

MINUTES OF THE

COMMISSIONERS' COURT

PUBLIC HEARING - MARCH 25, 2019

On the 25th day of March, 2019, there was a Public Hearing of the Commissioners' Court in the Commissioners' Courtroom, 2840 Hwy 35 N, 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; **Wendy Laubach**, Commissioner, Precinct 4; and **Valerie K. Amason**, County Clerk.

Other County Officers present were **Jerry Brundrett**, County Surveyor; **Suzy Wallace**, County Auditor; **Linda Garcia Haynes**, Executive Assistant to the County Judge; **David Reid**, Road Administrator/Drainage Engineer/Stormwater Management Engineer; **Collin Jackson**, IT Director; **John Strothman**, Pathways Project Manager; **Carrie Arrington**, Office & Contracts Manager, County District Attorney's Office; **Jacky Cockerham**; First Assistant County Auditor; **Gavin Harrison**, Training Coordinator for the Sheriff's Office; **John Gutierrez**, Chief Deputy Sheriff;

Long-Term Recovery: **Kim Foutz**, **Randall Freeze**, Long Term Recovery Specialists;

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

City of Rockport Council Members: **Warren Hassinger**, Ward 3 and Mayor Pro Tem;

Aransas County Citizens: **Betty Stiles**; **Sheri Hall**; **Miranda Cruz**; **Gayle Wright**; **Danela Carrisalez**; **Tammie Pool**; **Diane Nawara**;

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

The Meeting was convened at **8:45 a.m.** at which time a quorum was declared by Judge Mills, WHEREUPON, the following proceedings were had and done to wit:

ITEM FOR DELIBERATION AND/OR ACTION

1. To consider the proposed improvement and assessment of cost of bringing Banty Road up to current County roadway standards. All citizens of Aransas County, especially those who own property abutting Banty Road are encouraged to attend and participate.

David Reid: This project started with a petition the property owners brought in last year, so we are looking at going through the assessment process. Since that happened we have applied for a grant to do some improvements with this road, now what the grant does is allows us to restore it to existing conditions prior to the disaster that affected it. We are asking in the grant to stabilize the sub-grade and reshape it so that it drains a little and it's probably months away from knowing if we will receive that grant and probably the end of the year before we actually have money to do so. I didn't want to stop the process we were already in, I'm not sure how to handle this, I talked to William Whitson on Friday and he suggested that maybe the Court should not take action yet and let's run the grant through and see if we are going to get that. **Judge Mills:** The grant has something to do with assessment too, right? **David:** The grant is just a grant. Now, let me put that aside for a second and talk about the project, as far as the assessment.

This is a road that has a 40' right-of-way, which is not to county standards, I really need 60 feet of right-of-way. There are quite a few property owners that all need to dedicate 10' of their frontage to the County to build a county road. I have no idea of what the cost of this will be yet, if I get the grant I will subtract that from the improvements that we make so it will be a little cheaper. **Commissioner Olsen:** David, do you have a guesstimate? **David:** Well, \$65 a linear foot is the rule of thumb, that's about a mile. We did have lots of drainage problems through the summer last year so there are certainly problems and it certainly needs improvements. The right-of-way is always the tricky part, I need to get everybody to do that and if they are not willing and if they are not willing to do it I need to not do this project, or ask the Commissioners Court to condemn the property, which is not an easy thing to ask or to have done, but that's what the option is. **Commissioner Laubach:** Have you already spoken to the homeowners about the right-of-way issue? **David:** I have spoken to them, not all of them, I've sent out letters and I've talked to some individually, and explained that we need 60', this is what it is, in my experience there is usually somebody, for whatever reason, that doesn't want to do it. **Commissioner Laubach:** Do the homeowners who are here today have a sense of their community, whether people are interested in giving up right-of-way easement? **Miranda Cruz:** Yes. **David:** Yes, and most of them probably will. **Commissioner Chaney:** This started 10 years ago, whenever we did Adolfo, we looked at Banty and at that time there were only 4 permanent residents out there, it was simply not feasible at the time. This is a 40' right-of-way but it's well used and now we have quite a few residents out there and for the most part, I believe I've talked

