

REGULAR MEETING - August 22, 2012

BE IT REMEMBERED, that on this the 22nd day of August, A.D., 2011, 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
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

and Diana T. Barrera, County Clerk of Nueces County, Texas, wherein the following proceedings were had, to-wit:

1. CALL TO ORDER

- A. Judge Neal called for the invocation by Commissioner Joe McComb.
- B. Judge Neal led the Pledge of Allegiance to the United States of America and Texas Flags.
- C. Judge Neal called the roll at 9:00 a.m., and certified a quorum of the Court with all members present.

D. Workshop

- 1. The Commissioners Court entered into Workshop Session at 9:17 a.m. Commissioner McComb gave a presentation to discuss possible parking improvements for employees and customers of the Nueces County Courthouse. After discussion, the Commissioners Court entered into Regular Session at 9:39 a.m.

E. Adopt the following Resolution(s) and/or Order(s):

- 1.** Recognizing Oil Belt Junior League Baseball Team for making it to the Junior League Baseball World Series in Taylor, Michigan.

Motion by: Commissioner Pusley, Second by: Commissioner McComb
Motion: Adopt a Proclamation recognizing Oil Belt Junior League Baseball Team for advancing to the Junior League Baseball World Series in Taylor, Michigan.

Vote: 5 - 0 Approved

- 2.** **PUBLIC COMMENT:**

Tyner Little introduced Lance Esswein, the new Risk Manager for Nueces County Risk Management.

- 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 - manual check registers dated August 14, 2012.
- B.** Authorize payment of bills - regular bill summaries dated July 31, 2012; August 3, 2012; August 10, 2012; and August 17, 2012.
- C.** Authorize payment of bills - group health insurance claims and fees, TPA check register July 23, 2012 to August 3, 2012.
- D.** Authorize payment of bills - special motions list dated August 22, 2012.
- E.** Authorize payment of Pcard purchases for the month of June 2012.
- F.** Approve and accept the contract with TransAmerica for the cafeteria plan voluntary gap insurance.
- G.** Authorize execution of renewal option for pharmacy benefits management with Script Care, LTD.

- H.** Approve the application procedure for the Intergovernmental Commission on Drug & Alcohol Abuse Board.
- I.** Authorize execution of Amendment No. 3 to IFB No. 2783-08 Solid Waste Collection & Disposal Service Agreement between Nueces County and Allied Waste.
- J.** Authorize execution of Amendment No. 1 to RFP No. 2886-11 Disaster Debris Removal, Reduction Disposal and other Emergency Services between Nueces County and Crowder Gulf Joint Venture, LLP.
- K.** Accept an executed order by the Juvenile Board for a 1-year extension of IFB No. 2855-10 Multisystemic Therapy Family Preservation Program Services contract with Liberty Resources.
- L.** Authorize execution of a Motor Vehicle License Point of Sale Sticker Lease Agreement amendment to document with Access Ford, Ltd., related to the issuance of title application/motor vehicle sales tax receipts, point of sale stickers, and license plates.
- M.** Authorize execution of a Motor Vehicle License Point of Sale Sticker Lease Agreement amendment to document with Lithia of Corpus Christi, LP, related to the issuance of title application/motor vehicle sales tax receipts, point of sale stickers and license plates.
- N.** Accept the following "Diabetes" Report for FY 2010-2011:
 - 1. Lead First
- O.** Approve the following "Diabetes" Contract:
 - 1. Lead First - \$2,250
- P.** Approve the application procedure for the Nueces County Airport Advisory Board.

Motion by: Commissioner Pusley, Second by: Commissioner Gonzalez
Motion: Approve Consent Agenda Items 3.A to 3.P, with the exception of 3.F and 3.O.

Vote: 5 - 0 Approved

Motion by: Judge Neal, Second by: Commissioner McComb
Motion: Table Agenda Item 3.F.

Vote: 5 - 0 Approved

4. REGULAR AGENDA:

A. AGENDA ITEMS

1. The Commissioners Court received a report from Tax Appraisal District Board member, David Berlanga and Chief Appraiser, Ronnie Canales on the activities of the Nueces County Appraisal District.
2. Discuss and consider approval of a Vehicle Parking Plan for Nueces County Employees and Customers of the Nueces County Courthouse.

Motion by: Commissioner McComb, Second by: Commissioner Pusley
Motion: Approve a Vehicle Parking Plan for Nueces County employees and customers of the Nueces County Courthouse.

Vote: 5 - 0 Approved

3. Discuss the possible adoption of an updated Order regulating parking at the Nueces County Courthouse; request County Attorney to draft an order consistent with an approved Courthouse Parking Plan.

Motion by: Judge Neal, Second by: Commissioner McComb
Motion: Request County Attorney to draft Order consistent with an approved Courthouse Parking Plan.

Vote: 5 - 0 Approved

4. Discuss and consider approving new agreements and amendments to existing agreements between the Nueces County Hospital District and CHRISTUS Spohn Health System Corporation; and authorize the County Judge to execute related documents:
 - a. CHRISTUS Spohn Health System Corporation Membership Agreement;
 - b. Fifth Amendment to the Master Agreement;
 - c. August 2012 Amendment to Lease Agreement; and
 - d. Second Amendment to the Revised and Restated Indigent Care Agreement.
 - e. Related agreements/amendments pertaining to items a-d above.

