

MINUTES OF THE
COMMISSIONERS' COURT

REGULAR MEETING - FEBRUARY 12, 2018

On the 12th day of February, 2018, there was a Regular Meeting of the Commissioners' Court in the Commissioners' Courtroom in the County Courthouse, located at 2840 Highway 35 North, Rockport, Aransas County, Texas, with the following members present: **C. H. "Burt" Mills, Jr.**, County Judge; **Jack Chaney**, Commissioner, Precinct 1; **Leslie "Bubba" Casterline**, Commissioner, Precinct 2; **Brian Olsen**, Commissioner, Precinct 3; **Betty Stiles**, Commissioner, Precinct 4; and **Valerie K. Amason**, County Clerk;

Other County Officers present were **Jerry Brundrett**, County Surveyor; **Kristen Barnebey**, County Attorney; **Alma Cartwright**, Treasurer; **Pam Heard**, District Clerk; **Suzy Wallace**, County Auditor; **Bill Mills**, Sheriff; **Latisha Murphy**, Administrative Assistant to the County Judge; **Sue Pash**, Chief Deputy Treasurer; **David Reid**, Road Administrator/Drainage Engineer/Stormwater Management Engineer; **Jacky Cockerham**, Assistant County Auditor; **Collin Jackson**, IT Director; **Linda Doane**, Human Resources Director; **Michael Geer**, Airport Manager; **Valerie Gonzalez**, Environmental Health Director; **John Strothman**, Pathways Project Manager; **Diana Espinoza**, Drainage Engineer; **Michele Bennett**, Elections Administrator; **Melissa Bolt**, Chief Deputy District Clerk; **Iris Sanchez**, Head Librarian; **John Gutierrez**, Chief Deputy Sheriff; **Lee Zapata**, Communications Director; **Roman Cortez**, Deputy Chief/Jail Operations Grievance Officer; **Lora Rios**, Juvenile Case Manager; **Mike Koerner & Kim Foust**, Long-Term Recovery Specialists; and **Ronnell Burke**, Animal Control Supervisor;

Members of Local City Government, Community Groups and other Interested Parties present:

Starr Boldrick Bauer, 36th Judicial District Judge;

C. J. Wax, Mayor; **Barbara Gurtner**, Ward 4: City of Rockport Council Members;

Luis Puron, Executive Director, Rockport Center for the Arts;

Russel Cole, **Billy Burke**, **Stevie Lew Meinhausen** and **Wendy Laubach**; Primary Candidates for Commissioner, Pct. 4;

Robert J. Mitchell, Primary Candidate for Commissioner, Pct. 2;

Roland R. Rios, Primary Candidate for County Judge;

Gina Setterbo, Primary Candidate for District Clerk;

Mark Durand; CEO, Coastal Plains MHMR;

Kenneth C. Burns, Burns Architectural LLC;

Brad Baumbach, Aransas County Citizen;

Mike Probst, Editor and Publisher of the Rockport Pilot Newspaper;

The Meeting was convened at **9:00 a.m.** at which time a quorum was declared by Judge Mills, WHEREUPON, the following proceedings were had and done to wit:

CITIZENS TO BE HEARD

Judge Mills: Today was the deadline for debris removal but it has been extended until March 14, 2018. We have listened to the people of the public and we feel that another 30 days will be in beneficial to everyone. February 12, 2018 still remains the last day that residents can apply for private property debris

removal, so you need to get that done at the Aransas County Library and if you need any further assistance you can contact the Long Term Recovery Team or go online at their website. (www.RockportFultondisasterrecovery.com)

Billy Burke: I thank you for extending the deadline for debris removal because it's affecting a lot of people, but I'm here to talk about The Flood Plain Management Plan, it needs to be revised, we're hurting a lot of our people in the X zone and now I understand a little more about why that was done because of Hydrology reports. I wished this would have come out a long time ago where people would have had some way of understanding it. Most people did not know this order was passed up until the hurricane. I agree that brand new construction needs to be above the road if possible, but there can be some rewording to this where people can understand and it won't affect the Flood Plain Management and the NFIP to where some of these people whose houses were not completely destroyed by flood or whatever can't be replaced without tearing their houses down if they do not have to. The permitting process is confusing people, Contractors are standing by waiting on decisions about whether they can make repairs or if they have to rebuild.

