



# Amended Draft MINUTES

## Aransas County Commissioners Court

9:00 AM – Monday, March 27, 2023

The Aransas County Commissioners Court met on Monday, March 27, 2023, at 9:00 AM, in the Aransas County Courthouse, 2840 Hwy 35 N, Rockport, Texas. Aransas County Commissioner's Court meeting video recordings are available by following this link: [Commissioners Court Minutes and Agendas \(aransascountytexas.gov\)](https://aransascountytexas.gov/commissioners-court-minutes-and-agendas), then scroll to the bottom of the page and select the date you wish to view.

Present: **Ray A. Garza**, County Judge  
**Jack Chaney**, Commissioner Precinct 1-1A  
**Leslie Casterline**, Commissioner, Precinct 2  
**Pat Rousseau**, Commissioner, Precinct 3  
**Robert Dupnik**, Commissioner, Precinct 4

### **I. Call to Order & Pledges**

The meeting convened at 9:00 AM.

### **II. Invocation**

### **III. Roll Call was taken and Quorum was declared, and the following proceedings were had and done, to wit:**

### **IV. Citizens to be heard**

- a. Scott Hime, in regard to a lawsuit and damages awarded over contamination in Penobscot bay.
- b. Ross Darville, representing NorthStar Recovery Services, Inc. c/o Bradley Arant Boult Cummings, informed the Court that a lawsuit was in the process of being filed against Aransas County by NorthStar Engineering.

### **V. Presentations and Proclamations – (there were none)**

### **VI. Consent Agenda**

1. Acknowledge and accept a donation from the Aransas County Retired Teachers Association in the amount of \$153.06 to the Aransas County Library – Iris Sanchez/Judge Garza
2. Acknowledge receipt of, and record in the minutes of the Commissioners Court, a Certificate of Completion from the County Judges and Commissioners Association of Texas for Commissioner Jack Chaney for successfully completing the continuing education provisions of Article 81.0025 of the Texas Local Government Code - Commissioner Chaney
3. Acknowledge receipt of, and record in the minutes of the Commissioners Court, a Certificate of Completion from the County Judges and Commissioners Association of

Texas for Commissioner Pat Rousseau for successfully completing the continuing education provisions of Article 81.0025 of the Texas Local Government Code – Commissioner Rousseau

**Motion to approve:** by Commissioner Chaney, motion was seconded by Commissioner Casterline to accept the Consent agenda  
**Vote:** Motion carried 5-0; it was so ordered

**VII. County Reports, Proclamations, and Resolutions**

4. Discuss, approve, or disapprove the 4th Quarter 2022 Report of the Aransas County Friends of the Fulton Mansion – Allen Lea/Judge Garza

**Motion to approve:** by Commissioner Rousseau, motion was seconded by Commissioner Casterline  
**Discussion followed**  
**Vote:** Motion carried 5-0; it was so ordered

5. Discuss, approve, or disapprove the issuance of Proclamation #P-02-2023, recognizing the month of April as Child Abuse Prevention Awareness Month – Judge Garza

**Motion to approve:** by Commissioner Casterline, motion was seconded by Commissioner Chaney  
**Vote:** Motion carried 5-0; it was so ordered

6. Discuss, approve, or disapprove the issuance of Proclamation #P-03-2023, recognizing the Month of April as Fair Housing Month – Judge Garza

**Motion to approve:** by Commissioner Casterline, motion was seconded by Commissioner Chaney  
**Vote:** Motion carried 5-0; it was so ordered

7. Discuss, approve, or disapprove the adoption of Resolution No. R-07-2023, a resolution of the Aransas County Commissioners Court expressing support for certain legislation presented to the 88<sup>th</sup> Texas Legislature which would amend Chapter 5001 of the Texas Special District Local Laws Code related to the Aransas County Navigation District; confirming compliance with the Texas Open Meetings Act; and establish an effective date – Jennifer O’Steen/Judge Garza

**Motion to approve:** by Commissioner Dupnik, motion was seconded by Commissioner Chaney  
**Discussion followed**  
**Vote:** Motion carried 3-2, Commissioner Chaney, yes; Commissioner Casterline, nay; Commissioner Rousseau, nay; Commissioner Dupnik, yes; Judge Garza, yes

**VIII. County Roads and Floodplain**

8. Discuss, approve, or disapprove Order No. O-04-2023, an Order petitioned by Julian “Kiki” DeAyala to close, abandon and vacate a 40-foot roadway adjacent to Lot 1, Block A, J.D. Wheeler Subdivision, J.H. Phillips Survey, A-175, Aransas County, Texas – Elizabeth Brundrett/Judge Garza

**Motion to approve:** by Commissioner Rousseau, motion was seconded by Commissioner Dupnik  
**Discussion followed**  
**Vote:** Motion carried 5-0; it was so ordered

## **IX. Contracts and Grants**

9. Discuss, approve, or disapprove entering into a contract with Charlie Marshall Funeral Homes & Crematory, Inc. for services related to transporting those deceased in Aransas County for the purpose of autopsy for a fee of \$495.00 and for performing cremations for paupers for a fee of \$500.00, for a term of one year - Judge Garza

