

COMMISSIONERS COURT  
Aransas County, Texas

# MINUTES



## Aransas County Commissioners Court

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9:00 AM – Monday, October 23, 2023

The Aransas County Commissioners Court met on Monday, October 23, 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.

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 AND CONFIRMATION OF QUORUM**

**IV. CITIZENS TO BE HEARD**

- Jen Joslin – 109 Lee Circle, Rockport, TX  
Overcoming Challenges – Teacher for 26 years, I took the day off to be here. As a teacher my theme is facing challenges and overcoming obstacles. However my passion is dog rescue. This last week has been stressful but we got through it with a lot of help from the community. I just want to personalize and talk about a couple dogs. I started with Ms. Neel in Jan. of 2017. One of the dogs, Finnegan, I first worked with was rescued and wen to California, it was rough to get a crate, flight, and transport but we did it. I'm still in contact with the owner. Then Bandit and Rosco who had Parvo in the summer of 2017, I spent \$750, they were pulled from the shelter got them treatment, then Harvey hit and I evacuated with them, three cats, and four of my own pets. Nine animals in a hotel for a couple of weeks was challenging but we did it. Those dogs survived and ended up in Iowa, and they are safe. Next is Chex, pulled from the shelter a few months ago who had Parvo. Dr. Mercer helped get meds going, I stayed up nights giving subq. fluids and feeding with a syringe, he survived and got adopted this past Saturday after they met him at the event at the Winery last week end. Patty who is sitting in my living room as we speak. I pulled her from the shelter at the end of May when we were starting to get full. She was spayed and recently finished Heartworm treatment and leaves on Thursday for transport to Iowa. The last is Axel who was found in a ditch in Lamar. He had an injury to his leg that led to an amputation of his leg. We sent him to an Emotional Rescue in Minnesota who take in, wheelie and paralyzed

pups. A gentleman in Arizona saw a picture, booked a plane, a hotel, a rental car and went to Minnesota. He called and said maybe it's not meant to work out, they will not take my credit card. He was a recent widow and because he had not switched out his cards he could not rent a one-way rental car. I contacted the rescue, they picked him up, sold him a SUV, he and puppy drove back to Arizona. He sends me updates and the pup is doing well. My point is we have challenges but we can overcome them. We are not asking for money, Ms. Neel does not even know I'm here, we are asking for time. I invite all of you to come to the shelter and put a face on these animals. Thank you.

Deidra Ciriello – statement read by Commissioner Rousseau  
Deidra Ciriello, 2615 Hwy 35 N, Rockport, TX

Comment: I am pleased to report that a petition encouraging no kill efforts at the County shelter has already gained more than 700 signatures - with more signatures coming in each day. The petition expresses support for the County's steps over the past several years to reduce euthanasia for space at Aransas County Animal Care and respectfully encourages the County to continue to work to save as many animal as possible and strive to make the facility a no kill shelter. The strong showing of initial support demonstrates that County residents support County efforts to continue the course of reducing euthanasia for space. I commend both the County for its efforts and Aransas County residents for their concern and compassion. I would be remiss to mention the reduction in euthanasia at the County shelter without giving special thanks to local rescues Another Chance and Cat Tales as these 2 groups have saved over 4000 animals at the County shelter over the last five years with Another Chance saving over 2000 dogs and Cat Tales saving over 2000 cats.

- Lowell Rothschild – statement read by Commissioner Rousseau  
Lowell Rothschild, 2615 Highway 35 N, Rockport, TX

Comment: I would like to commend Wendy Laubach on her leadership in drafting the volunteer agreement for the Aransas County Animal Control volunteers. Within two weeks of taking on the agreement, she drafted a document that was legally sound, appropriate in scope for its intended purpose and agreeable to the volunteers. Her agreement protects the interests of the County, County employees, volunteers, taxpayers and the animals at the County Animal Control. She should be commended for her hard work, service and dedication to the County.

- Wendy Laubach – statement read by Commissioner Dupnik  
Wendy Laubach, 37 Bee Tree Circle, Chair, Animal Welfare Committee  
appointed by Judge Garza.

“This last week was a whirlwind, most of which I could follow only remotely from my sickbed as many others leapt into action to save 17 county shelter dogs identified as at risk of death on Thursday, Oct. 26. Thank goodness safe places were found for all of the dogs on the “List,” and by my unofficial count more than a dozen other dogs were adopted as well.

“I am extremely grateful to the county, to the rescue organizations, and to the citizens of Aransas County for their roles in this success. The county is making changes in the shelter's operations that should help us turn this terrible tide of shelter crowding, and the resulting risk of death to healthy young dogs. In a week or two, for instance, the shelter will begin to open on Saturdays for adoptions. It is also limiting intake until crowding

subsidies. For their part, the rescue groups worked incredibly hard to place many dogs. The public also stepped up and adopted more dogs, especially puppies who badly needed a home to finish growing up in.