PRESENTATIONS

Kim Foutz, Long Term Disaster Recovery:

You may recall, I believe it was December 7th, our team met with multiple jurisdictions at Federal and State levels regarding housing, we called it the strike team meeting where everyone was brought in so that we could brainstorm ideas, understand the process better, and as part of that presentation we asked for a housing demonstration project.

What we wanted to do was show that there were some alternative and faster means for providing housing in the community and that would be really solid housing. We have recently been informed that there may be a possibility for that demonstration project, so I just wanted to give you a brief overview. In anticipation of Federal Funds coming in we took an inventory of City and County owned properties that would be quicker to develop, we widened that with City and County Right of Ways and we also looked for Infill lots that were affordable, but also had utilities and we are finding that the affordability factor is the main issue, in order to get that price point down, we've got to address the land prices. We are also looking for grain field lots because this is a marathon, not a race, so over the 10 year period that we would be executing a housing plan we need to have some sites that are maybe a little bit more in the perimeter, they are larger tracts that can easily be developed and tracts that have utilities fairly close and we've been working with the City on that. We are looking at all jurisdictional areas, Aransas County, Rockport and Fulton, and we're looking at where we can leverage, where we can have re-development opportunities, not just new full housing subdivisions. Some of the considerations where we took a look at involves City and County Right of Way, therefore, there would be no site acquisition costs. We are also looking at moving forward with a lot of the clearances that are required, we are coordinating with the Texas Historical Commission, the Corp of Engineers, and also HUD. There are Environmental clearances that have to be done, all of these things are normally not required but because it is Federal money we are required to have those special clearances. We also looked at two opportunities, both with public sewer, which is

preferable, but also allowing for septic and a particular project that we are going to talk about would involve a 20 foot paved road with 35 feet of ROW. In advance of the money coming in, we are trying to address all of the regulations, the building and site permitting, City zoning and platting. So some of the other considerations that we were able to do, a demonstration project, we looked at a product for sale or for lease. We are leaning towards the for sale because there are some partnerships, such as Habitat for Humanity, for servicing any loan that might be associated with it, we don't want to get into the housing business as an entity so it also avoids some the property management issues.

The demonstration portion of the project is using modular housing with cement foundations and metal beams that put together the concrete walls. One of the things that we are going to be doing, in short order, is taking the tour of the different manufacturers that offer that product. We are aware of four or five in the State and each of them offer a different type of product and of course we are looking for those who can certify wind load. We are also trying to get ready by having our bid approach in place, having our bid documents, we want to leverage the information from other entities that have done bidding before for housing, not necessarily for modular housing because that's new, that's what makes it a demonstration project, but we do want to see what they put in their bids and that we are also meeting all of the State and Federal requirements. The next slide we are looking at is property south of Market and west of Business 35, specifically it is right of way from Murry Street and also Hackberry Street, that's right here in this area. The portion of the block that is North of

Verne is a County ROW and the portion South of Verne is City ROW and it's denoted on this map with a purple line. Utilities are to the site, and I've provided a plat because it's easier to see than an aerial. Generally speaking, this ROW is 125' wide and 420' deep. **Betty Stiles:** Kim, can I ask a question? Does this mean that we would abandon this so it could be built? **Kim:**

Abandon a portion of it, a portion would be retained for the ROW and for utilities, and the balance for development. **Betty**

