

MINUTES

Aransas County Commissioners Court

9:00 AM - Monday, May 22, 2023

The Aransas County Commissioners Court met on Monday, May 22, 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 \(aransascourttx.gov\)](https://aransascourttx.gov), 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
Robert Dupnik, Commissioner, Precinct 4

Absent: **Pat Rousseau**, Commissioner, Precinct 3

I. Call to Order & Pledges - The meeting convened at 9:00 AM

II. Invocation

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

IV. Citizens to be heard - None

V. Presentations and Proclamations

1 Discuss, approve, or disapprove the issuance of Proclamation P-09-2023 declaring June 2023 as "Elder Abuse Prevention Month" in Aransas County – Judge Garza

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| <p>Motion to approve: by Commissioner Casterline, motion was seconded by Commissioner Chaney Discussion followed Vote: Motion carried 4-0; it was so ordered</p> |
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VI. Consent Agenda

2 Discuss, approve, or disapprove the Minutes from the May 8, 2023 Regular Meeting – Misty Kimbrough/Judge Garza

3 Acknowledge receipt of, and record in the minutes of the Commissioners Court, a Certificate of Continuing Education for Alma Cartwright from V.G. Young Institute of County Government, Texas A&M AgriLife Extension Service, for a total of 30 hours – Alma Cartwright/Judge Garza

4 Acknowledge receipt of, and record in the minutes of the Commissioners Court, a Certificate of Continuing Education for Patricia Randall from V.G. Institute of County Government, Texas A&M AgriLife Extension Service, for a total of 34 hours – Alma Cartwright/Judge Garza

5 Acknowledge receipt of, and record in the minutes of the Commissioners Court, a Certificate of Continuing Education for Brandy Mygatt from V.G. Institute of County Government, Texas A&M AgriLife Extension Service, for a total of 12 hours – Alma Cartwright/Judge Garza

6 Acknowledge receipt of, and record in the minutes of the Commissioners Court, a Certificate of Continuing Education for Lauren Collins from V.G. Institute of County Government, Texas A&M AgriLife Extension Service, for a total of 24 hours – Alma Cartwright/Judge Garza

- 7 Acknowledge and record in the minutes of the Commissioners Court a donation from Cat Tails Rescue for the following services to Aransas County Animal Care: covered expenses for spay/neuter surgeries (\$1,354.40), medical tests, and vaccinations (\$1,833.50) to enable rehoming cats through partnering with no-kill shelters outside of Aransas County. The total value of donated services in April 2023: \$3,187.90 – Commissioner Rousseau
- 8 Acknowledge and record in the minutes of the Commissioners Court a donation from Another Chance RFT for the following services to Aransas County Animal Care: veterinary care including spaying/neutering, vaccines, heartworm preventative, rabies shots, flea and tick preventative, and heartworm treatments (\$4,582.00) plus transportation, supplies, cremations, and boarding (\$1,609.00). The total value of donated services in April 2023: \$6,191.00 and 250 volunteer hours – Commissioner Rousseau

Motion to approve: by Commissioner Dupnik, motion was seconded by Commissioner Chaney
Discussion followed
Motion to remove items 9-13 from the consent agenda: by Commissioner Chaney
Vote: Motion carried 4-0; it was so ordered

- 9 Discuss, approve, or disapprove Resolution #R-12-2023, a Resolution approving the Aransas County Investment Policy (No changes – Annual Review and Adoption) – Alma Cartwright/Judge

Motion to approve: by Commissioner Chaney, motion was seconded by Commissioner Casterline
Discussion followed
Vote: Motion carried 4-0; it was so ordered

- 10 Discuss, approve, or disapprove Resolution #R-13-2023, a Resolution appointing Alma Cartwright, County Treasurer, and Patricia Randall, Chief Deputy Treasurer, as Investment Officers to invest Aransas County's funds in accordance with the Aransas County Investment Policy – Alma Cartwright / Judge Garza

Motion to approve: by Commissioner Chaney, motion was seconded by Commissioner Casterline
Discussion followed
Vote: Motion carried 4-0; it was so ordered

