

ORIGINAL

MINUTES OF THE

COMMISSIONERS' COURT

REGULAR MEETING - OCTOBER 23, 2017

On the 23rd day of October, 2017, there was a Regular Meeting of the Commissioners' Court at the Aquarium at Rockport Harbor Education Center, 702 Navigation Circle, Rockport, Aransas County, Texas, with the following members present: **C. H. "Burt" Mills, Jr.**, County Judge; **Jack Chaney**, Commissioner, Precinct 1; **Leslie "Bubba" Casterline**, Commissioner, Precinct 2; **Brian Olsen**, Commissioner, Precinct 3; **Betty Stiles**, Commissioner, Precinct 4; and **Valerie K. Amason**, County Clerk.

Other County Officers present were **Jerry Brundrett**, County Surveyor; **Kristen Barnebey**, County Attorney; **Alma Cartwright**, Treasurer; **Pam Heard**, District Clerk; **Suzy Wallace**, Interim County Auditor; **Bill Mills**, Sheriff; **Lynn Doane**, Administrative Assistant to the County Judge; **Sue Pash**, Chief Deputy Treasurer; **David Reid**, Road Administrator/Drainage Engineer/Stormwater Management Engineer; **Jacky Cockerham**, Assistant County Auditor; **Collin Jackson**, IT Director; **Pat Rousseau**, Human Resources Director; **Rene Butler**, Maintenance Director; **Michael Geer**, Airport Manager; **Valerie Gonzalez**, Interim Environmental Health Director; **John Strothman**, Pathways Project Manager; **Diana Espinoza**, Drainage Engineer; **Michele Bennett**, Elections Administrator; **Iris Sanchez**, Head Librarian; **John Gutierrez**, Chief Deputy Sheriff; **Diana McGinnis**, Justice of the Peace, Precinct 2;

Members of Local City Government, Community Groups and other Interested Parties present:

City of Rockport Council Members: **C. J. Wax**, Mayor; **Barbara Gurtner**, Ward 4;

Rockport Center for the Arts: **Luis Puron**, Executive Director;

Rockport Maritime Museum: **Kathy Roberts-Douglas**, CEO;

The Aquarium at Rockport Harbor, Inc: **Christopher Mace**, President;

Mike Probst, Editor and Publisher of the Rockport Pilot Newspaper;

The Meeting was convened at **9:00 a.m.** at which time a quorum was declared by Judge Mills, WHEREUPON, the following proceedings were had and done to wit:

CITIZENS TO BE HEARD

Jaye Lynn Turnbow, 1 Circle Lake Drive, Rockport - Read written statement (see attached).

Linda Holzman, 338 Spanish Wood Drive, Rockport - I yield.

Wendy Laubach, 37 Bee Tree Circle (Lamar), Rockport - I've been a Lamar resident since 2005, as you can imagine, living near the coast, we are continuously making improvements on our home so I was a little nonplussed to discover that there was a permitting process that I had not heard of before. I immediately went and tried to look it up and I was somewhat relieved to find on the County's website a statement that "as long as the repairs that I was proposing to do was not expected to cost half the value of the structure I was repairing, I was not obligated to get a permit", so I thought that was pretty much the end of it. When I looked into it a little further, and heard that the reason we even had a new permitting policy was there was a concern about

keeping FEMA and the National Flood Insurance Program benefits available to the whole county. From what I have read I think FEMA, at most, requires that permits has to do with most houses that are being renovated to a substantial degree, which means repairs equal to half the value of the house being repaired. In other words, you don't need a permit as far as FEMA is concerned. I hope, as far as the county is concerned, every time you want to fix a broken window or repair your front door knob, there should be a bright line for minor repairs that you can always do without worrying that you are violating a permit requirement and be subject to sanctions of contempt by commissioners' court, which is the penalty. So I was relieved to see on the County's website that there is a 50% rule, then I started to hear from neighbors, the County Inspectors were driving around, coming on the worksites and shutting down repairs, even when they were nowhere near the 50% of the value of the house, so again I became concerned, I thought maybe I just missed something, maybe there's another law that we haven't heard about and several of us tried to contact the county commissioners and asked "where is this coming from, we are looking at the language, the cost has to be 50% of the value of the structure", why would there be a permit for something smaller? We got nothing back, sometimes we heard, well we interpret the words differently, it's in plain English, it states 50%. We asked for something in writing and we got nothing more than the rule, so having struck out trying to find out informally what the requirement really is, we decided to come to this meeting today. I understand that you can't answer any of our questions today but I do think it's completely appropriate for citizens to ask the Commissioners today to ask you formally.