Stiles: Ok, thank you. **Kim:** Of course, it would be the upper portion in the North that is in the City ETJ and the County and the City Tracts are already programmed for single families and we are looking at 7-8 in each block, so that would be about 32 units. We have a presentation scheduled tomorrow night with the Rockport City Council, they need to be aware because there are variances from the City Code that would have to be applied for and we have been coordinating with the City Planner to make sure they are happy with the layout and the approach. We have also had inspections with Mayor Kendrick in trying to locate some sites in Fulton and they have some very good sites in fields but they have not identified any that are City owned. The County owns a site on Prairie Road, about 8 or 9 acres which is something we were going to take a look at and see just how far utilities are. That would be part of the Long Term Plan which will be forthcoming in a month or so, but I just wanted to let you know we are working in all areas of the county for projects.

Commissioner Chaney: I don't see anything in here that is for a portion in Aransas Pass, this is a part of the County which was hit real hard.

Kim: So, this is only one of many projects that are going to come out of the housing plan. The housing plan will include

sites and different types of sites throughout the County. We definitely kept it very open, but I will say that a lot of it is dictated by utility availability which can really drive up the project costs by millions. **Commissioner Stiles:** Are there any plans for multifamily structures in this project? **Kim:** I'm so glad you asked that question, this demonstration project is only for one of the four blocks, the other blocks we hope to go ahead and process now in anticipation of doing like some Townhomes for rent, so we picked this first because we didn't want to have to deal with Property management, rental portion and we wanted to be able to show that we can do affordable housing, quality affordable housing in the area and we are able to do so because the utilities are there and the ownership is through the City and the County. The other three blocks would be development driven, builder driven.

Commissioner Casterline: Could you give us an update on the multifamily projects that are available around town?

Kim: Multifamily has been surprise to me, we went out in October and looked at all of the apartment complexes that were obtained from the Appraisal District and at that time we were really concerned about the apartments coming back. Recently, we went to each one physically and all, except for one, are doing rehab. Most of them already have their loans in place, they have started renovations and one of them expects to have units available in May. One exception is Salt Grass on South side of Rockport, they are demoing right now but they are planning on rebuilding. There are several apartment complexes that do not have enough money and are stalled on their insurance and are waiting on federal money. The GLO is going to have an informational session on the 20th of this month because there is

money coming available for Aransas, Nueces and Refugio counties, it's about 10 or 11 million that will be available and it's for rehab. We are hoping that we will have some apartment complexes take advantage of that. We are still looking at the regulations but there have been some initial indications that full rebuilds on the existing site would also be eligible for that money. It will be a competitive process and we have sent out notices to those who have not completed their renovations at 100 percent, we are making them aware of that program and encouraging them to come to that overview on the 20th.

CONSENT ITEMS

1. Motion was made by Commissioner **Stiles** and seconded by Commissioner **Olsen** to approve:
2. Minutes from the Special Meeting of January 16, 2018 and the Regular Meeting of January 22, 2018.
3. Acknowledge receipt of and record in the Minutes of Commissioners Court: Texas Association of Counties Certificate of Attendance for Aransas County Treasurer, Alma Cartwright, which certifies the completion of 10 hours of investment education that satisfies Section 2256.008 of the Texas Public Funds Investment Act at the Texas Public Funds Investment Conference held November 30 through December 01, 2017 in Houston.
4. Accepting donation made to the Aransas County Library to be used for Children's books and Children's programming, received from The Les and Mary Puckett Children's Foundation in the amount of \$2,000.

