On motion of Commissioner Bañales, seconded by Commissioner Ortiz, the Court voted to authorize the selection of Dos Logistics as the engineering firm to provide design services for improvements to Lyondell Park.

Agenda Item #15 On motion of Commissioner Longoria, seconded by Commissioner Bañales, the Court voted to authorize the selection of LNV as the engineering firm to prepare plans and specifications for the fourth phase of the Bobby Ray and Opal Younts Park in Agua Dulce, Texas

Agenda Item #16 On motion of Commissioner Longoria, seconded by Commissioner Bañales, the Court voted to authorize selection of Naismith Engineering as the engineering firm to provide services in association with the Office of Rural and Community Affairs (ORCA) Texas Community Development Block Grant (TxCDBG) contract #724135-Rose Acres Colonia for water, wastewater, roadway and drainage improvements.

Agenda Item #17 On motion of Judge Neal, seconded by Commissioner Longoria, the Court voted to set the application period for appointment to the Mental Health and Mental Retardation (MHMR) Board of Directors from November 14, 2007 to, December 5, 2007 at 5 p.m., and to place the appointment of members on the December 12, 2007, agenda.

Agenda Item #18 On motion of Judge Neal, seconded by Commissioner Longoria, the Court voted to set the application period for appointment to the Nueces County Special Task Force of Adult Protective Services from November 14, 2007 to December 5, 2007 at 5 p.m., and to place the appointment of members on the December 12, 2007, agenda.

Agenda Item #19 On motion of Commissioner Bañales, seconded by Commissioner Longoria, the Court voted to adopt an order prohibiting outdoor burning in the unincorporated areas of Nueces County, pursuant to Section 352.081 of the Texas Local Government Code. See Volume 39, Page 651.

Agenda Item #20a On motion of Commissioner Longoria, seconded by Commissioner Bañales, the Court voted to award IFB No. 2721-07 Uncoated Aggregate Type B, Grade 3, 4, & 5 to Martin Marietta Materials.

Agenda Item #20c On motion of Commissioner Bañales , seconded by Commissioner Ortiz, the Court voted to award IFB No. 2727-07 Nueces County Hilltop Community Center Wing "F" Re-roof to Haeber Roofing Co in amount of \$46,000.00.

Agenda Item #20d On motion of Commissioner Ortiz, seconded by Commissioner Bañales, the Court voted to award IFB No. 2738-07 Regional Fairgrounds Grandstands and Bleachers Phase A&B to Sturdisteel Company in amount of \$77,300.00.

Agenda Item #20e

On motion of Commissioner Longoria, seconded by Commissioner Cazalas, the Court voted to authorize the County Judge to execute a contract with Sturdisteel Company, subject to the County Attorney's review for IFB No. 2738-07 Regional Fairgrounds Grandstands and Bleachers Phase A&B.

Agenda Item #20f

On motion of Judge Neal, seconded by Commissioner Longoria, the Court voted to award IFB No. 2739-07 Regional Fairgrounds Penning Equipment Phase A&B. to W.W. Manufacturing Company in amount of \$249,350.00.

Agenda Item #20g

On motion of Commissioner Bañales, seconded by Commissioner Longoria, the Court voted to authorize the County Judge to execute a contract with W.W. Manufacturing Company for IFB No. 2739-07 Regional Fairgrounds Penning Equipment Phase A&B.

Agenda Item #20h

On motion of Commissioner Bañales, seconded by Commissioner Longoria, the Court voted to authorize execution of a contract with Naismith Engineering for RFP No. 2731-07 Oso Creek Watershed On-site Sewage Facility. Contract No. 20070215.

Agenda Item #20i

On motion of Commissioner Longoria, seconded by Commissioner Bañales, the Court voted to approve an order related to the Lease of 121.63 acres of farmland adjacent to the Robstown Airport to include:

See Volume 39, Pages 652-654.

- i. Use of the sealed bid procedure as the method of procurement (Texas Local Government Code-Section 263.007 (a),(b)(1)-(4)) for the lease of real property
- ii. Directing the purchasing agent to carry out the sealed bid procedure and to take such other action needed in her opinion for carrying out this procedure;
- iii. Authorizing the purchasing agent to publish notice for sealed bid under Section 263.007 of the Texas Local Government Code.