**Motion to approve:** by Commissioner Casterline, motion was seconded by Commissioner Chaney  
**Discussion followed**  
**Vote:** Motion carried 5-0; it was so ordered

10. Discuss, approve, or disapprove entering into an Interlocal Agreement between Fort Bend and Aransas County for Performance of Postmortem Exams through September 30, 2025, with possible automatic renewals for one year terms thereafter, which agreement also contains: set fees for services that are currently \$2,600.00 for each standard autopsy and \$850 for each external examination in addition to other fees, such as fees for testing and storage, when applicable; the option to terminate the agreement at any time upon 30 days written notice; and the ability to contract with other providers for services – Jennifer O’Steen/Judge Garza

**Motion to approve:** by Commissioner Rousseau, motion was seconded by Commissioner Chaney  
**Discussion followed**  
**Vote:** Motion carried 5-0; it was so ordered

11. Discuss, approve, or disapprove Authorizing the County Judge to sign the Texas Association of Counties 2023 Cybersecurity Course Enrollment Form to enroll Aransas County personnel in a mandatory cybersecurity training course to satisfy the requirements of Texas Government Code § 2054.5191 – Collin Jackson/Judge Garza

**Motion to approve:** by Commissioner Chaney, motion was seconded by Commissioner Rousseau  
**Discussion followed**  
**Vote:** Motion carried 5-0; it was so ordered

12. Discuss, approve, or disapprove entering into an agreement with PCBancard, a merchant services provider, to handle credit card, debit card, ACH and other electronic payments to Aransas County, and authorize the County Judge to execute all documents necessary to establish an account – Alma Cartwright/Mike Geer/Judge Garza

**Motion to approve:** by Commissioner Chaney, motion was seconded by Commissioner Rousseau  
**Discussion followed**  
**Vote:** Motion carried 5-0; it was so ordered

13. Discuss, approve, or disapprove authorizing County Judge to sign award letter from the Texas Department of Emergency Management (TDEM) for Hazardous Mitigation Grant

Program DR-4332-0203 Sub-Grant Award for the Aransas County Transfer Station Generator – John Strothman/Judge Garza

**Motion to approve:** by Commissioner Rousseau, motion was seconded by Commissioner Casterline

**Discussion followed**

**Vote:** Motion carried 5-0; it was so ordered

14. Discuss, approve, or disapprove Grantworks Task Order ID: 12 DR-4332-203 related to the Texas Department of Emergency Management (TDEM) Hazard Mitigation Grant Program (HMGP) to authorize Grantworks to administer a sub-grant award for the Aransas County Transfer Station Generator project – John Strothman/Judge Garza

**Motion to approve:** by Commissioner Casterline, motion was seconded by Commissioner Rousseau

**Discussion followed**

**Vote:** Motion carried 5-0; it was so ordered

15. Discuss, approve, or disapprove awarding a construction contract for the Linden Street Drainage Improvements Project, which project is included the County’s General Land Office (GLO) Community Development Block Grant-Disaster relief (CDBG-DR) Contract No. 20-065-098-C270, to Gerke Excavating in the amount of \$1,553,883.04 and authorize the County Judge to sign the necessary paperwork – David Reid/Judge Garza

**Motion to approve:** by Commissioner Casterline, motion was seconded by Commissioner Dupnik

**Discussion followed**

**Vote:** Motion carried 5-0; it was so ordered

16. Discuss, approve, or disapprove awarding a construction contract for the Ruby Allen Drainage Improvements Project, which project is included the County’s General Land Office (GLO) Community Development Block Grant – Disaster Relief (CDBG-DR) Contract No. 20-065-098-C270, to Anderson Columbia Co, Inc. in the amount of \$4,569,661.00 and authorize County Judge to sign the necessary paperwork – David Reid/Judge Garza

**Motion to approve:** by Commissioner Casterline, motion was seconded by Commissioner Chaney

**Discussion followed**

**Vote:** Motion carried 5-0; it was so ordered

17. Discuss, approve, or disapprove Change Order No. 1 to the Construction Contract between Aransas County and New Stout Excavating Group Texas, LLC, for the Rattlesnake Point Road Project funded by the GLO CDBG-DR Contract No. 20-065-098-C270, to add an alternate bid item for the installation of Safety End Treatments (SET), which will result in a net increase in the contract total of 7.62%, or \$329,960.75, for a new contract total of \$4,660,850.24 – David Reid/Judge Garza

**Motion to approve:** by Commissioner Rousseau, motion was seconded by Commissioner Chaney

**Discussion followed**

**Vote:** Motion carried 5-0; it was so ordered

18. Discuss, approve or disapprove entering into a Contract for Sediment and Water Quality Testing and Analysis at Port Bay between Aransas County and the Coastal Bend Bays &

Estuaries Program, Inc. for an eighteen month survey of water samples and analysis for possible contaminants, for a fixed cost of \$14,500 – Commissioner Rousseau/Judge Garza