(Inserts)

5. Accepting donation made to Aransas County for the Juvenile Case Manager Fund for clothing for students of Aransas County I.S.D. & C.I.S., received from **Mary Voss** in the amount of \$150.
6. Accepting donation made to Aransas County for the Juvenile Case Manager Fund for clothing for students of Aransas County I.S.D. & C.I.S., received from **Hazel McKee** in the amount of \$50.
7. Accepting donation made to Aransas County for the Juvenile Case Manager Fund for clothing for students of Aransas County I.S.D. & C.I.S., received from **Russell and Mary Lynn Painton** in the amount of \$100.
8. Proclamation #P-01-2018 proclaiming March 02, 2018 as "Read Across Aransas County Day".
9. Preparation of four Joint Proclamations acknowledging government agencies, special organizations, businesses, and individuals for their outstanding assistance in the immediate aftermath of Hurricane Harvey, to be honored on the six-month anniversary of the disaster - February 25, 2018.
10. Resolution #R-01-2018 by Commissioners Court designation 2840 Highway 35 North, Rockport, Texas 78382 as the official location of the Aransas County Courthouse.
11. Declaring as surplus and selling Election Administration's Poll Pads and Blue Tooth Printers to Ochiltree County Clerk in the amount of \$6,000.

(Inserts)

12. Appointment of Commissioner Brian Olsen to represent Aransas County on the Coastal Plains Community Center's Board of Directors.
Question. Motion carried unanimously.
It is so ordered.

COUNTY REPORTS

13. Motion was made by Commissioner **Olsen** and seconded by Commissioner **Stiles** to approve Quarterly 2017 HOT Funds Report for the Rockport Center for the Arts.
Question. Motion carried unanimously.
It is so ordered.

COUNTY ROADS

14. Motion was made by Commissioner **Casterline** and seconded by Commissioner **Chaney** to approve allowing the Road and Bridge Department to advertise for 2018 Road Materials Bids.
Question. Motion carried unanimously.
It is so ordered.
15. Motion was made by Commissioner **Casterline** and seconded by Commissioner **Stiles** to approve preliminary approval for an Alleyway Closure of Block 38 of the Bellevue Addition.
Question. Motion carried unanimously.
It is so ordered.

(Inserts)

16. Motion was made by Commissioner **Casterline** and seconded by Commissioner **Stiles** to approve preliminary approval for an Alleyway Closure of Block 51 of the Bellevue Addition.

Question. Motion carried unanimously.

It is so ordered.

17. Motion was made by Commissioner **Casterline** and seconded by Commissioner **Chaney** to accept the recommendations for the revisions to the Aransas County Floodplain Management and Watershed Protection Order as written and to make it part of it that we would use these 100 year flood maps and make them available to the public.

Question. Motion carried unanimously.

It is so ordered.

(Clarification to the public: If you are in an X zone but you are not in the 100 year flood plain you can build your structure back as it previously was.)

CONTRACTS, AGREEMENTS & GRANTS

18. Motion was made by Commissioner **Olsen** and seconded by Commissioner **Casterline** to approve and authorize the County Judge to sign the TKO Security Alarm Monitoring and Sales Agreement for the Aransas County Courthouse.

Question. Motion carried unanimously.

It is so ordered.

(Inserts)

PLANNING & BUDGET OFFICE

19. Motion was made by Commissioner **Stiles** and seconded by Commissioner **Olsen** to approve reinstating the License and Weight Deputy position.

Question. Motion carried unanimously.

It is so ordered.

20. Motion was made by Commissioner **Casterline** and seconded by Commissioner **Stiles** to approve the January 2018 Indigent Health Care Report.

Question. Motion carried unanimously.

It is so ordered.

21. Motion was made by Commissioner **Olsen** and seconded by Commissioner **Chaney** to approve a request from the County Treasurer, Alma Cartwright, to use the reserve HOT Funds to disburse a fourth of the budgeted amount at this time for the 4th Quarter distribution to the Rockport Center for the Arts and the Texas Maritime Museum.

Any HOT disbursements to the Aquarium at Rockport Harbor Education Center will be revisited as they rebuild.

Question. Motion carried unanimously.

It is so ordered.

22. Motion was made by Commissioner **Stiles** and seconded by Commissioner **Casterline** to approve revising both part-time Transfer Station Cashier positions to 1 full-time position with benefits at a pay grade of 12-1 and temporarily change current part-time employee to part-time position at same pay rate but with benefits.