- 11 Discuss, approve, or disapprove Resolution #R-14-2023, a Resolution acknowledging the Broker/Dealers List as being authorized to provide investment services to Aransas County – Alma Cartwright / Judge Garza

Motion to approve: by Commissioner Casterline, motion was seconded by Commissioner Chaney
Discussion followed
Vote: Motion carried 4-0; it was so ordered

- 12 Discuss, approve, or disapprove Resolution #R-15-2023, a Resolution Amending Authorized Representatives of the TexPool Investment Pool, to add Patricia Randall as an additional authorized representative – Alma Cartwright

Motion to approve: by Commissioner Casterline, motion was seconded by Commissioner Dupnik
Discussion followed
Vote: Motion carried 4-0; it was so ordered

- 13 Discuss, approve, or disapprove authorizing the County Judge to execute the Authorized Representative Add Form with Lone Star Investment Pool, adding Patricia Randall as an authorized representative and removing all prior inactive representatives – Alma Cartwright/Judge

Motion to approve: by Commissioner Casterline, motion was seconded by Commissioner Dupnik
Discussion followed
Vote: Motion carried 4-0; it was so ordered

VII. County Reports

- 14 Discuss, approve, or disapprove the Rockport Cultural Arts District 1st Quarter Report for 2023 – Jennifer Day / Judge Garza

Motion to approve: by Commissioner Casterline, motion was seconded by Commissioner Dupnik
Discussion followed
Vote: Motion carried 4-0; it was so ordered

VIII. County Roads and Floodplain

- 15 Discuss, approve, or disapprove Mott MacDonald's recommendation to award construction contract for Holiday Beach Road Improvements in the County's General Land Office Community Development Block Grant-Disaster Relief (CDBG-DR) Contract #20-065-098-C270 to LCR Total Transport in the amount of \$3,499,825.70; Authorizing County Judge to execute all necessary documents – David Reid/Judge Garza

Motion to approve: by Commissioner Dupnik, motion was seconded by Commissioner Casterline
Discussion followed
Vote: Motion carried 4-0; it was so ordered

- 16 Discuss, approve, or disapprove the Mott MacDonald's recommendation to award construction contract for Southwest Aransas County Drainage Improvements in the County's General Land Office Community Development Block Grant – Disaster Relief (CDBG-DR) Contract #20-065-098-C270, to LCR Total Transport in the amount of \$3,990,785.00; authorizing County Judge to execute all necessary documents – David Reid/Judge Garza

Motion to approve: by Commissioner Casterline, motion was seconded by Commissioner Chaney
Discussion followed
Vote: Motion carried 4-0; it was so ordered

- 17 Discuss and approve the correcting contract amount awarded to Gerke Excavating at the Commissioners Court meeting on March 27, 2023; Price on the March 27, 2023 agenda was listed as \$1,553,883.04; Actual Contract Price is \$2,265,183.19; Project is for Linden Street Drainage Improvements from the General Land Office (GLO) Community Development Development Block Grant-Disaster Relief (CDBG-DR) Contract #20-065-098-C270 – David Reid/Jacky

Motion to approve: by Commissioner Casterline, motion was seconded by Commissioner Chaney
Discussion followed
Vote: Motion carried 4-0; it was so ordered

- 18 Discuss, approve, or disapprove the adoption of Resolution R-16-2023, a Resolution of the Commissioners Court of Aransas County, Texas, Selecting and Hiring Contractors to Perform Work Necessary for eight Drainage and Road Improvement Projects funded through the General Land Office Community (GLO) Community Development Block Grant Disaster Relief (CDBG-DR) Contract #20-065-098-C270; Authorizing the County Judge to Execute Necessary Documents; Providing for Severability; and Confirming Compliance with the Texas Open Meetings Act – David Reid/Judge Garza

Motion to approve: by Commissioner Dupnik, motion was seconded by Commissioner Chaney
Discussion followed
Vote: Motion carried 4-0; it was so ordered

- 19 Discuss, approve, or disapprove a request for variance on County subdivision regulations on minimum lot size requirements to replat 1609 S. Terry St. from two lots into one lot – Katherine Comeaux/Judge Garza

