

MINUTES

Aransas County Commissioners Court



9:00 AM – Monday, August 7, 2023

The Aransas County Commissioners Court met on Monday, August 7, 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 \(aransascountytx.gov\)](https://www.aransascountytx.gov), then scroll to the bottom of the page and select the date you wish to view.

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. Fred Crebs - Animal Control - I believe the county has an animal control problem. Re-name from Animal Care to Animal Control Department. Accept all animals brought in, no limitations. Collect the wild stray animals. Hard decisions and unpleasant work to be done but we are aware of what happens when nothing is done. Care about people and control the animals.

V. PRESENTATIONS AND PROCLAMATIONS – None

VI. CONSENT AGENDA

1. Discuss, approve or disapprove the Minutes from the June 13, 2023 Special Meeting – Misty Kimbrough/Judge Garza
2. Discuss, approve or disapprove the Minutes from the June 16, 2023 Budget Workshop – Misty Kimbrough/Judge Garza
3. Discuss, approve or disapprove the Minutes from the July 24, 2023 Regular Meeting Misty Kimbrough /Judge Garza
4. Discuss, approve or disapprove allowing the Aransas County Public Library to declare 139 discarded books as surplus and donate to the Friends of the Aransas County Public Library for its book sale – Iris Sanchez/Judge Garza
5. Acknowledge and accept a donation of \$1,000.00 from Noell Myska for the spay/neuter program for Aransas County Animal Care – Lori Cesar/Judge Garza
6. Acknowledge and record in the minutes of Commissioners Court the value of services donated from Another Chance RFT to Aransas County for June 2023: Veterinary care, medications, spay/neuters, heartworm tests, and vaccines - \$5,930.00; Transportation costs for dogs going to rescue homes in and out of state - \$310.00; Boarding costs for dogs (due to overcrowding at the shelter) - \$756.00; Cremations - \$368.00, with a total value of donated services in June 2023 of \$7,364.00 – Commissioner Rousseau
7. Acknowledge receipt of, and record in the minutes of the Commissioners Court, a Certificate of Completion acknowledging that Commissioner Pat Rousseau completed 12

hours of educational training through the V. G. Young Institute of County Government at the South Texas County Judge and Commissioners Annual Conference – Commissioner Rousseau

Motion to accept the consent agenda: by Commissioner Rousseau, motion was seconded by Commissioner Casterline
Judge Garza noted donations
Vote: Motion carried 5-0: it was so ordered

VII. COUNTY REPORTS, PROCLAMATIONS, AND RESOLUTIONS

8. Discuss, approve, or disapprove the Rockport Cultural Arts District Report for the 2nd Quarter of 2023 – Jennifer Day/Judge Garza

Motion to accept presentation: by Commissioner Rousseau, motion was seconded by Commissioner Casterline
Presented by: Jennifer Day *see attachment of power point*
Vote: Motion carried 5-0: it was so ordered

9. Discuss, approve, or disapprove the Friends of the Fulton Mansion Report for 2nd Quarter of 2023 – Sue Black/Judge Garza

Motion to table presentation: by Commissioner Rousseau, motion was seconded by Commissioner Dupnik
Vote: Motion to table was carried 5-0: it was so ordered

10. Discuss, approve, or disapprove Resolution R-20-2023, a Resolution of Aransas County, Texas, certifying that the County has made a grant to Aransas County Council on Aging, an organization that provides home-delivered meals to homebound persons in the County who are elderly and/or have a disability, and certifying that the County has approved the organizations accounting system or fiscal agent – Debbie Thompson/Judge Garza

Motion to approve: by Commissioner Chaney, motion was seconded by Commissioner Casterline
Discussion followed: Question does the funds come from the Health Care Sales Tax? Yes it does.
Vote: Motion carried 5-0: it was so ordered

11. Discuss, approve, or disapprove the adoption of Resolution R-21-2023, a Resolution of Aransas County, Texas adopting the Aransas County Section 3 and Economic Opportunities Policy; Providing for Repealer and Severability; and Confirming Compliance with the Texas Open Meetings Act – Jacky Cockerham/Judge Garza

Motion to approve: by Commissioner Rousseau, motion was seconded by Commissioner Casterline
Discussion followed: We do not have a Section 3 Coordinator. If we have to have one Eric Smith in the County Attorney's office is recommended
Vote: Motion carried 5-0: it was so ordered

12. Discuss, approve, or disapprove adopting Order #O-15-2023, an Order of Appointment of Election Judges and Alternates, for a one-year term to begin September 1, 2023 – Kevin Stroud/Judge Garza

Motion to approve: by Commissioner Casterline, motion was seconded by Commissioner Rousseau
Presented by Kevin Stroud the Elections Administrator
Discussion followed: Approving this is an annual requirement
Vote: Motion carried 5-0: it was so ordered

VIII. COUNTY ROADS AND FLOODPLAIN

13. Discuss, approve, or disapprove accepting a permanent Twenty Foot (20') wide drainage easement located at 1807 FM 1781, Rockport, Texas, from Elizabeth Ann Beebe and authorizing the County Judge to execute necessary documents – David Reid/Judge Garza

Motion to approve: by Commissioner Rousseau, motion was seconded by Commissioner Dupnik
Discussion followed: the pipe was purchased through ARPA funds
Presented by: David Reid
Vote: Motion carried 5-0: it was so ordered

IX. CONTRACTS AND GRANTS

14. Discuss, approve or disapprove Amendment No. 3 to the RESTORE ACT Sub-recipient Reimbursement Contract No. 582-21-22184 with the Texas Commission on Environmental Quality (TCEQ) for the Bay Shore Erosion Mitigation project to extend the expiration date of the existing contract with the Texas Commission on Environmental Quality from October 31, 2023 to April 30, 2024 plus the revision of certain Terms and Conditions – John Strothman/Judge Garza