Motion by: Judge Neal, Second by: Commissioner Pusley

Motion: Table Agenda Item 4.A.4.

Vote: 5 - 0 Approved

5. Discuss and consider increases in Nueces County Airport Hangar Lease Rates effective October 1, 2012, in the amount of \$30.00 per month in all hangar categories, and an increase of \$150.00 per month for the "Williams" Hangar, as recommended by the Nueces County Airport Advisory Board.

Motion by: Commissioner Pusley, Second by: Commissioner Gonzalez

Motion: Approve increases in Nueces County Airport Hangar Lease Rates effective October 1, 2012, in the amount of \$30.00 per month in all hangar categories, and table an increase of \$150.00 per month for the "Williams" Hangar, as recommended by the Nueces County Airport Advisory Board.

Public Comment:

Ruben Saenz, Nueces County Airport Manager

Vote: 5 - 0 Approved

6. Discuss and consider adoption of a resolution approving the financing/refinancing of revenue bonds solely for purposes of Section 147(f) of the Internal Revenue Code, related to Revenue Bonds (Lutheran Social Services of the South Obligated Group Project), Series 2012 for the costs of certain health facilities consisting of Bokenkamp Children's Treatment Center, located at 5517 South Alameda, Corpus Christi, Texas 78412.

Motion by: Commissioner Pusley, Second by: Commissioner Gonzalez

Motion: Adopt a resolution approving the financing/refinancing of revenue bonds solely for purposes of Section 147(f) of the Internal Revenue Code, related to Revenue Bonds (Lutheran Social Services of the South Obligated Group Project), Series 2012 for the costs of certain health facilities consisting of Bokenkamp Children's Treatment Center, located at 5517 South Alameda, Corpus Christi, Texas 78412.

Public Comment:

Cliff Blount

Vote: 5 - 0 Approved

7. Discuss and consider execution of an amended contract for the Failure to Appear Program offered by the Driver License Division of the Texas Department of Public Safety under Transportation Code Chapter 706.

Motion by: Commissioner Gonzalez, **Second by:** Commissioner Pusley
Motion: Authorize execution of an amended contract for the Failure to Appear Program offered by the Driver License Division of the Texas Department of Public Safety under Transportation Code Chapter 706.

Vote: 5 - 0 Approved

8. Discuss and consider exercising renewal option on RFP No. 2785-08 Stop Loss Insurance between Nueces County and ING.

Motion by: Judge Neal, **Second by:** Commissioner Pusley
Motion: Approve renewal option 3 on RFP No. 2785-08 Stop Loss Insurance between Nueces County and ING at a cost of \$297,403.

Vote: 5 - 0 Approved

9. Discuss and consider execution of a contract for RFP No. 2912-12 Cafeteria Administration, including Premium Only Plan (POP) & Enrollment/Billing Services.

Motion by: Judge Neal, **Second by:** Commissioner Gonzalez
Motion: Table Agenda Item 4.A.9.

Vote: 5 - 0 Approved

B. GRANTS

1. Discuss and consider acceptance of a Notice of Financial Assistance Award from U.S. Fish and Wildlife Service for the Fairgrounds and Upper Oso Drainage Control Project, as part of the Coastal Impact Assistance Program (CIAP) grant program.

Motion by: Commissioner Ortiz, **Second by:** Commissioner Gonzalez
Motion: Accept a Notice of Financial Assistance Award from U.S. Fish and Wildlife Service for the Fairgrounds and Upper Oso Drainage Control Project, as part of the Coastal Impact Assistance Program (CIAP) grant program.

Vote: 5 - 0 Approved

2. Discuss and consider acceptance of a Notice of Financial Assistance Award from U.S. Fish and Wildlife Service for the Hazel Bazemore Debris Removal, Habitat Restoration and Management Project, as part of the Coastal Impact Assistance Program (CIAP) grant program.

Motion by: Commissioner Pusley, Second by: Commissioner Ortiz
Motion: Accept a Notice of Financial Assistance Award from U.S. Fish and Wildlife Service for the Hazel Bazemore Debris Removal, Habitat Restoration and Management Project, as part of the Coastal Impact Assistance Program (CIAP) grant program.

Vote: 5 - 0 Approved

3. Discuss and consider execution of a Grant Adjustment Notice with the Texas Department of Public Safety for the Citizens Corps Program grant.

Motion by: Commissioner Pusley, Second by: Commissioner Gonzalez
Motion: Authorize execution of a Grant Adjustment Notice with the Texas Department of Public Safety for the Citizens Corps Program grant.

Vote: 5 - 0 Approved

C. PUBLIC WORKS

1. Discuss and consider approval of Change Order No. 2 to the RELMCO, Inc. Drainage Improvements on County Road 69 project.

Motion by: Commissioner Pusley, Second by: Commissioner Ortiz
Motion: Approve Change Order No. 2 to the RELMCO, Inc. Drainage Improvements on County Road 69 project.

