



MINUTES

Aransas County Commissioners Court

9:00 AM – Monday, June 26, 2023

The Aransas County Commissioners Court met on Monday, June 26, 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://www.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
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

1. Skip Carrier – Appreciation for Commissioner Pat Rousseau
2. Tascha Spears – Aransas County Animal Ordinance specific to dogs at large

V. PRESENTATIONS AND PROCLAMATIONS

1. Presentation of the 2022 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 – Dave Hattman/Betty Stiles/Doreen Bronner

Presented by: Betty Stiles, many Aransas County Historical Commission board members were present
Discussion followed

2. Presentation by Lenora Keas of Del Mar College to Provide an Update on the Workforce Development Center – Lenora Keas/Del Mar College

Presented by: Lenora Keas of Del Mar College
Discussion followed

VI. CONSENT AGENDA

3. Discuss, approve, or disapprove the Minutes from the May 30, 2023 Special Meeting – Misty Kimbrough/Judge Garza
4. Discuss, approve, or disapprove the Minutes from the June 12, 2023 Regular Meeting – Misty Kimbrough/Judge Garza

5. Discuss, approve or disapprove the Proposed Aransas County Official Holiday Schedule for 2024 – Judge Garza
6. Discuss, approve or disapprove the Proposed Aransas County Transfer Station Official Holiday Schedule for 2024 – Judge Garza
7. Acknowledge and record in the minutes of Commissioners Court the value of services donated from Another Chance RFT to Aransas County Animal Care for May 2023: \$7,361 value for medical veterinary care including spaying/neutering, vaccinations, medications, and heartworm tests; \$480 for transportation of dogs going to rescue homes in and out of state; and \$393 for microchipping. The total value of donated services in May was \$8,234 – Commissioner Rousseau

Motion to accept the consent agenda: by Commissioner Dupnik, motion was seconded by Commissioner Casterline
Vote: Motion carried 5-0: it was so ordered

VII. COUNTY REPORTS

8. Discuss, approve or disapprove the 1st Quarter 2023 Report of the Texas Maritime Museum – Justin Parkoff

Motion to approve: by Commissioner Casterline, motion was seconded by Commissioner Dupnik
Presented by: Dr. Justin Parkoff
Vote: Motion carried 5-0: it was so ordered

9. Discuss, approve or disapprove Order #O-14-2023, an Order of the County of Aransas, Texas, Prohibiting Outdoor Burning for a Period of 90 days – Judge Garza

Motion to approve: by Commissioner Casterline, motion was seconded by Commissioner Dupnik
No discussion
Vote: Motion carried 5-0: it was so ordered

VIII. CONTRACTS AND GRANTS

10. Discuss, approve, or disapprove a subscription agreement with Virtower to install antennas and equipment at the Airport for the purpose of traffic counts and tracking of aircraft at the cost of \$6,000 per year, which expense is eligible for reimbursement at 50% through the Routine Airport Maintenance Program (RAMP) Grant– Mike Geer/Judge Garza

Motion to approve: by Commissioner Rousseau, motion was seconded by Commissioner Chaney
Discussion followed: Mike Geer, Commissioner Chaney, Commissioner Rousseau, the airport advisory board did approve this at their last meeting
Vote: Motion carried 5-0: it was so ordered

11. Discuss, approve, or disapprove allowing the Aransas County Airport to be the site of a Guinness World Record attempt by Global Jet Racing on October 14, 2023 pending an approved safety plan, a signed liability waiver, and liability insurance policy, and which will be a free event open to the public – Mike Geer/Judge Garza

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

Discussion followed: Mike Geer no cost to host this event. Commissioner Rousseau, what time and day would this be held? Making plans for safety and insurance needs. Commissioner Dupnik asked about Marketing and Food vendors and Mr. Geer stated that Global Jet Racing would cover all of that.

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

12. Discuss, approve, or disapprove authorizing County Judge to sign AEP electrical easement document for the new Community Center Plaza and Parking Lot for the Downtown Anchor Project – John Strothman/Judge Garza

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

Presented by: John Strothman, This is an alternate plan, the original plan was for it to be across the street. The move was because of supply chain issues, it could delay the completion from months or even up to a year.

