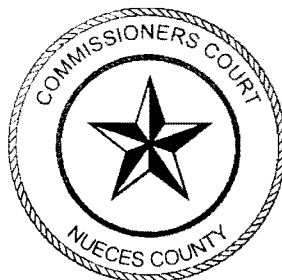


I, Diana T. Barrera, County Clerk of Nueces County, do hereby certify that the following Commissioners Court Minutes are a true and correct record of the proceedings from the Commissioners Court Meeting on July 24, 2013.



Diana T. Barrera, County Clerk
and Ex-Officio Clerk of the
Commissioners Court of
Nueces County, Texas

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

REGULAR MEETING - July 24, 2013

BE IT REMEMBERED, that on this the 24th day of July, A.D., 2013, 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. County Judge Neal called for the Invocation by Tyner Little.
- B. Judge Neal led the Pledge of Allegiance to the United States of America and Texas Flags.
- C. County Judge Neal called the roll at 9:02 a.m., and certified a quorum of the Court with all members present.
- D. Approve the following Minutes:

Motion by: Commissioner Gonzalez, Second by: Commissioner McComb

Motion: Approve Minutes of July 9, 2013.

Vote: 5 - 0 Approved

- 1. July 9, 2013.

2. PUBLIC COMMENT: None

3. CONSENT AGENDA:

- A. Authorize payment of bills - manual check registers dated July 16, 2013.
- B. Authorize payment of bills - regular bill summaries dated July 5, 2013 B; July 12, 2013; July 15, 2013; and July 19, 2013.
- C. Authorize payment of bills - group health insurance claims and fees - TPA check register June 1, 2013 - June 30, 2013.
- D. Authorize payment of bills - special motions list dated July 24, 2013.
- E. Approve the monthly revenue reports in accordance with LGC 114.044 - May 2013.

- F. Approve personnel actions of a budgeted nature:
 - a. Application Temporary List No. 339
 - b. Frozen List No. 046
 - c. Unfreeze List No. 667
 - d. Personnel Changes reports dated July 5, 2013 and July 12, 2013.
- G. Approve the "Diabetes" contract, Hispanic Women's Network of Texas, (HWNT) State Organization in the amount of \$2,000.00 for the purpose of promoting diabetes prevention and activities that will benefit Nueces County.
- H. Accept the "Outside Agency" Report for FY 2011-2012 for Hammons Education Leadership Programs, Inc. (HELP).
- I. Approve the "Outside Agency" Contract for FY 2012-2013 for Hammons Education Leadership Programs, Inc. (HELP) - \$600.
- J. Approve adoption of a resolution for disposal of salvage property by donation of Narcotic K-9 Jasmine to Gulf Coast Humane Society.
- K. Authorize retiring explosive detection K-9 (Zorro) from the Sheriff's office and remove him from inventory, Tag No. 61054; discuss and consider adoption of a resolution approving disposal of salvage property by donation explosive detection K-9 to Gulf Coast Humane Society.
- L. Authorize/Execute a contract with SWS Environmental Services for environmental clean-up services including remediation, emergency response and waste transportation and disposal services.
- M. Approve execution of Amendment No. 1 to Beach Cleaning and Maintenance Assistance Agreement - GLO Contract No. 12-414-007-6989.
- N. Authorize/Execute a contract with Custom Food Group for vending machines in the Courthouse café area.
- O. Authorize HGACBuy Contract No. HP07-13 purchase for emergency preparedness and disaster recovery professional planning and consulting services from Science Applications International Corporation (SAIC).
- P. Authorize/Execute a contract with Safenet Services, LLC for IFB No. 2927-13 Upper Oso Watershed Water Quality Improvement and Habitat Education Project.
- Q. Authorize/Execute Amendment No. 1 for RFP No. 2864-10 Food Management Program for Nueces County Jails with Aramark Correctional Service, LLC.
- R. Authorize execution of Amendment No. 2 to RFP No. 2886-11 Disaster Debris Removal, Reduction Disposal and other Emergency Services between Nueces County and Crowder Gulf Joint Venture, LLP.
- S. Authorize/Execute Amendment No. 1 for IFB No. 2893-11 Janitorial Services with ABM Janitorial Services – South Central, Inc.