Motion to approve: by Commissioner Rousseau, motion was seconded by Commissioner Dupnik
Presented by: John Strothman
Discussion followed: This just formalities for TCEQ & other agencies to move forward with the project
Vote: Motion carried 5-0: it was so ordered

15. Discuss, approve, or disapprove the proposal from VG Architects and enter into a contract for VG Architects to provide architectural services for a new Aquarium at Rockport Harbor, which services will include estimating cost, permitting, and construction administration for the cost of \$7,200.00 [Typed 07-24-2023] – John Strothman / Judge Garza

Motion to approve: by Commissioner Casterline, motion was seconded by Commissioner Chaney
Discussion followed: Corrections made to the contract. Reduce the hourly rate, fixed an error. Question about compensation for reimbursable expenses: some services state they are included, are these expenses payable for the services that are included or are they in addition to those included? It states 8 visits to the site that are included, so are still going to pay reimbursable on those visits? Yes. We do that for other entities as well. Is the County Attorney satisfied with this version of the contract? The errors were fixed and as for reimbursable we do normally that for Professional Services. This would be cost of travel, hotel, gas, and food.
Presented by: John Strothman
Vote: Motion carried 5-0: it was so ordered

16. Discuss, approve or disapprove Change Order No. 9 between Aransas County and Teal Construction, which consists of two contractor change proposals including the deletion of B-3574 seat cover and paper dispenser and adding B39029, a surface-mounted unit, and installing new T-RFI#0174 West Canopy Light Fixture; total cost of both changes is \$748.00 with zero (0) days impact – John Strothman/Judge Garza

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

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

17. Discuss, approve, or disapprove Amendment No. 1 to the Consulting Agreement between the Grant Connection and Aransas County dated May 26, 2020, for grant administration services for the Bay Shore Drive Project to extend the term of the Agreement from May of 2023 to December 31, 2024, and to increase the compensation by \$170,695.81, for additional services, which contract shall be funded through the RESTORE ACT Sub-recipient Reimbursement Contract No. 582-21-22184 with the Texas Commission on Environmental Quality (TCEQ) for the Bay Shore Erosion Mitigation Project – John Strothman/Judge Garza

Motion to approve: by Commissioner Casterline, motion was seconded by Commissioner Rousseau – amended motion to new totals.

Jennifer O’Steen Assistant County Attorney made a correction in the dollar amount to be \$170,695.81, this is an increase of \$70, 695.81. We do not have an agreement with City as yet but it is understood that the County will pay this then be reimbursed by the City.

Presented by: John Strothman

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

X. PLANNING AND BUDGET

18. Discuss, approve, or disapprove the July 2023 Indigent Health Care Report – Alma Cartwright/Judge Garza

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

Discussion followed: Question about page 3 – Jail Non-Indigent Health Care, we do reimburse that from the Health Care Sales Tax.

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

19. Discuss, approve, or disapprove the selection of Option A – No Change on the Texas Department of Motor Vehicles (TxDMV) Imposition of Optional Fees Form, a fee imposed under Transportation Code, *Section 502.403* on local vehicle registrations that is used for the provision of child safety measures in Aransas County, where Aransas County will charge the same fee, a \$1.50 Child Safety Fee and a \$10 Road and Bridge fee, for calendar year 2024 – Anna Marshall/Judge Garza

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

Discussion followed: This is an annual requirement / no change / we have it set at the max we can charge. Further discussion.

Presented by: Anna Marshall

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

20. Discuss and receive information concerning any budget issues for the 2024 Budget Year – Jacky Cockerham/Judge Garza

Discussion item

- Have there been any changes since the last meeting? Yes.
- Judge Garza will be presenting to Commissioner Court tomorrow to go the highest we can for the increment voter approval rate without an election.
 - The budget without this has at a \$4,500,000 deficit coming out of our General fund balance that would bring it down to around \$2,000,000 and we can't do that. We are making cuts to try to help alleviate this deficit.
 - Discussion about the voter approval rate increments, see video.
 - Using these increments allowed will still leave us in the hole about \$800,000.
 - We will discuss more tomorrow at our Budget Workshop at 9:00 AM

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

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

Discussion followed: There are none at this time.

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

22. 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 Chaney

Discussion followed: There are none at this time.

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

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

Commissioner Chaney – Transfer Station has greatly improved since Elle Moralez has taken over that department. Just wanted to compliment her and her staff for their service.

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

Animal Care Adoption Event report – Lori Ceasar

- It was a very successful event, 6 adoptions, 26 moved to Another Chance Rescue, and 3 or 4 to foster care. That will bring our numbers to about ½ of what they were.
- This department has regular working hours, no evenings or weekends unless there is an emergency. Concerning wild animals, the momma possum that died and left babies, our shelter cannot take them as we are not a certified wildlife rescue. There is not one in our county. We did get in touch with Port Aransas and we transported them over there, all 7 of them are over there.

XIII. CLOSED SESSION

23. 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. *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

XIV. OPEN SESSION

- 24. Reconvene into Open Session

Did not go into closed session

- 25. Discuss and take action on matters discussed in closed session – Jennifer O’Steen/ Judge Garza

Did not go into closed session

XV. ADJOURNMENT

Motion to adjourn: by Commissioner Rousseau, motion was seconded by Commissioner Casterline
Vote: Motion carried 5-0: it was so ordered
Meeting adjourned at 9:50 AM

ARANSAS COUNTY COMMISSIONERS’ COURT



Misty Kimbrough

**Misty Kimbrough,
 Ex-Officio Clerk of the Commissioners Court**

Ray A. Garza

Ray A. Garza, County Judge