"Unfortunately, the shelter is still critically overcrowded. That means the rest of the healthy young dogs there are still at risk. Our shelter is very small for a county of our size. Under ideal conditions it should hold only something like 35 dogs. At the crisis a week or two ago, the population had topped 70.

"I plead with my neighbors in this county to keep up the good work until we can get the shelter population down to a safe size without resorting to euthanasia. I also plead with my neighbors to spay and neuter their pets. Just one or two abandoned litters can push the shelter over the edge from marginal conditions to dangerously crowded. Please remember that, just as euthanasia should be a last resort, so should dumping animals into the shelter.

"Your pets are living creatures who are your own responsibility. The county shelter should be concentrating on animals that pose a threat to the public, or who are seriously endangered. The shelter is nowhere near big enough to take in every animal that has become a burden as a result of an unintended litter, a change of job or address, the breakup of a couple, or the death of an owner. Please step in and do your part for your own pets and even those of your struggling friends and family."

**V. PRESENTATIONS AND PROCLAMATIONS**

1. Proclamation #P-18-2023, recognizing November 11, 2023 as Aransas County Arbor Day – Debbie Griffith/Judge Garza

**Motion to accept presentation and issue Proclamation:** by Commissioner Rousseau, motion was seconded by Commissioner Dupnik

**Read by:** Debbie Griffith

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

2. Proclamation #P-19-2023, recognizing October 2023 as Breast Cancer Awareness Month – Sheriff Mills/Judge Garza

**Motion to accept presentation and issue Proclamation:** by Commissioner Rousseau, motion was seconded by Commissioner Casterline

**Read by:** Tracy Orr Smith

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

**VI. CONSENT AGENDA**

3. Discuss, approve or disapprove the Minutes from the October 9, 2023 Regular Meeting – Misty Kimbrough/Judge Garza

**Donations**

4. Acknowledge and accept a donation of \$75.00 from the Rockport-Fulton Chamber of Commerce to Aransas County Pathways for attending the 35th Annual HummerBird Celebration as an Outdoor Exhibitor - Jennifer Heard/ Judge Garza

**Motion to accept the consent agenda:** by Commissioner Casterline, motion was seconded by Commissioner Rousseau

Judge Garza read Item 4 aloud and acknowledged the donation

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

**VII. COUNTY REPORTS, ORDERS, AND RESOLUTIONS**

5. Discuss, approve or disapprove Resolution #R-29-2023, a Joint Resolution for Joint Primary Election to be held on March 5, 2024 and for the Joint Primary Runoff Election, if necessary, to be held on May 28, 2024 - Kevin Stroud/Judge Garza

**Motion to accept resolution:** by Commissioner Casterline, motion was seconded by Commissioner Chaney

**Discussion followed:** Kevin Stroud stated that today is the 1<sup>st</sup> day of early voting, hours are Mon.-Fri. 8-5 & Sat. 9-2. This resolution gives the opportunity to hold our primary election jointly. This is what we have done in the years past for primary elections.

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

6. Discuss, approve or disapprove the 3rd Quarter Report for Rockport-Fulton Chamber of Commerce – Shanon Biggerstaff/Shelly Stuart/Judge Garza

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

**Presented by:** Shelly Stuart

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

7. Discuss, approve or disapprove the 3<sup>rd</sup> Quarter Report for the Friends of the History Center of Aransas County – Pam Stranahan/Judge Garza

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

**Presented by:** Pam Stranahan

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

**VIII. COUNTY ROADS AND FLOODPLAIN**

8. Discuss, approve or disapprove request for a variance on County minimum lot size requirements at 455 Misty Oak Lane to replat two lots into one lot – Katherine Comeaux/Judge Garza

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

**Discussion followed:** Katherine Comeaux – this is to be more compliant with septic

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

9. Discuss, approve or disapprove a request for a variance on County minimum lot size requirements at 391 & 392 Charlotte Drive to replat two lots into one lot - Katherine Comeaux/Judge Garza

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

**Discussion followed:** Katherine Comeaux – this is to be more compliant with septic

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

10. Discuss, approve or disapprove Order #O-24-2023, an Order petitioned by Kimberly Morales, closing, abandoning and vacating a 50-foot roadway on the East by Block Numbers 436 through 443, Manning Addition, Aransas County, Texas – Elizabeth Brundrett/Katherine Comeaux/Judge Garza

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

**Discussion followed:**

Commissioner Dupnik – I would like to allow amending these orders to allow for any existing overhead or underground utilities.

Katherine Comeaux – These have utility easements that are being retained so any easements would stay. This is only for the roadway and the alleyway to be abandoned.

Commissioner Dupnik – so we are addressing that?

Katherine Comeaux – yes sir.