Please provide the public with a formal and definitive statement of what the rule is for permits and if you are going to take the position that we have to get permits every time we want to make a repair, please point us to the law on the books. Right now money is really scarce, Aransas County has never been a rich county and they have never had a lot of revenues, now something like a quarter of the revenue base has been shot away because houses will be appraised downward, and because very few businesses are operating, there is very little income coming in from hotels and restaurants, there's hardly any sales tax coming in, it's hard to get the economy up and moving again. This is a time when a lot of people are demanding a lot of expensive services that is out of the ordinary, all that wonderful trash removal that the county has been doing, it's an expensive and difficult time, it just does not seem like a good time to implement new an intrusive regulatory structure that's going to cost us a lot of money and require the county to spend huge amounts of public money, somebody has to pay all these inspectors driving around and shutting down our repairs and reviewing our applications and see if we qualify or not, it's just a bad time for that kind of move, thank you.

Judge Mills: Thank you and I appreciate all of the input.

CONSENT ITEMS

Item #4 was pulled from the Consent Items: Discuss, approve or disapprove designating the City Service Center at 2751 SH 35 Bypass, Rockport, TX 78382 as an Auxiliary Courtroom for District and County Courts.

Motion was made by Commissioner Olsen and seconded by Commissioner Chaney to approve:

1. Discuss, approve or disapprove the Minutes from the Emergency Meeting of September 27, 2017 & the Regular Meeting of October 9, 2017.
2. Discuss, approve or disapprove Resolution R-25-2017 for the 2018 Indigent Defense Grant Program.
3. Discuss, approve or disapprove accepting donations made to Jeri Cox, Tax Assessor Collector, and staff from Dallas County Tax Office staff.
4. Pulled.
5. Discuss, approve or disapprove the Front Steps to the Aquarium at Rockport Harbor Education Center, 706 Navigation Circle, Rockport, TX be designated as the area where sales of real property under a power of sale conferred by a Deed of Trust or other contract lien are to take place under VTCA Property Code Sec. 51.002 as amended by H.B. No 1504, 70th Legislature - Regular Session to be effective January 1, 1988.

COUNTY REPORTS

6. Motion was made by Commissioner Chaney and seconded by Commissioner Casterline to approve 3rd Quarter 2017 HOT Funds Report for the Maritime Museum.

Question. Motion carried unanimously.

It is so ordered.

7. Motion was made by Commissioner Olsen and seconded by Commissioner Casterline to approve 3rd Quarter 2017 HOT Funds Report for the Rockport Art Center.

Question. Motion carried unanimously.

It is so ordered.

(Inserts)

8. Motion was made by Commissioner Olsen and seconded by Commissioner Stiles to approve 3rd Quarter 2017 HOT Funds Report for the Aquarium at Rockport Harbor.

Question. Motion carried unanimously.

It is so ordered.

CONTRACTS, AGREEMENTS & GRANTS

9. Motion was made by Commissioner Chaney and seconded by Commissioner Casterline to approve authorizing the County Judge to sign an application for Rebuilding Texas Libraries Grant.

Question. Motion carried unanimously.

It is so ordered.

10. Motion was made by Commissioner Chaney and seconded by Commissioner Stiles to approve authorizing the County Judge to sign an Agreement for Interim Disaster Recovery Consulting Services by and between Strategic Government Resources and Aransas County, Texas.

Question. Motion carried unanimously.

It is so ordered.

11. Motion was made by Commissioner Casterline and seconded by Commissioner Olsen to approve authorizing the County Judge to sign Routine Airport Maintenance Program (RAMP) Grant for fiscal year 2018 through which the county airport will receive 50% reimbursement for up to \$100,000 spent on eligible airport maintenance and designate Mike Geer as County Representative.