- T. Approve the application procedure for appointment to the following Nueces County Advisory Boards:
1. Nueces County Animal Control
 2. Nueces County Hospital District Board of Managers
 3. Nueces County Emergency Services District No. 4
 4. Nueces County Special Task Force of Adult Protective Services
 5. Regional Transportation Authority

Motion by: Commissioner Pusley, Second by: Commissioner McComb

Motion: Approve Consent Agenda Items 3.A.- 3.T. with the exception of 3.S.

Vote: 5 - 0 Approved

Motion by: Judge Neal, Second by: Commissioner Pusley

Motion: Table Consent Agenda Item 3.S.

Vote: 5 - 0 Approved

4. **REGULAR AGENDA:**

A. AGENDA ITEMS

1. Commissioners Court received introduction of Jessice Weizer, the candidate for the Texas Agrilife Extension Agent-Horticulture position.
2. Discuss and consider as it relates to the Bob Hall Pier Kitchen Remodel:
 - a. Approval of Order Ratifying Selection and Hiring of Naismith Engineering, Inc. for certain Professional Services;
 - b. Selection of Naismith Engineering, Inc. for additional professional services;
 - c. Approval of Professional Services Agreement with Naismith Engineering, Inc.

Motion by: Commissioner McComb, Second by: Commissioner Gonzalez

Motion: Approve the Order Ratifying Selection and Hiring of Naismith Engineering, Inc. for certain Professional Services.

Vote: 5 - 0 Approved

Motion by: Judge Neal, Second by: Commissioner Gonzalez

Motion: Select Naismith Engineering, Inc. for additional professional services.

Vote: 5 - 0 Approved

Motion by: Judge Neal, Second by: Commissioner Pusley

Motion: Approve the Professional Services Agreement with Naismith Engineering, Inc.

Vote: 5 - 0 Approved

3. Discuss and consider approval of Change Order No. 2 for an increase of \$10,000.00 to HSC Electric Company for Bob Hall Pier Kitchen Renovations.

Motion by: Commissioner McComb, Second by: Commissioner Gonzalez

Motion: Authorize approval of Change Order No. 2 for an increase of \$10,000.00 to HSC Electric Company for Bob Hall Pier Kitchen Renovations.

Vote: 5 - 0 Approved

B. PURCHASING

1. Discuss/Award RFP No. 2935-13 Group Term Life Insurance.

Motion by: Commissioner Pusley, Second by: Commissioner Gonzalez

Motion: Award RFP No. 2935-13 Group Term Life Insurance to Aetna.

Vote: 5 - 0 Approved

2. Discuss/Award RFP No. 2933-13 Primary Network Service, Pharmacy Benefit Management (PBM) and Wellness Programs.

Motion by: Judge Neal, Second by: Commissioner McComb

Motion: Award RFP No. 2933-13 Primary Network Service, Pharmacy Benefit Management (PBM) and Wellness Programs to HealthSmart CSHN.

Vote: 5 - 0 Approved

Motion by: Commissioner Pusley, Second by: Commissioner McComb

Motion: Approve ScriptCare as Pharmacy Benefit Management (PBM).

Vote: 5 - 0 Approved

Motion by: Commissioner Pusley, Second by: Commissioner Gonzalez

Motion: Reject bids and maintain in-house Program Wellness program.

Vote: 5 - 0 Approved

3. Discuss and consider making a finding for the method of procurement (request for competitive bids) for Aggregate Type PB, Grade 4 Limestone Rock Asphalt for surface treatments; 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 Aggregate Type PB, Grade 4 Limestone Rock Asphalt for surface treatments; and authorize the Purchasing Agent to publish a notice.

Vote: 5 - 0 Approved

4. Rescind the award to Quality Standard Petroleum for IFB No. 2930-13 Motor Oil and Lubricants; discuss/award IFB No. 2930-13 Motor Oil and Lubricants; authorize and execute contract for IFB No. 2930-13 Motor Oil and Lubricants with Arguindegui Oil Co. II, Ltd. and Sun Coast Resources, Inc.

Motion by: Commissioner Pusley, Second by: Commissioner McComb

Motion: Rescind the award to Quality Standard Petroleum for IFB No. 2930-13 Motor Oil and Lubricants.

Vote: 5 - 0 Approved

Motion by: Commissioner Gonzalez, Second by: Commissioner Ortiz

Motion: Award IFB No. 2930-13 Motor Oil and Lubricants to Sun Coast Resources.