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

11. Discuss, approve or disapprove Order #O-25-2023, an Order petitioned by Will Kiker closing, abandoning and vacating a 61.5-foot roadway between Blocks 436 & 437, Manning Addition, Aransas County, Texas – Elizabeth Brundrett/Katherine Comeaux/Judge Garza

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

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

12. Discuss, approve or disapprove Order #O-26-2023, an Order petitioned by Will Kiker, closing, abandoning and vacating a 20-foot alleyway in Block 436, Manning Addition, Aransas County, Texas – Elizabeth Brundrett/Katherine Comeaux/Judge Garza

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

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

**IX. CONTRACTS AND GRANTS**

13. Discuss, approve or disapprove Change Order #10 requested by Teal Construction Company, Corp., for the Contract for the Construction of the Aransas County Courthouse dated February 28, 2022, which consists of the following changes: **CPR 46** – install rigid insulation at clock tower, install fluid-applied air barrier over sheathing at new window openings, install vapor barrier flashing at base of wall and windowsills for new window opening, install flexible stainless steel flashing at window sills for new window openings, add five (5) type F windows, deduct five (5) type G doors, deduct five (5) frames at elevation FF, install two (2) EME3625DFL-HP wind driven rain resistant louvers, infill four (4) doors at balconies with brick and cast stone sills - Add \$25,192.09; **CRP69** – change wood species from Accoya to Fir for Thermory brackets - Deduct \$15,150.00; **CPR70** – add a CO-1A-1 breaker - Add \$440.00; **CPR71** - remove behind letters illumination for exterior building letters - Deduct \$7,210.00; and extend the date for Substantial Completion to January 31, 2024; with all changes resulting in a net increase to the Contract in the amount of \$3,272.09 for a new total cost of \$23,540,351.78 – John Strothman/Judge Garza

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

**Discussion followed:** John Strothman - # 46 is a combination of things. We are tweaking as we go. Insulation in the Clock Tower and the louvers were added by the

Architects to provide better ventilation. The big thing was the 5 balcony doors that could not meet Windstorm standards. We eventually made a decision to go with a window. # 69 the previous brackets were hard to get, expensive so we opted to go with the fir and will be just as durable and cheaper. A breaker that was missed in the designs. Lights for the lettering: originally were going to be behind the lettering but that is a maintenance issue so we decided to have a light going up on the lettering from the ground. # 46 we battled to get this down from \$57,000 to \$25,192.09. Commissioner Dupnik – it states “install rigid insulation” were they not going to install insulation?

John Strothman – there was none designed on the drawing.

Commissioner Dupnik – 1. What percentage of change orders has the general contractor rejected?

John Strothman – I don’t know that number. That doesn’t usually come to us. It doesn’t seem like much.

Commissioner Dupnik – 1. It concerns me that it appears that they are rubber stamping the change orders because it’s an advantage to them also as they get administrative fees. 2. What happens if the court doesn’t approve a change order? John Strothman – then we have 5 openings with no doors or windows. In general, if we get to this point we have gone over it a thousand different times.

Commissioner Dupnik – in other words it’s critical.

John Strothman – yes. Some of these change orders have been battled for months.

Commissioner Rousseau – the first one is CPR 46 and the rest are in the 70’s. Some of the construction meetings I’ve attended we are now at about 76. My concern is that a design team should know what Windstorm requirements are if they have the chutzpah to bid on building that are in a Windstorm area all along the coast, and can’t be a surprise in Texas that we are in a Windstorm conditions. So, the fact that the doors didn’t meet the Windstorm requirements, to me, is unacceptable by the design team. I know that there are other change orders that we have had to swallow and approve because the design team didn’t notice something. I’m hoping that we are tracking that so that when we’re looking at final payments to the design team we can visit about how much they have cost us.

Judge Garza – the Court and my concern is all these changes were design issues, or a lot of the changes I’m seeing.

John Strothman – something initiates the change.

Judge Garza – some of the doors that we changed to windows I thought was a big win, because we thought we were saving money but we are going to be paying \$10,000 more because of the framing and window seal. Is the lighting on City Hall going to be the same?

John Strothman – Mark Williams from Broaddus makes sure that they are consistent.

Judge Garza – they forgot a breaker and we have to pay for it. Substantial completion, was January 31<sup>st</sup> and are discussing moving it back to late April.

Jennifer O’Steen – do you know if we’ve been given credit for all of the items that have been removed?

John Strothman – as far as I know yes.

Commissioner Dupnik – they eliminated energy efficient lighting and because of that led to additional cost savings plus county could have gotten credit for that and we failed to do that. So that should be brought up.

John Strothman – everything is LED inside the building. We are not “Energy Star”

Jacky Cockerham – We will not qualify for some of the discounts Commissioner Dupnik is talking about. They do require it to be “Energy Star”.

Commissioner Dupnik – that would have saved us money long-term. Things like that should be brought up when we do a final closure.

John Strothman – we made decisions early on in the design phase about whether we were going to be LED or “Energy Star” building. We didn’t choose to go with certain more efficient like HVAC equipment.

Judge Garza – will we qualify for credits?

John Strothman – I do not know that answer.