Question. Motion carried unanimously.

It is so ordered.

(Inserts)

12. Motion was made by Commissioner Chaney and seconded by Commissioner Olsen to approve authorizing the County Judge to sign the Contract Labor Agreement to hire Mike Koerner as Director, Long-Term Recovery for Aransas County/Assistant Emergency Management Coordinator.

Question. Motion carried unanimously.

It is so ordered.

13. Motion was made by Commissioner Olsen and seconded by Commissioner Casterline to approve accepting and awarding Sheriff Office Replacement Vehicle Bids.

Question. Motion carried unanimously.

It is so ordered.

14. Motion was made by Commissioner Chaney and seconded by Commissioner Stiles to approve Memorandum of Understanding (MOU) between the Texas Department of Transportation (TxDOT) and Aransas County for the debris removal process in the county on state right of way on SH 35.

Question. Motion carried unanimously.

It is so ordered.

PLANNING & BUDGET OFFICE

15. Motion was made by Commissioner Casterline and seconded by Commissioner Stiles to approve the Library applying for a \$100 Gift Card from HEB.

Question. Motion carried unanimously.

It is so ordered.

(Inserts)

16. Motion was made by Commissioner Casterline and seconded by Commissioner Chaney to **TABLE** Preliminary Closing of Block 276 of the Manning Addition.

Question. Motion carried unanimously.

It is so ordered.

17. Motion was made by Commissioner Chaney and seconded by Commissioner Stiles to approve the proposed new job description for HVAC Maintenance Technician. This position will upgrade one of the regular Maintenance Technicians. The new pay group for the HVAC Maintenance Tech will be Pay Group 15.

Question. Motion carried unanimously.

It is so ordered.

18. Motion was made by Commissioner Casterline and seconded by Commissioner Olsen to approve authorizing the County Sheriff to seek bids for Replacement based on RFQ to tower builder to replace the radio tower destroyed during Hurricane Harvey.

Question. Motion carried unanimously.

It is so ordered.

19. Motion was made by Commissioner Chaney and seconded by Commissioner Olsen to approve the County Sheriff to seek bids for Replacement for Radios for Patrol Cars and Hand Helds destroyed during Hurricane Harvey.

Question. Motion carried unanimously.

It is so ordered.

20. Motion was made by Commissioner Stiles and seconded by Commissioner Olsen to approve request of Election Administrator to pay Joy Dias for her compensatory time at her current rate.

(Inserts)

Question. Motion carried unanimously.

It is so ordered.

21. Motion was made by Commissioner Chaney and seconded by Commissioner Olsen to approve September 2017 Treasurer's Report.

Question. Motion carried unanimously.

It is so ordered.

22. Motion was made by Commissioner Olsen and seconded by Commissioner Casterline to approve Treasurer's 3rd Quarter 2017 Investment Report.

Question. Motion carried unanimously.

It is so ordered.

23. There were no Budget Line Item Transfers.

24. Motion was made by Commissioner Casterline and seconded by Commissioner Olsen to approve Accounts Payable and Payroll/Payroll Liabilities.

Question. Motion carried unanimously.

It is so ordered.

(Inserts)

REPORTS FROM COMMISSIONERS, ELECTED OFFICIALS &

DEPARTMENT HEADS WHEREIN NO ACTION WILL BE TAKEN

Sheriff Mills: I just want to make a comment to verify when we started the meeting we talked about Court locations at Bee County and San Patricio County. I did get a correspondence from Judge Whatley Friday clarifying that we feel like at the initial part of the storm we housed prisoners in San Pat that were being arrested in Aransas County the first two or three weeks. Some ended up in Bee County and some in San Pat, which the capacity

was holding over and those two court locations were set up only as a convenience of not having to haul them anywhere else but that they could do arraignments and pre-trial motions for those defendants that were in jail at that time, so there was never any intent and my objection would have been is that I don't intend to haul prisoners to San Pat or Bee for court and that was clarified as well on Friday that I would object to hauling prisoners now that we have all the inmates back here in Aransas County.

