

COMMISSIONERS COURT
Aransas County, Texas
Ray A. Garza, County Judge

Jack Chaney
Commissioner, Pct 1-1A

Leslie Casterline
Commissioner, Pct 2



Pat Rousseau
Commissioner, Pct 3

Robert Dupnik
Commissioner, Pct 4-4A

AMENDED NOTICE OF REGULAR MEETING AND AGENDA

Notice is hereby given that a **Regular Meeting** of the above named Commissioners Court will be held on the **28th DAY of MAY, 2024 at 9:00 A.M. IN THE COMMISSIONERS COURTROOM IN THE ARANSAS COUNTY COURTHOUSE, 2840 HWY. 35 N., ROCKPORT, TEXAS, 78382.** Persons with disabilities who plan to attend this meeting and who may need assistance should contact the County Judge's office at (361) 790-0100 two working days prior to the meeting so that appropriate arrangements can be made. **To watch the meeting, visit:** here <https://www.youtube.com/channel/UCTxprR-CFvaZfapOVcLeDWQ/live>. The following subjects will be discussed at this meeting:

- I. CALL TO ORDER**
- II. INVOCATION**
- III. PLEDGES**
- IV. ROLL CALL AND CONFIRMATION OF QUORUM**
- V. CITIZENS TO BE HEARD**

At this time, comments will be taken from the audience on any subject matter that is not on the Agenda. To address the Commissioners, please sign the Public Participation Form located at <https://actxgov.seamlessdocs.com/w/ccpublicparticipation> or sign the Public Participation Form located on the table outside of the County Courtroom and deliver to the County Clerk before the meeting begins. Citizens who wish to speak on a matter included in this Agenda will be invited to speak when that particular matter is being deliberated by the Commissioners Court. Each member of the public who appears before the Commissioners Court shall be limited to a maximum of five (5) minutes to make his/her remarks. Please note, in accordance with the Open Meetings Act, Commissioners may not discuss or take action on any item that is not on the agenda.

VI. PRESENTATIONS AND PROCLAMATIONS

1. Discuss and approve the issuance of Proclamation P-14-2024 declaring June 2024 as "Elder Abuse Prevention Month" in Aransas County – Richelle Guthrie/Judge Garza
2. Presentation of the Distinguished Service Award from the Texas Historical Commission to the Aransas County Historical Commission in recognition of its outstanding preservation work accomplishments. This annual award recognizes Aransas County Historical

Commission appointees for managing well-rounded history and preservation – related programs that enrich Texas communities – Doreen Bronner/Judge Garza

VII. CONSENT AGENDA

All Consent Agenda items listed are considered to be routine by the Commissioners Court and will be enacted by one motion and no separate discussion of these items will occur unless a Commissioner or the County Judge so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

3. Discuss, approve or disapprove the Minutes from the May 7, 2024 Special Meeting – Misty Kimbrough/Judge Garza
4. Discuss, approve or disapprove the Minutes from the May 13, 2024 Regular Meeting – Misty Kimbrough/Judge Garza
5. Discuss, approve or disapprove the Minutes from the May 21, 2024 Special Meeting – Misty Kimbrough/Judge Garza
6. Acknowledge receipt of and record in the minutes of Commissioners Court the Texas A&M Engineering Extension Service's 2024 Coastal Bend Hurricane Conference for a total of 6.5 hours credit – Misty Kimbrough/Judge Garza

Donations

7. Acknowledge and accept donations from the following:
 - a) Rockport Lions Club in the amount of \$878.75 to pay for seven (7) students who are currently court-ordered to get their GED and are supervised by Juvenile Case Manager Lora Rios – Judge McGinnis/Judge Garza
 - b) Donations to the Aransas County Animal Care Services:
 - Wendy Laubach – donation of Animal Supplies - estimated amount \$45.99
 - Kelly Spears - donation of Animal Supplies - estimated amount \$35.76
 - Lisa Earnest - donation of Animal Supplies - estimated amount \$160.00
 - J. Johnson – donation of Animal Supplies - estimated amount \$11.39
 - J.Q. – donation of Animal Supplies - estimated amount \$115.14
 - Jerry Haigler – donation of Animal Supplies – estimated amount \$197.59
 - Judge Ray Garza – donation of Animal Supplies – estimated amount \$13.42
 - Caitlan Frazier/Judge Garza

VIII. COUNTY REPORTS AND RESOLUTIONS

8. Discuss, approve, or disapprove the Rockport Cultural Arts District 1st Quarter Report for 2024 – Jennifer Day/Judge Garza
9. Update by the Lone Star Strategy Group, LLC on grant opportunities for Aransas County – Yvette Utley/Judge Garza

IX. COUNTY ROADS AND FLOODPLAIN

10. Discuss, approve, or disapprove accepting a permanent Sixty Foot by Sixty Foot (60'x60') drainage easement from Deepwater Capital Fund LLC as depicted on the attached Exhibit; authorize the County Judge to execute necessary documents – David Reid/Judge Garza