Commissioner Dupnik – We don’t and you’re talking about a building that we say it’s a 60-year lifespan and of course the equipment won’t last that long but it’s something we need to keep in mind that those are long-term savings we could have enjoyed, plus credits the county could have obtained up front.

Jacky Cockerham – in answer to your question Judge, they are currently looking at documents we have provided them documents to see if any of it will qualify or not.

Judge Garza – John, the motion language “extend the date for substantial completion” what are we extending it from?

Jennifer O’Steen – that was my language, I believed when I wrote the amendment to that item that that was an extension that was my error. You can amend your motion to remove the word “extend,” you are welcome to do so, but it has no impact.

Judge Garza – ok, I just wanted a date to extend from.

John Strothman – Jan. 31, 2024 was the first extended date, the original date was August 2023.

Commissioner Chaney – that primarily is because of the delay of the generators and elevators that we have no control over

John Strothman - exactly

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

14. Discuss, approve or disapprove Change Order #2, to the Construction Contract with DLF Construction for the Aransas County Community Center and Plaza Project to increase the contract cost by \$15,171.96 for the following: additional structural steel materials of approximately 3 tons, additional detailing, field erection, shop fabrication, drawings, and field welding and to increase the contract term by 15 days; the new date for completion will be March 18, 2024 and all changes result in a net increase to the Contract in the amount of \$15,171.96 for a new total cost of \$4,361,979.63 - John Strothman/Judge Garza

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

**Discussion followed:** Commissioner Casterline – are we still within the grant funds?

John Strothman – yes we are.

Commissioner Chaney – what are these for?

John Strothman – they made some adjustments to steel package, mostly related to the

canopies on the East and West sides.

Commissioner Rousseau – was this a design issue?

John Strothman – yes it was.

Commissioner Rousseau – who designed this?

John Strothman – one of PGAL’s contractor/consultant Walter P. Moore.

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

15. Discuss, approve, or disapprove authorizing Environmental Health – Transfer Station to seek bids for a 2024 brush grinding contract – Elle Morales/Judge Garza

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

**Discussion followed:** Elle Morales – This is a yearly bid that we go out for, to do the brush grinding. We’d like to have it done in January of this year before the wind picks up.

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

16. Discuss, approve or disapprove authorizing the County Judge to sign a one year hangar lease, with four one-year renewal options, with Wayne Sullivan for space in a community hangar – Mike Geer/Judge Garza

**Motion to approve:** by Commissioner Rousseau, motion was seconded by Commissioner Chaney

**Discussion followed:** Mike Geer – for this lease there were a few thing to consider and I take questions if you have any at this time.

Commissioner Chaney – what other items?

Mike Geer – Mr. Sullivan submitted a letter that he was requesting a moratorium on rent due to the fact that the airport has not been fully recovered from Harvey. I made counterpoints to Mr. Sullivan’s argument that we aren’t fully recovered, which is true. We don’t have the hangers that we had before, but we have the based aircraft that we had prior to Harvey. Those are the interests that I think Mr. Sullivan’s letter indicated that we didn’t have those same numbers of aircraft back but we do. Not all of the owners use him.

Commissioner Casterline – what does Mr. Sullivan use his space for?

Mike Geer – Airframe and power plant mechanic shop. Its Wayne’s Air Repair, he’s been there for 32 years.

Commissioner Chaney – this effects everybody and nobody else got a moratorium.

Mike Geer – I agree

Commissioner Chaney – I don’t think we ought to allow it.

Mike Geer – nor do I, nor did the Airport Advisory Board, and I indicated that in my memo for the agenda item.

Commissioner Casterline – what is the cost of his lease right now?

Mike Geer – he’s paying \$2.00 per sf for 3900 sf of space, so \$650.00 per month.

The increases over the terms of the lease renewals are 2.5%.

Commissioner Rousseau – they are on page 2 of the attachment.

Commissioner Chaney – is 2.5% reasonable with inflation?

Jennifer O’Steen – in a normal year 2.5% would reasonable and sometimes 3%, but



with inflation we account for that in our lease renewal rates, is to build it in that we would calculate it based on the CPI. The problem with that is we look at every single contract every year and calculate the increase. And that is just not feasible, so we build in a reasonable increase of 2.5%, then if we see a trend continuing exceeding that of 7-8%, then we would come back to the drawing board. If we need to evaluate later we should and could do that. e

Commissioner Casterline – I think it is a pretty substantial value to the airport to have an on-site mechanic. Is he the only one?

