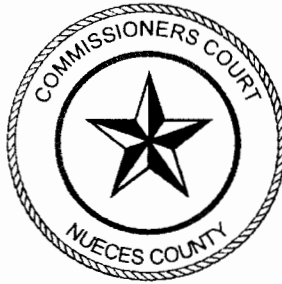


I, Kara Sands, County Clerk of Nueces County, do hereby certify that the following Commissioners Court Public Hearing Minutes are a true and correct record of the proceedings from the Commissioners Court Public Hearing on November 14, 2017.



Kara Sands, 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 - November 14, 2017

BE IT REMEMBERED, that on this the 14th day of November, A.D., 2017, 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
JOHN MAREZ	COMMISSIONER, PRECINCT NO. 3
BRENT CHESNEY	COMMISSIONER, PRECINCT NO. 4

and Kara Sands, 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 Reverend Charles "Chip" Blackshear of the First Presbyterian Church, 430 S. Carancahua, Corpus Christi, Texas 78401.
- B.** County Judge Neal led the Pledge of Allegiance to the United States of America and Texas Flags.
- C.** County Judge Neal called the roll at 9:15 a.m. and certified a quorum of the Court with all members present.

Advance to Regular Agenda Item 4.A.8.

- D. RECESS COMMISSIONERS COURT MEETING-The Commissioners Court Meeting was recessed at 10:05 a.m.**

OPEN PUBLIC HEARING

Motion by: Commissioner Chesney, Second by: Commissioner Gonzalez

Motion: Open Public Hearing.

Vote: 5 - 0 Approved

PUBLIC HEARING - Comments: Commissioner Brent Chesney, Tyner Little, Commissioner Mike Pusley, Commissioner Joe Gonzalez and Commissioner John Marez.

RECONVENE COMMISSIONERS COURT MEETING-The Commissioners Court Meeting was reconvened at 10:15 a.m.

- E. Approve the following Minutes:**

- 1. October 25, 2017**

Motion by: Commissioner Pusley, Second by: Commissioner Marez
Motion: Approve the Commissioners Court Minutes of October 25, 2017.

Vote: 5 - 0 Approved

F. Present the following Certificate(s) of Appreciation:

1. Commissioner Joe A. Gonzalez - Certificate of Appreciation from the West Oso Independent School District.

Motion by: Commissioner Gonzalez, Second by: Judge Neal
Motion: Table.

Vote: 5 - 0 Approved

2. **PUBLIC COMMENT:** None.

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 October 24, 2017 - November 3, 2017.

B. Authorize payment of bills - regular bill summaries dated October 20, 2017, October 27, 2017, October 31, 2017, November 3, 2017 and November 10, 2017.

C. Authorize payment of bills - special motions list dated November 14, 2017.

D. Approve personnel actions of a budgeted nature:

1. Temp List #425
2. Unfreeze List #767
3. Personnel changes reports dated October 20, 2017, October 27, 2017 and November 3, 2017.

E. Authorize payment of bills - group health insurance claims and fees:

1. Health Smart dated October 19, 26 and 27, 2017 run out claims
2. Boon Chapman dated October 24 and 31, 2017.

F. Accept the following FY 2016-2017 Outside Agency; Family Protection Fee and Diabetes Reports:

1. Amistad Community Health Center
2. Children's Advocacy Center of the Coastal Bend
3. Coastal Bend Bays & Estuaries Program, Inc.
4. Corpus Christi Police Officer's Association
5. Del Mar College Foundation
6. Mission of Mercy
7. Nueces County CPS Community Partners Board
8. SCORE
9. The Ark Assessment Center & Emergency Shelter
10. Wesley Community Center
11. Women's Shelter of South Texas