Agenda Item #20j

On motion of Commissioner Ortiz, seconded by Commissioner Cazalas, the Court voted to authorize use of TASB BuyBoard State Contract No 271-07 for the purchase of an Etnyre Pressure Sprinkler from Cooper Equipment in the amount of \$34,897.00.

Agenda Item #20k On motion of Commissioner Longoria, seconded by Commissioner Bañales, the Court voted to authorize use of DIR State Contract No DIR-SDD-236 TBA purchase for Information Technology Department purchase of annual Maintenance Agreement for CISCO equipment from Calence in the estimated annual cost of \$55,809.45.

Agenda Item #20l On motion of Commissioner Ortiz, seconded by Commissioner Cazalas, the Court voted authorize use of TASB BuyBoard State Contract No 225-05 for the purchase of a 332 Skid Steer Loader from John Deere Company in the amount of \$32,466.02.

Agenda Item #20n On motion of Commissioner Bañales, seconded by Commissioner Longoria, the Court voted to authorize the removing from inventory a 2005 Chevy Impala (County Id No 57915) assigned to Constable Pct 4 and the release of the vehicle to Hartford Insurance Company for a settlement amount of \$12,851.18.

Agenda Item #20o (i, ii, iii) On motion of Commissioner Ortiz, seconded by Commissioner Cazalas, the Court voted to authorize use of the Tarrant County Cooperative for the purchases of the following vehicles from Sam Pack's Five:

- i. 2008 Ford E-350 Super (Extended Body) 15 Passenger Wagon for Sr. Community Services in the amount of \$20,213.00.
- ii. 2008 Ford F-250 XL Trim, Crewcab for Agriculture Dept. in the amount of \$18,867.00.
- iii. 2008 Ford F-150 Supercab for Island Parks, in the amount of \$15,400.00.

Agenda Item #21 On motion of Commissioner Cazalas, seconded by Commissioner Bañales, the Court voted to approve Budget Change Order No. 26 for FY 2006/2007, Volume 39, Pages 655-656; and Budget Change Order No.3 for FY 2007/2008. See Volume 39, Pages 657-658.

Agenda Item #22a & 22b On motion of Commissioner Cazalas, seconded by Commissioner Longoria, the Court voted to approve the following:

- a. Application Temporary and Contract List No. 208 and Unfreeze List No. 525. See Volume 39, Pages 659-660.
- b. Personnel Change Reports through October 30, and November 6, 2007. See Volume 39, Pages 661-673.

EXECUTIVE SESSION

Agenda Item #23

The Court entered into executive session at 11:28 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 12:00 p.m.

Agenda Item #23b

On motion of Commissioner Bañales, seconded by Commissioner Ortiz, the Court voted to authorize the County Attorney to settle the Daniel Garza claim for \$215.00

Agenda Item #23c

Discuss and consider acquiring management for Aviator Stadium. No action taken.

Agenda Item #20m

On motion of Commissioner Bañales, seconded by Commissioner Longoria, the Court voted to table Agenda Item #20m: Discuss and consider authorizing the purchases for one 2007 Ford E35M XL Super Duty Extended Wagon from Sames Crow Ford (Total: \$19,900.00) for the Sheriff's Office. This vehicle will replace Unit #506.

Agenda Item #24

The Court approved board appointments as follows:

James Dinn, James C. Gibeaut, William J. Green, Diane LaRue, Fred McCutcheon, Linda Strong, and Lawrence Young appointed to the Nueces County Beach Management Advisory Committee.

Kenneth Berry reappointed to the Port of Corpus Christi Authority of Nueces County.

Sandra Dawod, Annette DuVall, Terri Longoria, May K. Neiswander, and John Ramirez appointed to the Nueces County Child Welfare Board.

On motion of Judge Neal, seconded by Commissioner Ortiz, the Court voted to appoint Paul Grivich, Richard Jackson, Jr; and Robert Tamez to the Nueces County Civil Service Commission.

The Court nominated Leon Loeb for appointment to the CHRISTUS Spohn Health System Board of Trustees.

The Court was adjourned at 12:20 p.m. in honor of all who serve our country and continue to serve.

There being no further business to come before the Court, it is ordered that this meeting do now stand adjourned, this the 14th day of November, 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