Mike Geer – he is. Currently the Sky Rider Aviation Flight School, on the highway side of the airport. They've hired A & P mechanic to service their aircraft but he is still in training. Once he gets his certification he will be an employee of the flight school, so they will save substantial costs there. In the past that flight school has used Wayne Sullivan for A & P but they've also used folks down from the valley. They are constantly looking for the best prices. We have customers that have 3 and 4 planes on the field and they us others, it's a free market. We are fortunate that we have an A & P mechanic on the field for last minute issues if someone is trying to leave. Looking at what an A & P mechanic draw to the airport, they generally don't draw customers to the airport. They come for the service and then fly back to wherever they are from. Kleberg has a twin Cessna is everybody in America know about and they flock to him to do their work, but they don't base their airplanes there. Mr. Sullivan's business has been mainly Rockport customers, we did lose 26 aircraft in Hurricane Harvey. Some took the insurance settlement and got out of the business of flying all together. A substantial number of those were customers of Mr. Sullivan's, so he has had to build back his business as the airport has built back.

Commissioner Chaney – how are our rental rates based on the market?

Mike Geer – There are a lot of things to consider. Maybe we could have a workshop or an off line discussion, but I will say there is value added in Rockport, we are a tourist destination. Those who come here don't mind paying a little more for gas as an example. Hanger wise we are right on par with any other airport in this region, our hangers are a little higher cost but they are brand new, have LED lighting, we have recently repaved runways and taxiways. Most of our customers are second home owners, so if you can afford a second home and an airplane you can afford to pay our hanger rates.

Commissioner Chaney – the airport committee did not recommend that we approve this?

Commissioner Rousseau – the Airport Advisory Board recommended that we not approve Mr. Sullivan's request for a moratorium. They are in favor of this lease.

Mike Geer – that's right.

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

17. Discuss, approve, or disapprove authorizing the County Judge to sign an annual agreement with the Texas Department of Transportation for the 2024 Routine Airport Maintenance Program (RAMP) Grant M2416RCKP, which grant reimburses 90% of costs for eligible airport maintenance projects up to \$100,000 each year – Mike Geer/Judge Garza

**Motion to approve:** by Commissioner Rousseau, motion was seconded by Commissioner Chaney

**Discussion followed:** Commissioner Chaney - \$100,000 is standard.

Mike Geer – yes sir.

Commissioner Chaney – is that going to be adjusted due to inflation?

Mike Geer – that is up for discussion. A committee that I sit on TxDOT Aviation with 24 other airport managers from the state, we are talking about that. Right now RAMP is capped at \$100,000. We are talking about upping it to \$200,000 because it has been at \$100,000 since around 1995. The most notable about this version of RAMP, and it's taken the state to finalize this longer, normally we are discussing this in August not October. They increased the reimbursement to 90% from 50%. That is substantial. This gives a path forward to complete some projects that we would have to have waited for an airport improvement project or a larger grant to access it.

Commissioner Chaney – so in effect that give us more but it is still \$100,000.

Mike Geer – we spend \$10,000 and get \$100,000 worth of work, that is incredible in my opinion.

Commissioner Dupnik – the funding will come from your airport account?

Mike Geer – yes sir and for the foreseeable future.

Commissioner Chaney – are we getting closer to where we were pre Harvey?

Mike Geer – yes sir, we are. We are very proactive in our marketing and advertising. We are in the visitors guide.

Commissioner Chaney – that's not exactly what I meant. We have one new and one relatively new Commissioner, one new Judge, and public here that we haven't seen in a long time it would be good to have a presentation on where we are and are going over the last 5 or so years.

Mike Geer – I'll take that to the board and the board is very proactive in matters like that and I think I would get some assistance from them to come up and help put a presentation together, and help deliver it.

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

18. Discuss, approve, or disapprove Road and Bridge's request to accept a bid to purchase a 2020 Freightliner M2-106 Water Truck with 15,254 miles from Rhino Machinery, Inc. for \$95,950.00 and authorize the County Judge to execute any necessary documents – David Reid/Judge Garza

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

**Discussion followed:** David Reid – We received 4 bids and this is the one we felt was the best bid for the truck, and we would like to accept it.

Commissioner Chaney – is this the truck only or with the tank?

David Reid – It's with the tank.

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

19. Discuss, approve or disapprove entering into a contract for Grant Writing Services between Aransas County, Texas and Lone Star Strategy Group, LLC, for a period of one (1) year for monthly payments of \$2,000.00 – Judge Garza

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

**Discussion followed:** Commissioner Rousseau – 1 year and monthly payments of \$2,000?

Judge Garza – yes ma'am.

Commissioner Rousseau – I thought it was \$2,000 for the year.

Judge Garza – no it's monthly.