**Motion to approve:** by Commissioner Rousseau, motion was seconded by Commissioner Casterline

**Discussion followed**

**Vote:** Motion carried 5-0; it was so ordered

**X. Planning and Budget**

19. Discuss, approve, or disapprove appointing Mike Geer as the Aransas County Emergency Management Coordinator for one year term, beginning April 1, 2023, for the total annual compensation of \$20,000.00– Judge Garza

**Motion to approve:** by Commissioner Rousseau, motion was seconded by Commissioner Dupnik

**Discussion followed**

**Vote:** Motion carried 5-0; it was so ordered

20. Discuss, approve, or disapprove appointing Aaron Guerrero as the Aransas County Fire Marshal for a one year term, beginning April 1, 2023, for the total annual compensation of \$6,000.00, which will increase to \$12,000.00 after he obtains the Inspector’s Certification, and authorize up to \$3,000.00 each year for expenses related to annual training, continuing education courses, and testing relevant to the role as Fire Marshal – Judge Garza.

**Motion to approve:** by Commissioner Casterline, motion was seconded by Commissioner Chaney

**Discussion followed**

**Vote:** Motion carried 5-0; it was so ordered

21. Discuss, approve, or disapprove the February 2023 Treasurer’s Report – Alma Cartwright/Judge Garza

**Motion to approve:** by Commissioner Casterline, motion was seconded by Commissioner Chaney

**Discussion followed**

**Vote:** Motion carried 5-0; it was so ordered

22. Discuss, approve, or disapprove allocating Hotel Occupancy Tax (HOT) Funds in the amount of \$25,000.00 to the Aransas County Airport which will be used to cover costs for the Warbirds Over South Texas Memorial Day Fly-In Event – Mike Geer/Judge Garza

**Motion to table this item:** by Commissioner Rousseau, motion was seconded by Commissioner Casterline

**Discussion followed**

**Vote:** Motion carried 5-0; it was so ordered

23. Discuss, approve or disapprove establishing the Aransas County Tobacco Awareness Program, whereby the County’s Tobacco Settlement funds received yearly from the State are utilized to educate, promote, reduce, and prevent Aransas County residents, specifically Aransas County youth, from the dangers of nicotine use in cigarette smoking and vaping – Alma Cartwright/Lora Rios/Judge Garza

**Motion to approve:** by Commissioner Dupnik, motion was seconded by Commissioner Chaney

**Discussion followed**

**Vote:** Motion carried 5-0; it was so ordered

24. Discuss, approve, or disapprove the Addendum to Date Processing Services Agreement with Indigent Healthcare Solutions Program, to add the ApplyIHS application for a monthly increase in cost of \$275.00 beginning in January 2024 and authorizing the County Judge to execute the Addendum – Alma Cartwright/Judge Garza

**Motion to approve:** by Commissioner Casterline, motion was seconded by Commissioner Chaney

**Discussion followed**

**Vote:** Motion carried 5-0; it was so ordered

25. Discuss, approve, or disapprove the Budget Line Item - Transfers for the 2022 Budget – Jacky Cockerham/Judge Garza

**Motion to approve:** by Commissioner Rousseau, motion was seconded by Commissioner Casterline

**None at this time**

**Vote:** Motion carried 5-0; it was so ordered

26. Discuss, approve, or disapprove Accounts Payable and Payroll/Payroll Liabilities – Jacky Cockerham/Judge Garza

**Motion to approve:** by Commissioner Casterline, motion was seconded by Commissioner Dupnik

**Discussion followed**

**Vote:** Motion carried 5-0; it was so ordered

**XI. Reports from Commissioners, Elected Officials, and Department Heads**  
**– NO action will be taken**

**XII. Reports about items of community interest – NO action will be taken**

**XIII. Closed Session – 10:34 AM**

27. Consider convening into a Closed Session to consult with counsel and receive legal advice about insurance matters related to Aransas County's projects and insurance claims from Hurricane Harvey, including pending litigation styled *Aransas County Texas v. Endurance American Specialty Insurance Company, et al*, Aransas County District Court Cause No. 23-0021, pursuant to Section 551.071 of the Texas Open Meetings Act, which authorizes closed sessions for a governmental body to consult with its attorney(s) regarding advice on legal matters pertaining to "Pending or Contemplated Litigation; or a Settlement Offer; or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with" the Open Meetings Act –Jennifer O'Steen/Judge Garza

**Motion to approve:** by Commissioner Rousseau, motion was seconded by Commissioner Chaney

**Discussion followed**

**Vote:** Motion carried 5-0; it was so ordered

**XIV. Open Session - 11:19 AM**

28. Reconvene into Open Session

**Motion to go back into open session:** by Commissioner Rousseau, motion was seconded by Commissioner Casterline  
**Vote:** Motion carried 5-0; it was so ordered

29. Discuss and take action on matters discussed in closed session – Amanda Oster/Jennifer O’Steen/ Judge Garza

**NO Discussion or vote**

**XV. Adjournment with Roll Call**

**Motion to adjourn:** by Commissioner Casterline, motion was seconded by Commissioner Chaney  
**Vote:** Motion carried 5-0; it was so ordered

  
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Ray A. Garza, County Judge

  
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Misty Kimbrough, Ex-Officio Clerk  
of the Commissioners Court