(Inserts)

Question. Motion carried unanimously.

It is so ordered.

23. There were no Budget Line Item Transfers.

24. Motion was made by Commissioner **Stiles** and seconded by Commissioner **Olsen** to approve Accounts Payable and Payroll/Payroll Liabilities.

Question. Motion carried unanimously.

It is so ordered.

25. This item went into closed session.

REPORTS FROM COMMISSIONERS, ELECTED OFFICIALS &

DEPARTMENT HEADS WHEREIN NO ACTION WILL BE TAKEN

Michael Geer: At the Airport last week we had a ground breaking meeting with BLS Construction, O'Malley Strand Engineering, and TxDOT about the new TxDOT Grant funded hanger. It looks like we are going to be able to begin construction on that within the next two weeks. We are waiting AEP to move a pole for us and we are excited about having the opportunity to house big planes again and put us back in the market in competing with other regional airports. **Commmissioner Stiles:** Can you talk a little bit about North Star as well? **Michael:** North Star, as of Friday or this morning, is going to start awarding contracts for repairs on the buildings that we have still standing because the new construction of hangars that we completely lost, that construction is supposed to begin the end of this week or beginning of next, but that depends on the contractor and the

(Inserts)

crew showing up, but by spring we should be in full swing of seeing construction. In addition to the 7 buildings that we lost due to the hurricane we will be rebuilding 6, this being due to the loss of some of our customers, we don't have the need for the other one. We're tracking what our waiting list looks like right now and it's just not efficient enough to build that 7th building. So in addition to the 6 buildings that North Star is going to rebuild with insurance we are also building the TxDOT hangar, so that should be two or three private hangars built on landing and this could be the biggest construction year in the history of the airport.

Starr Boldrick Bauer: I was not aware that the Item for Pen Packs was going to be in closed session. I do have the process for the Pen Packs for Aransas County to present to the Court as well as the Law, Article 42.01, which states that the Judge may order the Prosecuting Attorney or the Attorney or Attorneys representing any defendant or the Court Clerk under the supervision of an attorney to prepare the judgement and basically the pen packs. The point being is that the judgment is a legal document and must be prepared by an attorney or under an attorney's supervision, that's all I'm really here to present to the court. If I may, and obviously not being a part of the closed session, I just ask that you do consider the process that the District Judges have put together for Aransas County. We are not aware of where the problem lies or what prompted it to be put on the agenda today, so if it is brought to our attention we would be happy to address that, but we believe that the process works but if there's a problem with it, please let us know.

Commissioner Stiles: I just want to say we had our La Mardi Gras over the weekend and hopefully we raised a good deal of money for our Fire Department and those of you who joined us I hope you had a good time, the bands were awesome.

Suzy Wallace: Read the Fee Report.

The Court entered into closed session at 10: 14 a.m. to discuss and review potential litigation issues and other matters covered by the attorney-client privilege pursuant to Texas Government Code Section 551.071(1)(a); and to discuss real estate negotiations, including Pathways Projects pursuant to Texas Government Code Section 551.072; and resumed Open Meeting at 11:57 a.m. with all members present, and further proceedings were had and done to wit:

25. Motion was made by Commissioner **Stiles** and seconded by Commissioner **Olsen** to **TABLE** taking action of fund transfer for Detention Center Staff to take over assembly of "Pen Packets" to transfer inmate sentences to TDCJ and reset for a Special Meeting on February 15, 2018 at 1:00 p.m. to discuss it with everyone involved.

Question. Motion carried unanimously.

It is so ordered.

No further business presenting, the Court adjourned at 11:58 a.m. on a motion made by Commissioner Casterline and seconded by Commissioner Olsen.

C. H. "BURT" MILLS, JR., COUNTY JUDGE

VALERIE K. AMASON,
EX-OFFICIO CLERK OF THE
COMMISSIONERS' COURT