Yvette Utley – I am with Lone Star Strategy Group, LLC. I am the president and owner. I am a small firm that works primarily in the Coastal Bend COG area. My father was a Commissioner for 24 years, my husband is on his 2<sup>nd</sup> term as County Judge. My passion is helping rural areas, there many grants and unfortunately most rural counties and cities cannot afford to keep a grant writer on staff. I've come up with a package that helps these rural areas at an affordable cost. This started with us meeting with the Navigation District and trying to come up with a discounted price that the county would pay part of it and the Navigation District would pay part. I have already presented to the Navigation District and they're waiting on you the Commissioners Court. There is a large grant through NOAA that is due November 17<sup>th</sup> for a max of \$25 million to help with resiliency in the coastal area to help with bulkheads. I know that your animal shelter is in need, road infrastructure, and drainage. I am different than bigger firms such as GrantWorks. Larger firms work on grants that have an administration fee. They won't work on anything that doesn't bring in less than maybe \$100,000 per grant. I work for a contingency fee for the year, any grant that you are eligible to apply for is what I apply for, whether it has an admin fee or not. If there is an admin fee that is over \$50,000 it has to be procured. That does not guarantee that I will administer the grant. I will have to put in an RFP like everyone else. I do not apply for anything unless I come the court for permission. If there is a match amount I want to make sure that this court knows what that match and responsibilities are as a county prior to putting you all in harm's way. That's what I do in a nut shell. I believe I bring value, I know you need a return on your investment. Budgets were tough this last year and I know that this is a strain on your budget, but I know the value I can bring. With the contract it has a 30 day out. Do you have any questions?

Commissioner Rousseau – Page 2 under compensation “the county and the consultant agree that the Consultant will be compensated for a fixed fee of \$2,000 to provide the services as described here in”, “this is subject to budget appropriation approval of court”. That is what gave me the idea that it was a \$2,000 annual fee.

Jennifer O'Steen – that is my error, this my contract. I apologize for missing the 2 words that are important. The agenda language is correct and I will be happy to make that revision before this contract is executed. Assuming it's approved today.

Commissioner Dupnik – how many people do you have?

Yvette Utley – I have 3 under me and it is staying that way. Everybody works remotely because it keeps overhead down and I can keep the cost down.

Commissioner Dupnik – will this be in addition to GrantWorks?

Judge Garza – we don't pay GrantWorks monthly

Jacky Cockerham- when we procure GrantWorks we've already applied for and got it. Then GrantWorks admin fees are in there. We don't pay them anything to apply.

Yvette Utley – This is where I'm different. They will administer it and help with the grant writing but because they know there is a large lump sum. An example TDEM has opened their winter storm disaster fund. Counties can apply for generators, safe spaces and different things through this grant. If you don't have a grant writer on staff or someone working on that, you are not going to have GrantWorks coming to work because there is no admin fee. You need someone to make sure all the documentation is in. It is smaller grants like that that slip away, the small hanging fruit so to say, that the large firms won't touch. I will fill that gap.

Commissioner Rousseau – you will apply for the grants that are smaller that don't have the admin fee. The one with NOAA that you mentioned will probably have an admin fee, you will notify us to see if we are interested then we would go out for RFP.

Yvette Utley – Correct, for procurement on the admin fee.

Commissioner Chaney – so you would initially for the county for that \$2,000 is to make us aware of what is out there and then the court would decide what we would choose to do.

Yvette Utley – I would do the application and submit it. Then if there was an admin fee you would have to go through the procurement process and I would submit and RFP, but it is up to the court to choose that admin service.

Commissioner Chaney – I think that fills a void that we have. As City Manager for Floresville we had a situation similar to this and it worked out very well.

Commissioner Casterline – did we budget this?

Yvette Utley – How this got started is my husband needed a grant writer in his first term and couldn't afford one. I have my master's in public affairs and I have an Economic Development Basics from the Texas EDC and a real-estate license. So I this is everything I enjoy doing in one. There are so many options out when looking for funding. There are foundations that we could apply for funding.

Commissioner Rousseau – you mentioned that TDEM Grant, if you applied for that and we received it that wouldn't have to go out for an RFP?

Yvette Utley – No.

Jennifer O-Steen – do you mean the grant administration would not have to go out for RFP? It would have to.

Yvette Utley – Yes the grant administration would have to have an RFP, but not to apply for it. If you approve me to be your grant writer I would just start working on that immediately because that is a tedious grant application.

Commissioner Rousseau – Could you tell us a couple of entities that you represent.

Yvette Utley – Frio County, McMullen County, Live Oak County, and Refugio County. I mentioned to Judge Garza this would be my last county because I feel this is all I need. I want to be responsible and organized and make sure everything is taken care of timely. I know that timelines that are not adhered to can cost the county lots of money, even the loss of the grant. I want to make sure that I can follow through with my responsibilities.

Commissioner Chaney – my concern is that you just have 3 people, you can't take on 20 grants.

Yvette Utley – the grant cycle opens in October through May. After May we are following up on what we applied for and what need to start looking for the following

budget, the following year. That will determine what you need to set aside on your budget that's going to get approved in September so we can start working on that as well.

Commissioner Dupnik – are we budgeting for this?

Judge Garza – it's already budgeted for next year.

Commissioner Rousseau – so we approve this and then you find out about a grant opportunity, we might have to on occasion call a special meeting to approve going after a grant due to timelines.