Vote: 5 - 0 Approved

D. PURCHASING

1. Discuss and consider making a finding for the method of procurement (request for competitive bids) for Personnel Services; and authorize the Purchasing Agent to publish a notice.

Motion by: Commissioner McComb, Second by: Commissioner Gonzalez
Motion: Authorize making a finding for the method of procurement (request for competitive bids) for Personnel Services; and authorize the Purchasing Agent to publish a notice.

Vote: 5 - 0 Approved

Motion by: Judge Neal, Second by: Commissioner Gonzalez

Motion: Table Agenda Item 4.D.1.

Vote: 5 - 0 Approved

- 2. Authorize Sole Source purchase with CSECO for four contraband team inspection kits for the Sheriff's Office.**

Motion by: Commissioner Pusley, Second by: Commissioner Gonzalez

Motion: Authorize Sole Source purchase with CSECO for four contraband team inspection kits for the Sheriff's Office in the amount of \$68,600.

Vote: 5 - 0 Approved

- 3. Authorize purchase of a fire alarm system replacement with Chubb for the Calderon Building in Robstown.**

Motion by: Judge Neal, Second by: Commissioner McComb

Motion: Table Agenda Item 4.D.3.

Vote: 5 - 0 Approved

- 4. Authorize HGACBuy Contract No. EF04-11 purchase of two Automated License Plate Recognition Systems from Federal Signal.**

Motion by: Commissioner McComb, Second by: Commissioner Gonzalez

Motion: Authorize HGACBuy Contract No. EF04-11 purchase for two Automated License Plate Recognition Systems from Federal Signal in the amount of \$35,800.

Vote: 5 - 0 Approved

E. AUDITOR

- 1. Approve Budget Change Order No. 21 for Fiscal Year 2011-2012.**

Motion by: Commissioner Pusley, Second by: Commissioner Gonzalez

Motion: Approve Budget Change Order No. 21 for Fiscal Year 2011-2012.

Vote: 5 - 0 Approved

2. Approve personnel actions of a budgeted nature:
 - a. Application Temporary List No. 320
 - b. Frozen List No. 024
 - c. Unfreeze List No. 645
 - d. Personnel Changes reports dated 8/3/12 and 8/10/12.

Motion by: Judge Neal, Second by: Commissioner Pusley

Motion: Approve personnel actions of a budgeted nature:

- a. Application Temporary List No. 320
- b. Frozen List No. 024
- c. Unfreeze List No. 645
- d. Personnel Changes reports dated 8/3/12 and 8/10/12.

Vote: 4 - 1 Approved

Against: Commissioner McComb

3. Discuss and consider approval of procedure to have all invoices and/or statements sent directly to the "user" departments; receive new accounts payable imaging demonstration.

Motion by: Commissioner Gonzalez, Second by: Judge Neal

Motion: Authorize approval of procedure to have all invoices and/or statements sent directly to the "user" departments; receive new accounts payable imaging demonstration.

Vote: 5 - 0 Approved

5. **EXECUTIVE SESSION:** The Commissioners Court entered into executive session at 11:35 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.

The Commissioners Court reconvened into open session at 12:00 p.m.

- A. Discuss and consider claim of Douglas Tenore.

Motion by: Judge Neal, Second by: Commissioner Pusley
Motion: Authorize the County Attorney to deny the claim of Douglas Tenore.

Vote: 5 - 0 Approved

B. Discuss Ricardo Lopez audit.

Motion by: Judge Neal, Second by: Commissioner McComb
Motion: Table Agenda Item 5.B.

Vote: 5 - 0 Approved

C. Authorize the hiring of local counsel on behalf of Nueces County in Bankruptcy Action No. 3:12-BK-34639-7, in Re Coastal Bend Professional Baseball Club, LLC, in the United States District Court for the Northern District of Texas (Dallas Division) in compliance with local rules.

Motion by: Judge Neal, Second by: Commissioner Ortiz
Motion: Authorize to hire Anderson Tolbin, LLC as outside counsel on behalf of Nueces County in Bankruptcy Action No. 3:12-BK-346639-7, in Re Coastal Bend Professional Baseball Club, LLC, in the United States District Court for the Northern District of Texas (Dallas Division) in compliance with local rules.

Vote: 5 - 0 Approved

D. Discuss the status of Civil Action No. 2:12-CV-131, Nueces County, Texas v. MERSCORP Holdings, Inc., Mortgage Electronic Registration Systems, Inc., and Bank of America, N.A., in the United States District Court for the Southern District of Texas (Corpus Christi division).

No action

6. BOARD APPOINTMENTS:

A. CHRISTUS Spohn Health Board of Trustees.

Motion by: Commissioner Pusley, Second by: Commissioner Gonzalez
Motion: Nominate Richard Bowers for appointment to the CHRISTUS Spohn Health Board of Trustees.

Vote: 5 - 0 Approved

The Court was adjourned at 12:05 p.m. in memory of Helen S. Diaz, wife of Ralph Diaz, and Jose Luis Ochoa.

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 22nd day of August, 2012.