Judge Mills: Ok, thanks for that clarification.

Pat Rousseau: Well this is my final Commissioners Court as the Director of Human Resources. I just want to say I have mostly enjoyed my time here and the challenges and opportunities that I've been offered and I'll be back but I won't be the Director of Human Resources. So thank you.

Judge Mills: Thank you and thank you for all you've done for the County.

Michele Bennett: I just want to remind everyone that early voting starts today for Constitutional Amendments and Election Day is November 7th.

Judge Mills: Oh wow, thanks for reminding me.

Jeri Cox: For those of you that don't have Mortgage Companies, you probably received your tax statements on Friday or Saturday. Those that have mortgage companies, they go direct to the mortgage company for payment. So it's about time, the phone started ringing Friday morning early, lots of questions, the tax statements are January 1, 2017 value, but the State does allow a disaster payment plan because we are in the affected counties.

The payment plan is divided into four equal payments with no penalties and interest, if it is a homestead structure, also small businesses qualify for it. I do have on the Aransas County website, under the Tax Collector page, the disaster payment plan and an explanation of the plan and it's real similar to the over 65 plan that is effect. My staff is there so if you have any questions just give us a call.

Judge Mills: Thank you.

Commissioner Chaney: I wanted to say just one thing, I went out to the Transfer Station the other day and as you go in the young gentleman and the lady at the gate stops you, and when I walked up there, "Mr. Chaney, how are you doing?" I said fine, he said let me see your driver's license, so I was really impressed that it doesn't matter who you are you still have to show that driver's license and sign in. Valerie (Gonzalez), I want to thank you, publicly, for all the work that you've done and you have a really good crew out there, and you've stayed on top of everything, and we would not be near as far along if we did not have the help of the staff, Animal Control, Environmental, Road & Bridge, the Sheriff, and I want to personally thank all of the **departments.**

Judge Mills: I join in on that, thank you very much.

Jerry Brundrett: I woke up at one o'clock this morning thinking about all of this and what came to mind was that somewhere around ninety eight years ago, in July 1919, we were hit by a major storm, Rockport was hit, Aransas County area. We've heard different reports, back then they didn't categorize them, but it was a major storm, we probably had 9 or 10 foot of water through downtown. I have pictures of what Main Street looked like, but

we were really blessed in this storm that we didn't have tide surge, it went more to the north and the people on the west side of the Peninsula we're finding out, when the wind changed out of the west it pushed Copano Bay across the west side and they took a bad hit, got a lot of water damage, but at that time the attitude at the 1919 storm was that we were going to rebuild and back in that period of time boats were made of wood, men were made of steel and those men of steel rebuilt this community to what we have today. So, we have men of steel today that can rebuild this community, we have to have a positive attitude that it can be done and it will be done. We're going to be back to where we were prior to the storm but we have to be men and women of steel that are ready to step forward and take on the task. We came back from that storm and we'll come back from this one, hopefully it won't take ninety eight years.

Commissioner Chaney: One other thing, along with that, I would like to publicly thank Judge Mills for the amount of time that he went through and I'm glad to see you smiling.

Suzy Wallace: September's numbers compared to year-to-date September last year, J.P. 1 is down \$17,172.09, J.P. 2 is up \$24,966.94, District Clerk is up \$209.28, County Clerk is down \$601.53, Sheriff's Office is up \$942.92 and Animal Control is down by \$1,587.00, so the year-to-date from September last year to September this year we are up \$6,758.52

The Court entered into closed session at 9:53 a.m. to discuss and review potential litigation issues and other matters covered by the attorney-client privilege pursuant to Texas Government Code Section 551.071(1)(a); and to discuss real estate negotiations, including Pathways Projects pursuant to Texas Government Code Section 551.072; and resumed Open Meeting at 10:40 a.m. with all members present, and further proceedings were had and done to wit:

No further business presenting, the Court adjourned at 10:41 a.m. on a motion made by Commissioner Stiles and seconded by Commissioner Casterline.

C. H. "BURT" MILLS, JR., COUNTY JUDGE

VALERIE K. AMASON,
EX-OFFICIO CLERK OF THE
COMMISSIONERS' COURT