Judge Garza – she is going to work with me

Yvette Utley – we have been trying to work at this for about 2 months now. I've known about this grant but because of budget time and still waiting on the Navigation District, it's just trying to get all the pieces to fall into place. This is a big piece if we go forward with Commissioners Court and then the Navigation District. That would be working hand in hand for a big grant.

Commissioner Chaney – if we decide to do this we could expect some response from you about what's out there that we may not know about in the near future.

Yvette Utley – correct. I am open to having a workshop as well to get departments discuss what needs they have.

Jennifer O'Steen – we do have a provision in the contract that this company would be required to come in on a quarterly basis and provide a report to the Commissioner's Court about the grant opportunities that are available and applications that are in process. So every quarter you will see them and have an opportunity to ask questions.

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

**X. PLANNING AND BUDGET**

20. Discuss, approve, or disapprove approving hiring a temporary employee in the County Clerk's Office, to work approximately 40 hours in total, to scan documents that can legally be shredded to avoid paying for mold remediation of the physical documents – Misty Kimbrough/Judge Garza

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

**Discussion followed:** Misty Kimbrough – this is to get rid of any documents that we can legally shred to avoid paying mold remediation costs for. Our insurance company has stated they are not responsible for the mold that it should be the owner of the building's responsibility. We do need to move forward so that we don't have to pay for items that can be destroyed nor do we want to move documents with mold into the new courthouse. I got a call at 3:30 on Friday from Kofile who took "Part 2" after the mold happened and they are calling it a nominal mold infiltration. That anything in filling cabinets and boxes will not have to have mold remediation. Anything setting out or in open binders and open shelving will need mold remediation. This is less than we originally thought it would be but it's still a lot. I don't have costs on that yet because they haven't done a full scope of practice to see what is going to have to happen.

Commissioner Rousseau – that's good news. Have we talked to the building owner?

Jacky Cockerham – I have not talked to him specifically. He is aware of it. I will

follow-up with him.

Commissioner Rousseau – I’m not sure if this is the Auditor’s place to do that, I would just like some representative who has the authority from the county to contact because we rent that as being a climate controlled space.

Jennifer O’Steen – we do have a lease, but the lease is very short. It was drafted before I got here and it didn’t anticipate that there would be damage like this. It’s not a clear answer but I know that we can visit with Mr. Johnson and try to work something out.

Commissioner Dupnik – you stated in the paper work that you will be able to cover this in your salary budget.

Misty Kimbrough – yes, due to staff changes. I had a higher salary that is no longer with us so this will fall within that budget. So we will not be over budget with this temp worker.

Commissioner Dupnik – the other question I have is about safety measures. I know you are going to be handling mold. Do you have a plan in place?

Misty Kimbrough – On March 2<sup>nd</sup>, Rene Butler’s team and Al Johnson’s staff went in and wiped everything down. But paper you can’t do that but hard surfaces were all wiped. We are going to have N95 Masks and gloves that are being donated to us by Rene Butler. Her quick action in getting that air conditioner fixed, wiping everything down has prevented any continued mold growth. There are still live mold spores there. The 2 people scanning will be set up outside on the front porch, I was waiting until the weather was better for this project, so they will have very little exposure in the building.

Judge Garza – I want to thank you for thinking outside the box, finding a solution to avoid paying that mold remediation.

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

21. Discuss, approve, or disapprove proposed 2024 Environmental Health Fees – Elle Morales/Judge Garza

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

**Discussion followed:** Commissioner Rousseau – Background information, the 3<sup>rd</sup> paragraph: talks about Environmental Health took on additional responsibility of conducting biannual food safety inspections. So you are doing them every 2 years or is it semiannual, doing them every 6 months.

Elle Morales – every 6 months. The additional is the Town of Fulton. We have about 230 restaurants that we are inspecting twice a year then with the festivals with the food trucks our guys have to be out there on Saturdays inspecting all of those. That takes up quite a bit of time. Each food truck is about 30-45 minutes. We are trying to eliminate that doing a more permanent food truck permitting process. If you look how the fees are changing a little bit.

Commissioner Rousseau – I didn’t understand on the 2<sup>nd</sup> page, “Environmental Health OSSF would like to request the removal of the real-estate inspection?”

Elle Morales – the removal of the real-estate inspection? Currently it is on our fee schedule, however one has not been done in about the last 2 years. There are private

companies in town that do that. So it's not something that we're not going to leave homeowners without that option. Most people when selling their home have a home inspection anyway and it's part of the home inspection. This was just a service that we were providing that we haven't provided over the last couple of years. Eliminating is a better option and taking it off of the fee schedule. The other thing changing on the fee schedule for the OSSF is the OSSF septic application permit. I'm proposing that we make that we divide that into 1 for residential and 1 for commercial/multi-unit RV park or rental communities that have bigger systems and take much more time for those inspections. That paperwork goes up to the State of Texas for TCEQ to review it and send it back down with things that people need to fix. So we have to get back into contact with the property owners and designer to fix that and send it back up. It takes a lot of time and over the last year only 2 have been approved so far. The other one we would like to change is the illegal installation of septic systems that causes additional problems because we have to go back in and see what's going on with the system and they have to dig it up if it has already been covered. We get phone calls on a Saturday when we are on call and go out there to look or wait until Monday.