X. CONTRACTS AND GRANTS

11. Discuss, approve or disapprove Work Plan Amendment No. 3 to the RESTORE ACT Contract No. 582-21-22184 with the Texas Commission on Environmental Quality (TCEQ) for the Bay Shore Drive Erosion Mitigation and Shoreline Stabilization project to revise deliverable dates and recognize Alfredo Reza, Mott MacDonald, as the physical engineer and Kimberly “Elle” Moralez, Aransas County, as the project manager – Elle Moralez/Judge Garza
12. Discuss, approve or disapprove Bay Shore Erosion Mitigation Project RESTORE ACT Sub-recipient Reimbursement Contract No. 582-21-22184 with the Texas Commission on Environmental Quality (TCEQ) Change Order #3 from Orion Construction requesting an adjustment in Contract Price for the project due to cost overruns on stone for the maximum amount of \$106,544.80; No impact days – Elle Moralez/Judge Garza
13. Discuss, approve or disapprove Bay Shore Erosion Mitigation Project RESTORE ACT Sub-recipient Reimbursement Contract No. 582-21-22184 with the Texas Commissioner on Environmental Quality (TCEQ) Change Order #4 from Orion Construction compensating Orion for the escalation in labor costs due to the delay in granting the Notice to Proceed; the maximum amount for Change Order #4 is \$22,544.04; No impact days – Elle Moralez/Judge Garza
14. Discuss, approve or disapprove authorizing County Judge to sign Engagement Letter with Crowe, LLP for Outside Auditing Services for the Fiscal Year ending December 31, 2023 – Jacky Cockerham/Judge Garza
15. Discuss, approve or disapprove Change Order No. 1 of construction contract for Southeast Aransas County Drainage Improvements in the County’s General Land Office Community Development Block Grant – Disaster Relief (CDBG-DR) Contract #20-065-098-C270 with Brizo Construction, LLC; this change order corrects the increase in contract price from \$61,843.50 to \$61,844.00 and was previously approved at the May 13, 2024 Commissioners Court – David Reid/Judge Garza
16. Discuss, approve or disapprove Change Order No. 2 of construction contract for Southeast Aransas County Drainage Improvements in the County’s General Land Office Community Development Block Grant – Disaster Relief (CDBG-DR) Contract #20-065-098-C270 with Brizo Construction, LLC; this change order corrects errors that were carried over from Change Order No. 1 and was previously approved at the May 13, 2024 Commissioners Court – David Reid/Judge Garza

17. Discuss, approve or disapprove Change Order No. 3 for construction contract for East Linden in the County's General Land Office Community Development Block Grant – Disaster Relief (CDBG-DR) Contract #20-065-098-C270, with Gerke Excavating, Inc.; the contractor requests an additional 59 days on the contract time due to their subcontractor, who is installing the metal beam guard rails (NBGR) at two culvert crossings under Pearl St., seeking clarification from TxDOT on installation issues – David Reid/Judge Garza
18. Discuss, approve or disapprove Change Order No. 4 for construction contract for Rattlesnake Point Road in the County's General Land Office Community Development Block Grant – Disaster Relief (CDBG-DR) Contract #20-065-098-C270, to New Stout Excavating Group Texas, LLC; this revised change order, originally approved at the April 8, 2024 Commissioners Court, corrects pay item 464-1 from \$34,278.80 to \$37,175.60, pay item 560 from \$1,024.64 to \$2,049.64; Net increase/decrease of this Change Order from \$182,369.87 to \$186,291.31, Contract price with all Approved Change Orders from \$5,060,211.86 to \$5,064,133.30 and Cumulative Percent Change in Contract Price from 16.84% to 16.93% – David Reid/Judge Garza
19. Discuss, approve or disapprove Change Order No. 5 for construction contract for Rattlesnake Point Road in the County's General Land Office Community Development Block Grant – Disaster Relief (CDBG-DR) Contract #20-065-098-C270, to New Stout Excavating Group Texas, LLC; the revised change order, originally approved at the April 8, 2024 Commissioners Court meeting, corrects increase in contract price for Ditch Cleaning of outfall from \$6,775.00 to \$14,905.00, Detour Roads – Subgrade from \$168,201.88 to \$129,701.88, Detour Roads – Chip Seal from \$176,120.48 to \$181,077.30; Cumulative previous Change Order total from \$729,322.37 to \$733,243.81; Contract price prior to Change Order from \$5,060,211.86 to \$5,064,133.30; Net Increase of Change Order from \$351,097.36 to \$325,684.18; Contract Price with approved Change Order from \$5,411,309.22 to \$5,389,817.48, and Cumulative Percentage Change from 24.95% to 24.45% – David Reid/Judge Garza
20. Discuss, approve or disapprove proposal from Misty Kimbrough, County Clerk, to move Foreclosure Sales from the Courthouse steps to the Aransas County Public Safety Center located at 714 E. Concho St., Rockport, Texas 78382; this will begin on Tuesday, September 3, 2024; at this time we are unsure of when we will be able to occupy the new Courthouse; this will help us maintain all statutory requirements in Property Code, Sec. 51.002 (h) – Misty Kimbrough/Judge Garza
21. Discuss, approve, or disapprove authorizing the County Judge to sign an Interlocal Facility Use Agreement with the Texas Division of Emergency Management (TDEM) for office space at the airport to accommodate the TDEM County Liaison Officer (CLO) – Mike Geer/Judge Garza
22. Discuss, approve or disapprove authorizing County Judge to finalize the sale and transfer of the Little Bay Elementary School/Workforce Development Center to Del Mar College District (DMC), to authorize expenditures for title transfer, to authorize transfer of unexpended funds at closing, and to authorize the County Judge to execute necessary documents to facilitate the transfer, sale, and assignments, including, but not limited to, grant administration contracts, a memorandum of understating with DMC setting forth the