No Discussion

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

13. Discuss, approve or disapprove authorizing County Judge to sign Amendment No. 4 to the Agreement for Architectural, Engineering, and Administrative Services for the Aransas County Courthouse/Downtown Anchor Project with PGAL, Inc. to approve an increase in scope for services related to a fiber optic project and to increase costs by \$4,000 for the Community Building and \$2,000 for the Courthouse – John Strothman/Judge Garza

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

Presented by: John Strothman, this would require only an additional cost to the county of \$2,000, the conduit was in the original plan but the fiber cable was not. Collin Jackson IT Director stated that the original design plan had a note to follow-up with the cable information but it was never done.

Discussion followed: All the Commissioners asked questions and made statements. Collin Jackson IT Director stated that the original design plan had a note to follow-up with the cable information but it was never done. Commissioner Dupnik asked where this money would come from, Mr. Strothman stated that we are still operating with a credit but could come out of the budget. The Community Building will be paid for out of the grant.

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

14. Discuss, approve or disapprove Change Order #8 for the Teal Construction contract for the new Aransas County Courthouse, resulting in an increase in the contract costs of \$8,912.05 for additional structural support at the tower for exterior walls, with zero impact days; an increase of \$5,142.50 for fire alarm requirements, with zero impact days; an increase of \$6,914.60 for light pole to bollards, with zero impact days; and an increase of \$1,780.23 for the time capsule, with zero impact days – John Strothman/Judge Garza

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

Presented by: John Strothman, Mr. Williams, Paul Bonnette, PGAL the Architect

Discussion followed:

1. Tower: Mr. Williams "It needed more support as the floor to ceiling height exceeded the allowable length and we had to add a ring of steel tubing."
Judge Garza "Is this a design issue?"
Mr. Williams "Yes it is a design issue."
Judge Garza "It is almost \$9,000 for another design issue."
Paul Bonnette "Usually the metal stud supplier/manufacture does the calculations, they found that the heavier gauge studs couldn't span that length. They went in and designed some additional support."
2. Fire Alarm: Mr. Williams "They had to move the Fire Alarm Panel from the electrical room because they ran out of space, all of the other panels took up more room than anticipated. Since that box was moved, the feeders that go to the panel had to be extended."
Mr. Bonnette "During the design phase the panels are designated a location but as part of the process the size of the panels can change and the subcontractor may have a certain way they want to lay it out. Since they ran out of room in the designated space they put it on the second floor and a little bit more conduit and wiring was run."
3. Light Pole: Mr. Williams "Due to the deep foundation that was required and underground gas, electrical, and water lines, they elected to go with a shallower footing and three bollard lights. These provide pathway lighting as opposed to the pole mounted light."
Commissioner Rousseau "Why are we not getting credit for the light pole?"
Mr. Williams "It was an ordered item that was already shipped and they don't take returns. Due to additional holes to be dug, the steel that goes into the hole, and the concrete. The only deduction is for the concrete."
Justin with Teal Construction "The deduction was only a few hundred dollars."
Commissioner Dupnik "Is this vehicle or walking access area."
Mr. Williams "It is along the sidewalk on Live Oak Street."
Commissioner Dupnik "We should keep the pole as there are other poles in the area so if it was struck we would have the same type of light pole."
Judge Garza "How many light poles do we have that are not going to be used?"
Mr. Williams "Just this one."
Commissioner Rousseau "I actually like the bollards better than the planned pole as it throws less light pollution."
4. Time Capsule: Mr. Williams "The space was not large enough and we had to make it larger."
5. Mr. Bonnette "The capsule that the County purchased was larger than what we had anticipated. So we found a new spot for it and there was additional work in the wall and a glass panel to be able to view the capsule."
Commissioner Rousseau "Not exactly a question but I want it added to the record. At the last Commissioner's Court meeting I raised some pretty specific questions about the change orders and services that we were receiving, Judge Garza and I met with Mr. Williams and Dr. Broadus to talk about what their role has been and will continue to be and they gave information that I think is important for the taxpayers to know. With the value engineering they worked to get a deduction of almost \$257,000 for the original contracted amount. They found the foundation support piles only had to go 50 feet down not 70 feet. This saved another \$72,000. Also, in looking at the exterior plans called for stucco, stucco does not do well with our weather conditions so they proposed an alternate covering that saved us another \$40,000. That combined with other improvements and assistance that they've

given us on contract negotiations comes out to a savings of almost \$420,000. So I want to thank Mr. Williams, Dr. Broaddus and all of that team for what they are doing. I will continue to attend meetings and ask questions, thank you very much."