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

Discussion followed

Vote: Motion carried 4-0; it was so ordered

- 20 Discuss, approve, or disapprove partnering with Aransas First Land Trust Development and submitting a pre-proposal to seek National Oceanic and Atmospheric Administration (NOAA)-based Gulf of Mexico Energy Security Act (GOMESA) funds – Katherine Comeaux/Judge Garza

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

Discussion followed

Vote: Motion carried 4-0; it was so ordered

IX. Contracts and Grants

- 21 Discuss, approve, or disapprove Resolution R-10-2023, a Resolution approving an Interlocal Cooperation agreement between Aransas County and the Harris County Department of Education (HCDE) enabling the County to participate in HCDE's Choice Partners National Cooperative, a Purchasing Cooperative; authorizing the County Judge to execute all necessary documents; providing for repealer and severability; confirming compliance with the Texas Open Meetings Act; and establishing an effective date – Jacky Cockerham/Judge Garza

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

Discussion followed

Vote: Motion carried 4-0; it was so ordered

- 22 Discuss, approve, or disapprove Resolution R-11-2023, to select and hire Mammoth Foundation Repair for the American Rescue Plan Act (ARPA) Diesel Generator Project to supply and install equipment to serve the Animal Care and AgriLife buildings for the amount of \$187,523.60; and Authorizing the County Judge to Execute Necessary Documents – Jacky Cockerham/Judge Garza

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

Discussion followed

Vote: Motion carried 4-0; it was so ordered

- 23 Discuss, approve, or disapprove Amendment #2 to the Airport Drainage Project Agreement with the Texas Department of Transportation (TxDOT), CSJ Number 2116RCKPT, to reconstruct a drain and repair a sinkhole to increase the total grant award from \$327,000.00 to \$644,263.00, with a local match requirement of \$4,797.00 that is within the airport's Fiscal Year Grant Projects budget – Mike Geer / Judge Garza

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

Discussion followed

Vote: Motion carried 4-0; it was so ordered

- 24 Discuss, approve or disapprove authorizing the County Judge to sign the Airport Coronavirus Response Grant Program (ACRGP) Agreement with the Federal Aviation Administration (FAA), which program is funded through the Coronavirus Response and Relief Supplemental Appropriations (CRRSA) authorized by Congress in 2020, and which program will reimburse the Aransas County Airport up to \$13,000 for qualified operational expenses – Mike Geer/Judge Garza

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

Discussion followed

Vote: Motion carried 4-0; it was so ordered

- 25 Discuss, approve, or disapprove the issuance of a Request for Proposals (RFP) for Construction Services for the Bay Shore Drive Shoreline Stabilization Project, which is funded by a grant award from the U.S. Department of the Treasury and administered through the Texas Commission on Environmental Quality (“TCEQ”) as set forth in Grant Contract #582-21-22184 – John

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

Discussion followed

Vote: Motion carried 4-0; it was so ordered

- 26 Discuss, approve, or disapprove use of available Aransas County Gulf of Mexico Security Act (GOMESA) funds to pay for the local match required for the Coastal Erosion Planning and Response Act (CEPRA) Cycle 13 Application for Regulatory Assistance to support a Cedar Bayou U.S. Army Corps of Engineers (USACE) Permit Amendment which, if approved, will create an upland dredge material placement area enabling the beneficial use of dredged materials to help mitigate shoreline erosion, using materials dredged from Aransas National Wildlife Refuge, Cedar Bayou, and Vincent Slough – Commissioner Casterline

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

Discussion followed

Vote: Motion carried 4-0; it was so ordered

- 27 Discuss, approve or disapprove entering into a Memorandum of Understanding with AEP Texas to participate in the 2023 SCORE/CitySmart Program, an incentive program to improve energy efficiency in County facilities, at no cost to the County, and authorize the County Judge to sign all necessary documents – Jacky Cockerham/Rene Butler/Judge Garza

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

Discussion followed

Vote: Motion carried 4-0; it was so ordered

- 28 Discuss, approve or disapprove the purchase of a Skid Steer and mulching head attachment from P&D Trucking in the amount of \$75,000, consisting of \$60,000 base for the Skid Steer and \$15,000 for the mulching head attachment, and authorizing the County Judge to execute necessary documents – David Reid/Judge Garza