- G.** Approve the application procedure for the following Nueces County Advisory Boards:
 - 1. Christus Spohn Health Board of Trustees;
 - 2. Nueces County Beach Management Advisory Committee;
 - 3. Port of Corpus Christi Authority of Nueces County.
- H.** Authorize DIR Contract No. DIR-TSO-2542 purchase for one year SMARTnet maintenance ending September 30, 2018 from Insight Networking for the IT Department.
- I.** Approve a Sole Source purchase with CBM Archives for the annual TokOpen software and Web module and maintenance support renewal for the period October 1, 2017 to September 30, 2018 for the Courthouse.
- J.** Authorize TASB BuyBoard State Contract No. 461-14 purchase with ProTech Mechanical, Inc. to replace 80 dampers and 27 aluminum control dampers for the Courthouse and Jail.
- K.** Authorize a purchase with Shoreline Plumbing Co. to install a waterline and fire hydrant at the Padre Balli to comply with City of Corpus Christi fire code.
- L.** Ratify an executed letter for medical run-out claims for 6 months with Health Smart.
- M.** Ratify the execution of an agreement with Boon Chapman for RFP No. 3042-17 Third Party Administration (TPA).
- N.** Ratify the execution of an agreement with Boon Chapman for RFP No. 3043-17 National Network or Primary and Secondary Network.
- O.** Approve execution of Amendment No. 4 with EPIC Aviation, LLC for IFB No. 2947-13 aviation fuel for Nueces County Airport.
- P.** Approve execution of Amendment No. 1 with LNV, Inc. for RFQ No. 3009-16 Engineering Services for surface water lines & connections in The Ranch Colonia.

Motion by: Commissioner Pusley, Second by: Commissioner Chesney
Motion: Approve Consent Agenda Items 3.A through 3.P.

Vote: 5 - 0 Approved

4. REGULAR AGENDA:

A. AGENDA ITEMS

- 1. Canvass and declare the results of the November 7, 2017, Constitutional Amendment Election in accordance with Chapter 67 of the Texas Election Code.

Motion by: Commissioner Chesney, Second by: Commissioner Gonzalez
Motion: Table.

Vote: 5 - 0 Approved

2. Motion to rescind Order adopting updated Guidelines and Criteria for Temporary Tax Abatement approved November 1, 2017; Discuss and consider adoption of an Order adopting updates to the Nueces County Guidelines and Criteria for Granting Temporary Property Tax Abatements.
Comment: John Bell and Mike Culbertson.

Motion by: Commissioner Pusley, Second by: Commissioner Chesney

Motion: Rescind Order adopting updated Guidelines and Criteria for Temporary Tax Abatement approved November 1, 2017; approve Order adopting updates to the Nueces County Guidelines and Criteria for Granting Temporary Property Tax Abatements.

Vote: 5 - 0 Approved

3. Received a presentation from Amy Rhoads Granberry, Chief Executive Officer, Charlie's Place Recovery Center, on the FY 2016-2017 activities; and approve FY 2017-2018 contract. **Comment: Roger.**

Motion by: Commissioner Pusley, Second by: Commissioner Gonzalez

Motion: Approve FY 2017-2018 contract.

Vote: 5 - 0 Approved

4. Discuss and consider adoption of a juvenile curfew order applicable to the unincorporated areas of Nueces County in accordance with Texas Local Government Code §351.903.

Motion by: Judge Neal, Second by: Commissioner Gonzalez

Motion: Adopt a juvenile curfew order applicable to the unincorporated areas of Nueces County in accordance with Texas Local Government Code §351.903.

Vote: 5 - 0 Approved

5. Discuss and consider the approval of Change Order No. 2 with Largin Construction Services, LLC, to increase the contract amount and additional days needed to complete the project relating to the Bishop County Building Renovation (Old fire station section).

Motion by: Commissioner Gonzalez, Second by: Commissioner Chesney

Motion: Approve Change Order No. 2 with Largin Construction Services, LLC, to increase the contract amount and additional days needed to complete the project relating to the Bishop County Building Renovation (Old fire station section).

Vote: 5 - 0 Approved

6. Discuss and consider naming the new Nueces County Airport Terminal the "County Judge Loyd Neal Airport Terminal."

Motion by: Commissioner Pusley, Second by: Commissioner Gonzalez

Motion: Authorize naming the new Nueces County Airport Terminal the "County Judge Loyd Neal Airport Terminal."

Vote: 4 - 0 Approved

Other: Judge Neal (Abstain)

7. Discuss and consider adopting an Order prohibiting outdoor burning in the unincorporated areas of Nueces County, pursuant to Section 352.081 of the Texas Local Government Code.

Motion by: Commissioner Chesney, Second by: Commissioner Marez

Motion: Table.