5. Judge Garza "At our last meeting Judge McGinnis raised questions about the size of her office for her clerks, called it the 'Horseshoe.' Her concerns were ADA requirements, to see if there is enough room? You all are sure that it meets ADA requirements?"

Mr. Williams "We did some field measurements with John Strothman to confirm what is on the plans. I did call Zane Pond with PGAL to confirm that we do have ADA clearance around that 'Horseshoe' and in fact we do."

Judge Garza "Even with furniture there?"

Mr. Williams and Paul Bonnette both indicated this was a true statement.

Judge Garza "If we are finished with the building and we put furniture in and the requirements aren't there and we have to make a change in order to meet the requirements, will you pay for it or will the designer pay for it? Or will you look into it further to make sure? Are you that confident?"

Mr. Williams "We can look into it further but there should not be any problem because we are showing the furniture on the plans."

Judge Garza "OK"

Mr. Williams "You can see on the floor plan that we have adequate ADA clearance."

Judge Garza "OK"

Jennifer O'Steen "Can you tell me when you were checking for ADA clearance if you were looking for the 36 inch clearance and if so is that with the chair pushed in or with a person sitting in the chair?"

Mr. Williams "That is with the chair pulled out."

Jennifer O'Steen "Was that 36 inches or 32?"

Mr. Williams "36"

Jennifer O'Steen "Is there a place to turn around if somebody was in a wheelchair?"

Mr. Williams "Yes. Paul answer that please."

Paul Bonnette "Yes the recurring layout meets ADA requirements"

Jennifer O'Steen "Is it 36 inches all the way down?"

Paul Bonnette "I'm not sure what you are asking?"

Jennifer O'Steen "Is it at least 36 inches wide for the walkable path?"

Paul Bonnette "Yes, it is"

Jennifer O'Steen "Thank you"

Judge Garza "I just ask that you look more into it see"

Commissioner Chaney "That really didn't answer the question who is going to be responsible for paying for it if it isn't sufficient"

Judge Garza "If it isn't who is responsible?"

Mr. Williams "The design team"

Judge Garza "Right"

John Strothman "It's answered"

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

15. Discuss, approve or disapprove an Interlocal Cooperation Agreement between Aransas County and Gonzales County for Jail Services to alleviate jail overcrowding at the Gonzales County Detention Center on an as needed basis, in exchange for the payments set forth therein, with the Agreement being in effect from the date of execution until December 31, 2024 and for up to Four (4) renewals of One (1) year – Sheriff Mills/Judge Garza

Motion to approve: by Commissioner Dupnik, motion was seconded by Commissioner Rousseau
Presented by Sheriff Mills
Discussion followed: Sheriff Mills “This has been in the works for months and was started because of a contact made by Judge Garza at a conference.”
Commissioner Casterline “Do we receive the same fee as we do from the federal prisoners?”
Sheriff Mills “Yes, all are the same”
Commissioner Rousseau “If there is anything out of the ordinary for medical services, Gonzales County will reimburse us for any charges”
Sheriff Mills “Correct”
Commissioner Chaney “Do we have in our contracts that if the fee changes for the federal prisoners that it automatically changes for everyone?”
Sheriff Mills “No”
Commissioner Chaney “Why is that?”
Sheriff Mills “We never discuss with any of the other entities what others are paying. The federal contract is updated every 5 years.”
Vote: Motion carried 5-0: it was so ordered

16. Discuss, approve or disapprove a Memorandum of Agreement between Cameron County and Aransas County and the Lower Rio Grande Valley (LRGV) Texas Pollutant Discharge Elimination System (TPDES) Stormwater Task Force Partnership, Inc. for membership in the Regional South Texas Coastal Consortium MOA #R-RGV-TF-2023-00025 – Judge Garza

Motion to approve: by Commissioner Rousseau, motion was seconded by Commissioner Casterline
Presented by Judge Garza
Discussion followed Judge Garza “I met with officials from Cameron County and they told me about this consortium. It consists of: Hidalgo, Willacy, Cameron, Refugio, Kleberg, Nueces, San Patricio, Calhoun, Star, and Kennedy Counties as well as Texas A & M Kingsville. This Consortium has a mission to respond to concerns associated with watershed protections and water quality issues. Basically just power in numbers. We are joining this Consortium. Right now there is no money involved, if there is at a later date we will revisit this and bring it back before this court. Any questions?”
Commissioner Rousseau “I think this is a good idea”
Commissioner Dupnik “I am curious how this will compliment what we are doing in the county already, trying to work with the City and the Navigation District?”
Judge Garza “I can’t answer that.”