terms and conditions of the agreement to transfer the grant, deed the property and assign ancillary contracts; a Bill of Sale and Assignment, a Real Property Warranty Deed and a Purchase and Sale Agreement – Amanda Oster/Jacky Cockerham/Judge Garza

XI. PLANNING AND BUDGET

23. Discuss, approve or disapprove the April 2024 Treasurer's Report – Alma Cartwright/Judge Garza
24. Discuss, approve or disapprove Salaries for the Executive Assistant and the Health Inspector at Environmental Health for the Fiscal Year 2024 – Anthony Van Meter/Judge Garza
25. Discuss, approve or disapprove authorizing County Judge to seek an alternate location or multiple locations for a temporary Courthouse and to gather lease information to present to the Commissioners Court – Amanda Oster/Judge Garza
26. Discuss, approve, or disapprove the Budget Line Item - Transfers for the 2023 Budget – Jacky Cockerham/Judge Garza
27. Discuss, approve, or disapprove Accounts Payable and Payroll/Payroll Liabilities – Jacky Cockerham/Judge Garza

XII. REPORTS FROM COMMISSIONERS, ELECTED OFFICIALS, AND DEPARTMENT HEADS – NO ACTION WILL BE TAKEN

At this time, Commissioners will provide reports or updates on committee assignments and Elected Officials and Department Heads may provide reports or updates related to advisory boards, fee reports, and more.

XIII. REPORTS ABOUT ITEMS OF COMMUNITY INTEREST – NO ACTION WILL BE TAKEN

At this time, Commissioners Court will receive reports and updates from Commissioners, County Judge, and County staff related to items of community interest such as: expressions of thanks, congratulations, or condolences; information regarding holiday schedules or closures; honorary or salutatory recognition of a public official, employee, or a citizen; reminders about upcoming events; reports on public events attended by Commissioners, County officials, and/or employees; and any announcement involving an emergency or imminent threat to public health and safety that arose after the posting of this Agenda.

XIV. CLOSED SESSION

28. Convene 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 the following pending litigation:
 - i. *Aransas County Texas v. Endurance American Specialty Insurance Company, et al*, Aransas County District Court Cause No. 23-0021; and

ii. *Northstar Recovery Service, Inc. v. Aransas County Independent School District and Aransas County*, Aransas County, District Court Cause No. 23-0066 consolidated with *Northstar Recovery Services, Inc. v. HR&R, LLC, et al*, Aransas County District Court Cause No. 20-0159; and

iii. *Western Steel Company v. T2J Partners, LLC DIE/A FPS Recovery, LLC and Aransas County, Texas*; Cause No. 24-0072, in the 36th District Court of Aransas County, Texas;

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 –Amanda Oster/Adela Martinez/Judge Garza

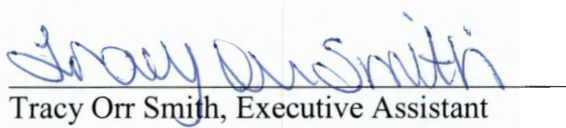
XV. OPEN SESSION

- 29. Reconvene into Open Session
- 30. Discuss and take action on matters discussed in closed session – Amanda Oster/Judge Garza

XVI. ADJOURNMENT

CERTIFICATION

It is hereby affirmed that this **NOTICE OF MEETING and AGENDA** was duly posted at the Aransas County Courthouse at least seventy-two (72) hours preceding the scheduled time of said meeting on enclosed bulletin boards outside of the Courthouse that are readily accessible to the general public twenty-four (24) hours each day and also on the Aransas County website, in compliance with the Texas Open Meetings Act and Texas Government Code §551.043.



Tracy Orr Smith, Executive Assistant
Aransas County Judge’s Office
Tel: 361-790-0100

FILED FOR RECORD
AT 8:33 A.M.

MAY 24 2024

MISTY KIMBROUGH
COUNTY CLERK, ARANSAS CO., TEXAS
posted By 8:50A.