Vote: 5 - 0 Approved

8. Discussed the hiring of Richard Schechter and his legal team; or Senator Juan Hinojosa and his legal team; or Richard Dodd and his legal team; or Simon Purnell and his legal team; or Kathryn Snapka and her legal team; or Ron Armstrong II and his legal team to represent Nueces County in the opioid litigation, and related matters. **Comment: Senator Juan Hinojosa, James Reagan, Richard Schechter, Simon Purnell, Ron Armstrong, II and Kathryn Snapka.**

Return to Agenda Item 1.D.

B. GRANTS

1. Discuss and consider the approval of Construction Contract Change Order No. 1 with Infinity Operations and Installations (Contract #20170122) for The Ranch Colonia project.

Motion by: Commissioner Pusley, Second by: Commissioner Gonzalez

Motion: Approve Construction Contract Change Order No. 1 with Infinity Operations and Installations (Contract #20170122) for The Ranch Colonia project in the amount of \$9,685.00.

Vote: 5 - 0 Approved

2. Discuss and consider the execution of an interlocal agreement between Nueces County and the Community Supervisions and Corrections Department in relation to the FY2018 Technical Support Grant/Pre-Trial Assessment Initiative.

Motion by: Commissioner Pusley, Second by: Commissioner Gonzalez

Motion: Authorize execution of an interlocal agreement between Nueces County and the Community Supervisions and Corrections Department in relation to the FY2018 Technical Support Grant/Pre-Trial Assessment Initiative.

Vote: 5 - 0 Approved

Commissioner Pusley asked to return to Regular Agenda Item 4.B.1 to comment only.

3. Discuss and consider the execution of a Notice of Subrecipient Grant Award from the Texas Division of Emergency Management for the FY 2017 Emergency Management Performance Grant program.

Motion by: Commissioner Pusley, Second by: Commissioner Marez

Motion: Authorize execution of a Notice of Subrecipient Grant Award in the amount of \$34,072.23, from the Texas Division of Emergency Management for the FY 2017 Emergency Management Performance Grant program

Vote: 5 - 0 Approved

C. PUBLIC WORKS

1. Discuss and consider approval of a rate increase for residential solid waste collection in the rural areas of Nueces County.

Motion by: Commissioner Pusley, Second by: Commissioner Gonzalez

Motion: Approve a rate increase of .72 cents per month for residential solid waste collection in the rural areas of Nueces County.

Vote: 4 - 0 Approved

Other: Commissioner Marez (Absent)

2. Discuss and consider approval of Change Order No. 7 for the McKinzie Jail Annex Dormitory Renovation project.

Motion by: Commissioner Chesney, Second by: Commissioner Pusley

Motion: Authorize approval of Change Order No. 7 in the amount of \$29,326.31, for the McKinzie Jail Annex Dormitory Renovation project.

Vote: 5 - 0 Approved

3. Rescind Change Order No. 2 for the ADA Modifications - Calderon Building.

Motion by: Judge Neal, Second by: Commissioner Chesney

Motion: Rescind Change Order No. 2 for the ADA Modifications for the Calderon Building.

Vote: 4 - 0 Approved

Other: Commissioner Gonzalez (Absent)

D. PURCHASING

1. Discuss and award IFB 3057-17 Hilltop Complex Parking Lot & Drainage Improvements.

Motion by: Commissioner Pusley, Second by: Commissioner Chesney

Motion: Award IFB 3057-17 in the amount of \$471,621.05 to J. Carroll Weaver for the Hilltop Complex Parking Lot & Drainage Improvements.

Vote: 5 - 0 Approved

2. Discuss and award IFB 3040-17 Nueces County ADA Modifications Hilltop Community Center, Commissioner Office, Pass It On Building, Bill Bode Building.

Motion by: Commissioner Chesney, Second by: Commissioner Pusley

Motion: Award IFB 3040-17 to Progressive Structures, Inc. in the amount of \$1,419,605.45 for the Nueces County ADA Modifications Hilltop Community Center, Commissioner Office, Pass It On Building, Bill Bode Building.

Vote: 5 - 0 Approved

E. AUDITOR

1. Approve Budget Change Order No. 3 for Fiscal year 2017-2018.

Motion by: Commissioner Chesney, Second by: Commissioner Gonzalez

Motion: Approve Budget Change Order No. 3 for Fiscal year 2017-2018.