Commissioner Garza with Cameron County "Thank you, we have found historically that when we try to do something as an isolated county we get overlooked on many issues and opportunities that exist or are available to the coastal area. As a result of that we have formed some coalitions and a few other projects that have been extremely successful. This allows the state to understand the area needs. The South Texas environment and environmental issues that we face are different than many other counties. We need to have representation at the table whether at the legislative level or at the federal level. We have been working with Texas A & M Kingsville on a number of projects, a project that has been at the forefront for an example is GLO either from GOMESA or other funds from the federal government and/or new grants that have come in. We have an opportunity as a region to look at things like our barrier islands, and the importance to the economy of the State of Texas and our local counties. The Maritime Museum report that was presented and showing the visitors that come by, we all want to increase those heads and beds and also protect the environment. With a study that we asked for a letter of support that is a data-driven decision-making tool that Texas A & M at Kingsville and are trying to move forward with the GLO. As a single county after a major event that requires a need to qualify for FEMA dollars on damages, we have a difficult time, sometimes we lose up to ten feet of our shoreline due to erosion. That is never quantified or qualified in a dollar amount. We hope as a region we can as a coastal region do a LiDar study of all of our sand structures and dunes along the coast. Hopefully we will have this when we lose the dunes and have to put a value to them, we will have a tool in place that will allow us to measure what those losses are in dollars if we have to rebuild. Hopefully we will be able to qualify for FEMA restoration funds to redo those dunes that currently are never recovered. In Cameron County there are subdivisions that are totally under water because of erosion. Another aspect is pollutant discharge. Everything runs to our coastal areas and there is opportunity to protect those areas. We want to be supportive of any initiatives that you have in your county as a Consortium. Show those that are responsible for managing funds that impact us all, that we are not acting just as Cameron County or other counties but we are supporting each other in any efforts Coastal Wide in the South Texas area. I can try answer your questions if you have any. We are just trying to put together a group to be a good advocate for the whole region. The more numbers we have the more power we have. The more State Representatives and Senators that are in our Consortium, the better off we will all be to help each other.

Commissioner Dupnik "On the memorandum agreement, page 1, item 1.02, it states: The consortium is designed to oversee Coastal management projects shall oversee externally sponsored projects funded by lists all the different government agencies. I'm curious as we have different projects that are going within the county. Are these subjected to the Consortium?"

Commissioner Garza with Cameron County "Absolutely not, the only projects that would be talked about would be like the one that Texas A & M Kingsville is looking to apply for that will be a regional project for collecting data to help us all. Not interfere with anything being done locally, unless you ask for help. If we have done something in our county that has helped us, and you want to replicate it, we want to

give you whatever information we have and share with you to make it easier. We recently did that with Calhoun County. They had to tweak what we used instead of having to redevelop and pay somebody \$35,000 to develop the proposal. It's all about communication and understanding that our mission is much bigger than just our own little area. Helping each other throughout the South Texas Coastal area.

Commissioner Chaney "Our Cedar Bayou project which was restoration and keeping channels open. If it was damaged by a hurricane or something is that something that ya'll would look at because that could be very helpful."

Commissioner Garza of Cameron County "Yes sir. Once the scope is developed on the Texas A & M Kingsville project there will be other opportunities. We have found that if we don't have data to substantiate what we are trying to apply for grants, it is very difficult to get them funded. Once we have scientifically based data with a good University behind you it makes things easier to be able to substantiate our request and be able to quantify and justify what we can do with the grant awards given to us. What I want is someone that does the work to attend quarterly meetings to listen to what everyone else is doing so if we are missing something we could be taking advantage of for a project such as the Cedar Bayou that you may be able to get included in a grant proposal."