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

Discussion followed

Vote: Motion carried 4-0; it was so ordered

- 29 Discuss, approve or disapprove authorizing the County Judge to sign a MOU Agreement with AvFuel Corp. for the use of a refuel truck during the Airport’s Memorial Day Fly-In Event– Mike Geer/Judge Garza

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

Discussion followed: remove from agenda, AvFuel has pulled out of the deal

Motion to remove: by Commissioner Casterline, motion was seconded by Commissioner Chaney

Vote for motion to remove carried 4-0; it was so ordered

- 30 Discuss, approve, or disapprove Resolution R-17-2023 to select and hire T. Baker Smith, LLC for the American Rescue Plan Act (ARPA) Aransas County Detention Center Water Tank Project to provide necessary Engineering and Architectural Services; and Authorizing the County Judge to Execute Necessary Documents – Sheriff Mills/Rene Butler/Judge Garza

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

Discussion followed

Vote: Motion carried 4-0; it was so ordered

X. Planning and Budget

- 31 Discuss, approve, or disapprove the April 2023 Treasurer’s Report – Alma Cartwright/Judge Garza

Motion to approve: by Commissioner Casterline, motion was seconded by Commissioner Dupnik
Discussion followed
Vote: Motion carried 4-0; it was so ordered

- 32 Discuss, approve, or disapprove authorizing the Aransas County Treasurer to sign a Promissory Note and Disbursement Request and Authorization for a one year extension ending on May 31, 2024, of the Irrevocable Standby Letter of Credit #1973 issued through Prosperity Bank covering the financial assurance of the Aransas County Transfer Station in the amount of \$10,200.00, which is required by the Texas Commission on Environmental Quality (TCEQ) – Alma Cartwright/Judge

Motion to approve: by Commissioner Casterline, motion was seconded by Commissioner Dupnik
Discussion followed
Vote: Motion carried 4-0; it was so ordered

- 33 Discuss, approve, or disapprove the Budget Line Item - Transfers for the 2023 Budget – Jacky Cockerham / Judge Garza

Motion to approve: by Commissioner Dupnik, motion was seconded by Commissioner Casterline
Discussion followed: agenda stated 2022 Budget, it should have been 2023 Budget
Vote: Motion carried 4-0; it was so ordered

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

Motion to approve: by Commissioner Chaney, motion was seconded by Commissioner Casterline
Discussion followed
Vote: Motion carried 4-0; it was so ordered

XI. Reports from Commissioners, Elected Officials, and Department Heads

NO action will be taken

- Commissioner Chaney stated that the Aransas County Transfer Station is looking good and is an asset to community.
- Lamar Fire Department held Hurricane Preparedness classes
- Rockport Fire Department held the award banquet

XII. Reports about items of community interest

NO action will be taken

No reports given

XIII. Closed Session - NO CLOSED SESSEION TAKEN OR NEEDED

35 Consult with counsel and receive legal advice about insurance matters related to Aransas County’s projects and insurance claims from Hurricane Harvey, including the following pending litigation:
a. Aransas County Texas v. Endurance American Specialty Insurance Company, et al, Aransas County District Court Cause No. 23-0021; and,
b. Northstar Recovery Services, Inc. v. Aransas County Independent School District and Aransas County, Aransas County, District Court Cause No. 23-0066; and,
c. Aransas County v. Kathleen Hicks, in her official capacity as Director of the Regional Pool Alliance, Aransas County District Court Cause No. 23-0069,
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

No CLOSED SESSION OCCURRED

XIV. Open Session - NO CLOSED SESSION OCCURRED

36 I move to reconvene into Open Session
37 I move to discuss and take action on matters discussed in closed session – Jennifer O’Steen/ Judge Garza

XV. Adjournment with Roll Call 10 :10 AM

Motion to adjourn: by Commissioner Casterline, motion was seconded by Commissioner Dupnik
Vote: Motion carried 4-0; it was so ordered



Ray A. Garza, County Judge




Misty Kimbrough, Ex-Officio Clerk
of the Commissioners Court