Vote: 5 - 0 Approved

5. **EXECUTIVE SESSION:** The Commissioners Court entered into executive session at 10:55 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 12:30 p.m.

- A. Discuss and consider authorizing the filing of a Third Party Petition against Naphcare for declaratory action and breach of contract as part of Civil Action No. 2:14-CV-66, Adam Balle v. City of Corpus Christi, et al, In the United States District Court for the Southern District of Texas, McAllen Division, and related matters.

Motion by: Judge Neal, Second by: Commissioner Chesney

Motion: Authorize the County Attorney to file a Third Party Petition against Naphcare for declaratory action and breach of contract as part of Civil Action No. 2:14-CV-66, Adam Balle v. City of Corpus Christi, et al, In the United States District Court for the Southern District of Texas, McAllen Division, and related matters.

Vote: 5 - 0 Approved

- B. Authorize payment of the Bill of Costs \$1,399.50 associated with the mandate issued by the Thirteenth Court of Appeals in Cause No. 16-0453, Nueces County, Texas, and Nueces County Appraisal District v. San Patricio County, Texas, Texas Supreme Court, on appeal from Case No. 13-14-00293-CV, in the Thirteenth Court of Appeals (Action Item). Consult with the County Attorney regarding Cause No. 16-0453, Nueces County, Texas, and Nueces County Appraisal District v. San Patricio County, Texas, Texas Supreme Court, on appeal from Case No. 13-14-00293-CV, in the Thirteenth Court of Appeals, and related matters.

Motion by: Judge Neal, Second by: Commissioner Chesney

Motion: Authorize the County Attorney to pay the Bill of Costs \$1,399.50 associated with the mandate issued by the Thirteenth Court of Appeals in Cause No. 16-0453, Nueces County, Texas, and Nueces County Appraisal District v. San Patricio County, Texas, Texas Supreme Court, on appeal from Case No. 13-14-00293-CV, in the Thirteenth Court of Appeals (Action Item). Consult with the County Attorney regarding Cause No. 16-0453, Nueces County, Texas, and Nueces County Appraisal District v. San Patricio County, Texas, Texas Supreme Court, on appeal from Case No. 13-14-00293-CV, in the Thirteenth Court of Appeals, and related matters

Vote: 5 - 0 Approved

- C. Discuss and consider authorizing Nueces County to sue opioid drug manufacturers, promoters, and distributors responsible for causing and contributing to an epidemic of opioid addiction in Nueces County, including but not limited to Purdue Pharma, Endo Pharmaceuticals, Janssen Pharmaceuticals, Insys Therapeutics, the McKesson Corporation, Cardinal Health and AmerisourceBergen for violations of the DTPA, fraud, unjust enrichment, negligence, violations of the federal Controlled Substances Act, civil conspiracy and any other related causes of action, and related matters.

Motion by: Judge Neal, Second by: Commissioner Chesney

Motion: Authorize Nueces County to sue opioid drug manufacturers, promoters, and distributors responsible for causing and contributing to an epidemic of opioid addiction in Nueces County, including but not limited to Purdue Pharma, Endo Pharmaceuticals, Janssen Pharmaceuticals, Insys Therapeutics, the McKesson Corporation, Cardinal Health and AmerisourceBergen for violations of the DTPA, fraud, unjust enrichment, negligence, violations of the federal Controlled Substances Act, civil conspiracy and any other related causes of action, and related matters.

Vote: 5 - 0 Approved

Motion by: Judge Neal, Second by: Commissioner Pusley

Motion: Hire Richard Schechter Law Firm and Simon Purnell Law Firm.

Vote: 5 - 0 Approved

- D. Discuss and consider selection of Nueces County Risk Manager.

Motion by: Judge Neal, Second by: Commissioner Pusley

Motion: Hire Timothy Everett as the Nueces County Risk Manager.

Vote: 5 - 0 Approved

6. **BOARD APPOINTMENTS:**

- A. Nueces County Airport Advisory Board

Motion by: Commissioner Chesney, Second by: Commissioner Pusley

Motion: Accept the resignation of Kelly Harlan and reappoint Sam Dalton to represent Precinct #4 of the Nueces County Airport Advisory Board.