Vote: 5 - 0 Approved

Motion by: Judge Neal, Second by: Commissioner Ortiz

Motion: Authorize and execute contract for IFB No. 2930-13 Motor Oil and Lubricants with Arguindegui Oil Co. II, Ltd. and Sun Coast Resources, Inc.

Vote: 5 - 0 Approved

5. Discuss/Award RFP No. 2934-13 Aggregate and Specific Re-Insurance (Stop Loss) for the Nueces County Employee Self-Funded Group Health Program.

Motion by: Judge Neal, Second by: Commissioner McComb

Motion: Table the Award of RFP No. 2934-13 Aggregate and Specific Re-Insurance (Stop Loss) for the Nueces County Employee Self-Funded Group Health Program.

Vote: 5 - 0 Approved

C. AUDITOR

1. Approve Budget Change Order No. 19 for Fiscal Year 2012 - 2013.

Motion by: Commissioner Gonzalez, Second by: Commissioner Pusley

Motion: Approve Budget Change Order No. 19 for Fiscal Year 2012 - 2013.

Vote: 5 - 0 Approved

2. Authorize and approve Monthly Financial Report for May 2013.

Motion by: Commissioner Gonzalez, Second by: Commissioner McComb

Motion: Authorize and approve Monthly Financial Report for May 2013.

Vote: 5 - 0 Approved

3. Discuss and consider the creation and unfreeze of new position "Benefits Coordinator," in the Human Resources Department at Pay Group 19.

Motion by: Commissioner Gonzalez, Second by: Commissioner Pusley

Motion: Authorize creation and unfreeze of new position "Benefits Coordinator," in the Human Resources Department at Pay Group 19.

Vote: 5 - 0 Approved

5. **EXECUTIVE SESSION:** The Commissioners Court entered into executive session at 10:15 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 10:40 a.m. Gonzalez absent.

- A.** Discuss and consider status of, and authorize County Judge to sign Release, Waiver, and Settlement Agreement in Civil Action No. 2:12-CV-54, Lauralei Callihan V. Nueces County, Texas, et al., in the United States District Court for the Southern District of Texas, Corpus Christi Division, and related matters.

Motion by: Judge Neal, Second by: Commissioner McComb

Motion: Authorize settlement in amount of \$12,000.

Vote: 4 - 0 Approved

Other: Commissioner Gonzalez (Absent)

- B.** Discuss and consider status of Cause No. 09-5990-C, San Patricio County, Texas v. Nueces County, Texas, and Nueces County Appraisal District, in the 94th Judicial District Court of Nueces County, Texas, and related matters.
- C.** Discuss and consider status of Civil Action No. 2:13-CV-131, Nueces County, Texas v. MERSCORP Holdings, Inc., in the United States District Court for the Southern District of Texas, Corpus Christi Division, and related matters.
- D.** Discuss and consider status of Case No. 13-13-346-CV, Steve Schwerin v. Nueces County Juvenile Board, et al., on Appeal from Cause No. 06-6073-F, in the 214th Judicial District Court of Nueces County, Texas (Hon. Alex Gabert, by assignment), and related matters.
- E.** Discuss and consider status of Civil Action No. 2:13-CV-147, Silverio B. Salinas v. U.S. Bank, et al., in the United States District Court for the Southern District of Texas, Corpus Christi Division, and related matters.
- F.** Discuss and consider settlement demand in Civil Action No. 2:13-CV-25, Mitchell McClendon v. Nueces County, Texas, et al, in the United States District Court for the Southern District of Texas, Corpus Christi Division, and related matters.

Motion by: Judge Neal, Second by: Commissioner Pusley

Motion: Deny claim in Civil Action No. 2:13-CV-25, Mitchell McClendon v. Nueces County, Texas, et al, in the United States District Court for the Southern District of Texas, Corpus Christi Division, and related matters.

Vote: 4 - 0 Approved

- G.** Discuss and consider status of Civil Action No. 2:13-CV-178, Daniel Martinez et al v. Nueces County, Texas, et al., in the United States District Court for the Southern District of Texas, Corpus Christi Division, and related matters.

The Court was adjourned at 10:45 a.m. in memory of District Judge Thomas Greenwell, Lorraine Marie Haas, Melinda Luna's father, Newton Roberson, Father Thomas Francis Showalter, John I. Beanland, Dusty R. Knoblauch, Dr. Tony Medina. 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 day 24th of July, 2012.