to everybody and we've always prefaced everything we've said, because we can't do it with less than 60' of right-of-way, so it's not that they don't know that. **David:** I've only talked to one person that's actually said they do not want to give up their right-of-way. **Commissioner Chaney:** And we've always addressed this as, "This is the citizens opportunity to get the roads paved and the County's offer, if it goes through and Commissioners Court approves it, to help with the cost to get it done and then take it over on into the future or maintenance." But what really brought this to life was, Banty runs from 35 Bypass to McCampbell, whenever McCampbell washed out because of the drainage that was coming off of Banty, you know when we had that large rain and everything, it literally became an island and they couldn't get out one way or the other. We had to send people in and David had just done a herculean task of getting that road fixed up and McCampbell washed out in 45 minutes and I'm talking about the entire road. I haven't talked to David, and I'm not being for or against, but I don't understand what the advantage of waiting on that is, as far as the petition goes, because if we don't get positive votes from the petition, why go through with.... **David:** I believe there was an issue with assessment of the property owners for improvements to the road. **Commissioner Chaney:** Well, I understand that, I do, but the fact is we were looking at this before we were looking at the grant. **David:** We were. **Commissioner Chaney:** And I see the grant as a caveat rather than a condition. **David:** I do to, now we are asking for \$300,000 and that goes a long ways to what we have to do and I don't want to jeopardize that and I don't know that it would be good for the property owners out there to lose that \$300,000, that's a significant amount of money of what they

will be assessed. **Commissioner Laubach:** The total number based on \$65, if it's about a mile, is about \$350,000. **David:** Yes, now of course, grant money is different than real money because there are other hoops that we have to jump through, so that \$300,000 won't do really what it would do if the County was just going out and doing it, so it's a little different, but yes, there is a significant amount of money that will be paid from that grant that we wouldn't have to do and it would reduce that cost. **Commissioner Casterline:** We had an issue in the past, didn't we, didn't it happen on Lara Garza, that we had somebody that basically refused to give the easement and that ended up killing the project? **David:** Right. **Commissioner Chaney:** Deer Run is right next to it and it went through without a problem. **Commissioner Laubach:** Could we start the petition process and not go quite as far as full assessment, so as not to trigger a problem obtaining the grant. **David:** We have had a petition so the next step would be to actually come up with a cost of doing this and the maximum amount of what they would pay and go through the ballot process. **Commissioner Casterline:** But you don't do the ballot process until you come up with a number? **David:** Well I have to come up with a maximum amount, so I could always reduce it, so what I would have to do is assume that we do not get the grant and make the assessment on that number. **Judge Mills:** Why don't we ask the property owners on that road, do you want to delay it anymore? **Miranda Cruz:** No we don't, one thing that I can say is, there is a ditch that runs between Jacoby and Banty from Highway 35 all the way down to the old Highway 35, and there is also a ditch that runs from Rabbit Run all the way to Moore and down to the old Highway 35, all of these ditches are empty when we are flooding so the water is not

going to these ditches and they are huge ditches, so if there is a way to figure out how we can get all that water to go to them we wouldn't have such a problem. **David:** Yes, on this kind of topography that we have, they build up and the water goes where it will, I'm not saying a road is going to solve the drainage issues there and keep in mind that we have had an unusual amount of rain this last year, and anything I can do for drainage is a different issue and it's a lot cheaper to build ditches than to build roads. If I have those easements I could improve the ditches as well. **Commissioner Laubach:** David, does the Transportation Code give us as much flexibility as we need if you get started now putting together the cost estimate and we won't be rushed into an assessment? **David:** You know the Transportation Code is pretty specific as far as the time line. **Commissioner Laubach:** Is that triggered by when you finish your assessment? **David:** It's triggered by the Public Hearing. **Commissioner Laubach:** This one? **David:** Yes, so it may be if we delay this we will have to have another public hearing at some point. **Commissioner Chaney:** I'd like to see us, when we get through with this hearing, to go ahead and do it because if you can get three or four years without rain and with new builds, we've got an issue here. **David:** So let me explain how this process works, so we've had this public hearing and the next step would be the ballot, on that ballot there will be a maximum amount that could be assessed, you vote yes or no, and if there are more yes's than no's on the return ballots then we don't go forward with the process. You'll usually have some time to pay off the assessment, if the court votes on that time, I think the last one was five years, no interest for five years, and I guess that's basically it. Any questions? **Miranda Cruz:** How are the

ballots divvied out, is it one property, one vote, or is it the size of the property? **David:** One property, one vote. **Miranda:** When will the ballots be distributed? **David:** Well, soon, I have this time table that starts ticking.

No further business presenting, the Court adjourned at 9:00 a.m. on a motion made by Commissioner Olsen and seconded by Commissioner Casterline.



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



VALERIE K. AMASON,

EX-OFFICIO CLERK OF THE

COMMISSIONERS' COURT