Vote: 5 - 0 Approved

Motion by: Commissioner Gonzalez, Second by: Commissioner Pusley

Motion: Repost for a representative for Commissioner Precinct #2 and the At-Large position on the Nueces County Airport Advisory Board.

Vote: 5 - 0 Approved

- B. Nueces County Child Welfare Board

Motion by: Commissioner Gonzalez, Second by: Commissioner Pusley

Motion: Reappoint Jackie Hasson, Sandra Graven and Patricia Prewit. Appoint new members-Brandee Flamez-McDevitt, Ingrid Spear and Teresa L. Young to the Nueces County Child Welfare Board.

Vote: 5 - 0 Approved

- C. Appoint the Chairperson of the Nueces County Beach Management Advisory Committee.

Motion by: Commissioner Chesney, Second by: Commissioner Gonzalez

Motion: Appoint James Skrobarczyk as the Chairperson of the Nueces County Beach Management Advisory Committee.

Vote: 5 - 0 Approved

Return to Board Appointment 6.A.

Motion by: Commissioner Gonzalez, Second by: Commissioner Chesney

Motion: Close Commissioners Court Meeting at 12:42 p.m.

Vote: 5 - 0 Approved

CONVENE MEETING OF ROAD DISTRICT IV:

Motion by: Commissioner Chesney, Second by: Commissioner Gonzalez

Motion: Convene Meeting of Road District IV.

Vote: 5 - 0 Approved

- A. Ratify the hiring of David Z. Conoly, and his firm David Z. Conoly, P.C., to provide legal representation to Nueces County Road District IV concerning sale of real property to the Port of Corpus Christi Authority and related matters; ratify approval of the legal representation agreement, authorize the County Judge to sign the legal representation agreement on behalf of the Road District IV and related matters.

Motion by: Commissioner Chesney, Second by: Commissioner Gonzalez

Motion: Ratify the hiring of David Z. Conoly, and his firm David Z. Conoly, P.C., to provide legal representation to Nueces County Road District IV concerning sale of real property to the Port of Corpus Christi Authority and related matters; ratify approval of the legal representation agreement, authorize the County Judge to sign the legal representation agreement on behalf of the Road District IV and related matters.

Vote: 5 - 0 Approved

- B. Discuss and consider adopting a resolution designating Nueces County Road No. 4 (also known as Causeway Property) and real property located at Harbor Island, Nueces County as no longer used for Road District purposes.

Motion by: Commissioner Chesney, Second by: Commissioner Gonzalez

Motion: Adopt a resolution designating Nueces County Road No. 4 (also known as Causeway Property) and real property located at Harbor Island, Nueces County as no longer used for Road District purposes.

Vote: 5 - 0 Approved

- C. Discuss and consider authorizing the County Judge on behalf of Road District IV to execute a Real Estate Sales Contract with the Port of Corpus Christi Authority of Nueces County, Texas for sale of Nueces County Road No. 4 (also known as Causeway Property) and real property located at Harbor Island, Nueces County.

Motion by: Commissioner Chesney, Second by: Commissioner Gonzalez

Motion: Authorize the County Judge on behalf of Road District IV to execute a Real Estate Sales Contract in the amount of \$6.8 million dollars with the Port of Corpus Christi Authority of Nueces County, Texas for sale of Nueces County Road No. 4 (also known as Causeway Property) and real property located at Harbor Island, Nueces County.

Vote: 5 - 0 Approved

Adjourn Road District IV Meeting.

Motion by: Commissioner Chesney, Second by: Commissioner Gonzalez

Motion: Adjourn Road District IV Meeting at 12:45 p.m.

Vote: 5 - 0 Approved

Adjournment in Memory (Upon Request)

The Court was adjourned at 12:49 p.m. in memory of Simona Jaime-grandmother of Monica Perez, Gerri Cox-mother of John Cox, Kathryn Joan Bluntzer, Dr. James Motes, Pablo G. Gonzalez, Karen Carlock and Steve Ray. The Court also expressed their condolences to Nueces County Clerk Kara Sands on the passing of her sister, Cecilia Stanford. 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 does now stand adjourned, this the 14th day of November, 2017.