Commissioner Casterline "If we had the LiDar study for the Cedar Bayou to say how high the dunes were when we started, we would have the possibility to get federal funding. We haven't had that."

Commissioner Chaney "I think this really looks good."

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

17. Discuss, approve or disapprove adoption of Resolution R-18-2023, a Resolution of the Aransas County Commissioners Court supporting Governor Greg Abbott's June 11, 2023 Proclamation Renewing the Disaster Declaration as a Result of the Ongoing and Imminent Threat of Disaster in a Number of Texas Counties because of the Surge of Individuals Unlawfully Crossing the Texas-Mexico border: Certifying Compliance with the Open Meeting Act: and Providing for an Effective Date – Sheriff Mills/Judge Garza

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

Presented by Sheriff Mills

Discussion followed: 20 Counties are involved

Governor signed into law funding for law enforcement organizations to get equipment that is not in their budget, but is primarily for salaries. Operation Lone Star is a state grant much like Stone Garden is on a Federal level for interdiction activity. It allows us to recover cost for participating in these operations. Lone Star is a coalition of counties mainly in the coastal areas. Through this operation data is kept about the felons that are taken in, narcotics, guns, and confiscated monies. We cannot do that unless the court adopts this resolution. It is to be renewed annually in order for us to participate.

Through Operation Stone Garden we have developed relationships and out of that we have another Coalitions of Alliance that runs from Kleberg up to Galveston County. Last month we participated with US Marshall Service in

Iron Beam that was a dedicated effort that concluded a week to 10 days ago. Their press release stated that approximately 300 felons were arrested, including 55 arrests in Aransas County. This cooperation and participation allows reimbursement to our county for the deputies that were involved in that effort. Through all of these alliances there is information shared across county lines and zip codes.
Vote: Motion carried 5-0: it was so ordered

IX. PLANNING AND BUDGET

18. Discuss, approve, or disapprove the May 2023 Treasurer's Report – Alma Cartwright/Judge Garza

Motion to approve: by Commissioner Casterline, motion was seconded by Commissioner Chaney
Presented by Alma Cartwright, Aransas County Treasurer
No discussion
Vote: Motion carried 5-0: it was so ordered

19. Discuss, approve or disapprove authorizing the County Judge to sign the County Request for Capital Credits, and submit to the Texas Comptroller, Unclaimed Property Division, and further authorize the County Treasurer to disburse any said funds received from the Texas Comptroller as follows: 100% to the Children's Coalition of Aransas County – Alma Cartwright/Judge Garza

Motion to approve: by Commissioner Rousseau, motion was seconded by Commissioner Dupnik
Presented by Alma Cartwright, Aransas County Treasurer
No discussion
Vote: Motion carried 4-0, Commissioner Chaney was not present to vote: it was so ordered

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

Motion to approve: by Commissioner Casterline, motion was seconded by Commissioner Dupnik
Presented by Jacky Cockerham
None at this time
Vote: Motion carried 4-0, Commissioner Chaney was not present to vote: it was so ordered

21. 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
Presented by Jacky Cockerham
Nothing unusual
Vote: Motion carried 5-0: it was so ordered

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

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

- Betty Stiles “I failed to mention about our Distinguished Service Awards, that this is our 14th consecutive year.”
- Commissioner Rousseau “The Smithsonian Museum announced that Rockport will be one of seven sites for the traveling museum. There is a two year prep but I want to congratulate the Historical Commission, Historical Society and the History Center, the Cultural Arts District also played a role. Also, Tropical Trails, and Sandy Jumper. Several different cities applied, there were only supposed to be six cities selected but Texas had so many great applications they decided to include seven and Rockport is one of them. Again cooperation between different entities can bring great results.”
- It will be in Rockport in 2025

XII. CLOSED SESSION

22. Consider convening into 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:

- 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 need to go into closed session

XIII. OPEN SESSION

23. Reconvene into Open Session

No need to reconvene

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

Nothing to discuss

XIV. ADJOURNMENT at 10:32 AM

Motion to adjourn: by Commissioner Rousseau, motion was seconded by Commissioner Chaney

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



Misty Kimbrough

Misty Kimbrough, Ex-Officio Clerk
of the Commissioners Court

Ray A. Garza, County Judge