Commissioner Rousseau – having done a ride along with you I can appreciate the illegal septic facilities that are currently out there.

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

22. Discuss, approve, or disapprove authorizing the Airport Manager to publish a Request for Proposals (RFP) to request qualified development consultants to submit proposals regarding a development plan for the Aransas County Airport – Mike Geer/Judge Garza

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

**Discussion followed:** Commissioner Casterline – Haven't we done this before?

Mike Geer – Not officially with RFP. Not since I got here in 2014. There was a lot of interest in development at the airport before I got here and up until the hurricane and then it fell off. Now with the stage of recovery that we are at we feel like we are ready to see what and if there are any interested parties that may like to develop at the airport. We would like to hear what their plan is and maybe they can help us determine the best use of our facility.

Commissioner Chaney – we spent a good portion of a year working to see if we were going to do airport “drive-in” or whatever it was, are you looking at going a different way?

Mike Geer – I can't say what we may or may not consider but there are things that are non-compliant that I would want to steer away from and housing would be one of those. Anything that attracts birds would be ill advised. No gun ranges or firework factories. I'm still writing the RFP, I'm looking at other airports that have done this and do this in a way that solicits the most interest. And get FAA buy in, that's what it comes down too. A widget factory and fly them in and out, a hotel and Convention Center maybe. That may not be something the FAA will rubber stamp.

Jennifer O'Steen – the reason this is important is airports are special. It's not like developing land that's located anywhere else. Having a design consultant to give us

their qualifications and tell us how to best utilize this resource is a good idea, that have worked with TxDOT and the FAA.

Commissioner Rousseau – this is something the Airport Advisory Board has been discussing and unanimously supported.

Mike Geer – I’m bringing it to you today for that very reason.

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

23. Discuss, approve or disapprove amending the 2023 Annual Budget to include Fund 680 – DEA Forfeiture Funds, which will be used to replace an aging data storage system located at the Detention Center – Jacky Cockerham/Judge Garza

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

**Discussion followed:** Commissioner Casterline – do you have funds to put in that? Jacky Cockerham – those funds are already in that account. There has not been activity except some very small interest that’s been earned for probably 10 years. We no longer participate in that task force any more. So we would like to use those funds and close that.

Commissioner Chaney – how much is in there?

Jacky Cockerham – a little over \$5,500.

Commissioner Dupnik – The paperwork stated it would take as much as \$7,200-\$8,200 to purchase what is needed. So would that come out of Sheriff’s Office?

Jacky Cockerham – yes, the balance would come out of Sheriff’s Office Supplies.

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

24. 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 Chaney

**None at this time.**

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

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

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

**All normal** – Jacky Cockerham stated some out of our Capital funds, see video Judge Garza – DLF \$83,000 I know we don’t see much progress on the Celebration Building but all of those invoices are approved we are not getting ahead of ourselves.

Jacky Cockerham – this is work that has already been done.

John Strothman – the steel package is due this week. They will be starting to erect this week.

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

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

No one spoke



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

- Commissioner Dupnik – This Sunday, First Baptist Church of Rockport will be celebrating 150 year anniversary. A big day for the community.
- Judge Garza – there was an event at Ed Hicks Subaru, with Animal Control and Another Chance RFT took about 15 dogs and 5 were adopted. The community has come together and we are starting to see dogs go out the door, being adopted.

**XIII. CLOSED SESSION**

26. 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:

- Aransas County Texas v. Endurance American Specialty Insurance Company, et al*, Aransas County District Court Cause No. 23-0021; and
- 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
- 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

**Motion to move into closed session:** by Commissioner Rousseau, motion was seconded by Commissioner Casterline  
**Vote:** Motion carried 5-0: it was so ordered  
**Take a five minute recess: 10:40 AM**  
**Convened into closed session at 10:45 AM**

**XIV. OPEN SESSION**

27. Reconvene into Open Session

**Motion to reconvene into open session:** by Commissioner Rousseau, motion was seconded by Commissioner Dupnik  
**Vote:** Motion carried 5-0: it was so ordered  
**Convened into open session at 11:09 AM**

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

**Judge Garza stated there was nothing to discuss**

**XV. ADJOURNMENT**

**Motion to adjourn:** by Commissioner Chaney, motion was seconded by  
Commissioner Casterline  
**Vote:** Motion carried 5-0: it was so ordered  
**Meeting adjourned at 11:10 AM**

**ARANSAS COUNTY COMMISSIONERS' COURT**



*Misty Kimbrough*

**Misty Kimbrough,**

**Ex-Officio Clerk of the Commissioners Court**



*Ray A. Garza*

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**Ray A. Garza, County Judge**