

MINUTES OF THE ARANSAS COUNTY COMMISSIONERS' COURT

REGULAR MEETING - NOVEMBER 9, 2020

On the 9th day of November, 2020, there was a Regular Meeting of the Commissioners' Court in the Commissioners' Courtroom, 2840 Hwy 35 N, Rockport, Aransas County, Texas, with the following members present in person, via ZOOM, or via YouTube: C. H. "Burt" Mills, Jr., County Judge; Jack Chaney, Commissioner, Precinct 1-1A; Leslie Casterline, Commissioner, Precinct 2; Charles Smith, Commissioner, Precinct 3; Wendy Laubach, Commissioner, Precinct 4; and Carrie Arrington, County Clerk.

Other County Officers present in person, via YouTube, or via Zoom, were: Alma Cartwright, Treasurer; Bill Mills, Sheriff; Jerry Brundrett, County Surveyor; Valerie Gonzalez, Environmental Health Director; Tracy Orr, Administrative Assistant to County Judge; Jaime Blackburn, Executive Assistant to County Judge; Jacky Cockerham, County Auditor; Tana Taylor; First Assistant County Auditor; Latisha Murphy, Assistant Auditor; Linda Doane, HR Director; Elizabeth Guerra, HR Assistant; Mike Geer, Airport Manager; Collin Jackson, IT Director; Rene Butler, Facilities Director; John Strothman, Project Manager; Lori Cesar, Animal Control Director; Kim Foutz, Long-Term Recovery; and William Whitson, Long-Term Recovery.

Members of Local City Government, Community Groups and other Interested Parties present in person, via YouTube, or via Zoom, were: Jennifer Day, Rockport Cultural Arts District; Diane Probst, Evelyn Guidry, Hannah Miller, Christi Morgan, Sheila Garrison, Leonard Garrison, Jacqui McCrea, Carman Michael, Carla Ezernack, and Nancy Bolting, Rockport-Fulton Chamber of Commerce; Aaron Horine, Principal Engineer, Mott MacDonald LLC; D'Ann Williams, Jane Moore, Mary Aquilino, John Aquilino, and Karen Ernst, Keep

Aransas County Beautiful; Julian "Kiki" DeAyala, Developer, Islands of Rockport; and Mike Probst, Editor and Publisher, The Rockport Pilot.

Aransas County Citizens present in person, via YouTube, or via Zoom, were: Amanda Oster, County Attorney-elect; Pat Rousseau, Commissioner-elect, Pct. 3; Monnie Wilson; Joe Ingram; Katy Jackson; Mike Fields; Allan Smith; and Austin Anderson.

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

KATY JACKSON: As Post Commander of our local VFW, Ms. Jackson covered two items: 1) She thanked the community for their support towards the rebuilding of the Rockport VFW building (destroyed during Hurricane Harvey) and relayed that the Post was still short about \$150,000 from being able to rebuild, and 2) She invited everyone to a shortened Veterans Day ceremony, on Wednesday, November 11, starting at 11:00AM, at Veterans Memorial Park. Shortened because of COVID, this year's ceremony will consist only of the singing of the national anthem, a prayer, a short speech, and the Pledge of Allegiance.

MONNIE WILSON (127 Ling): Ms. Wilson spoke against the property adjacent to her home, at 129-131 Ling Street, which contains a concrete slab covering most of the two lots and is only one foot from her property line. She says that she has endured challenging construction people from that neighboring property for over a year now: that they come onto her property, that they have splashed concrete onto her house and left trash on her property for her to clean up, that they urinate in the yard since there is no port-a-potty. She was told that there wasn't going to be a permanent

structure, that there was only going to be a temporary building – a Morgan shed, but now, apparently, there is a permanent structure. She has talked to the owner of the property and called Road and Bridge about these issues but she was told by both that everything they've done is legal and that they have a septic system. However, Ms. Wilson doesn't believe that there is even a bathroom in the house. At any rate, she is frustrated and concerned and is asking for help from the County.

JOE INGRAM (143 Ling): Mr. Ingram said he has issues with this property too and that he is here to support Ms. Wilson and to try to get things improved. He added that he has seen the septic permit – that he has a copy of it – and that the permit is only for 1 RV but the property now has a house on it and hook-ups for two RVs. Also, he has been told by a master plumber that the water lines and septic lines are in the same ditch without the required separation. Plus, they put a cover over the shed that is almost to the edge of the property line instead of 5' from it, which he understands is the setback requirement.

Commissioner Laubach gave each of them her card since they are in her precinct.

JULIAN "KIKI" DeAYALA (Developer for Islands of Rockport): Mr. DeAyala wanted to make people aware that he bought the remaining portion of Islands of Rockport and Pegasus, and that the current value of the property is \$30 million but it will be \$150 million when it is built out. In addition to single family homes, they are planning on a hotel, condos, boat slips, and a marina with retail.

PRESENTATIONS

1. Aaron Horine, Principal Engineer, Mott MacDonald LLC, gave a presentation on the plans for the spring 2021 re-opening of Cedar Bayou/Vinson Slough.
2. D'Ann Williams, President, Keep Aransas County Beautiful, made a presentation on the group's recently-received \$210,000 Governor's Community Achievement Award Grant from Keep Texas Beautiful, in partnership with Texas Department of Transportation (TxDOT), to be used for unique Aransas County monoliths (with landscaping) to welcome visitors to the County at entrances to the County: North from Houston (Hwy 35N - TxDOT picnic area), West from San Antonio (Hwy 188 & Hwy 1069), South from Corpus Christi (both sides of Bypass at 12th Street), and South from Aransas Pass (35 Business S at Cove Harbor).

CONSENT ITEMS

3. Minutes from the Regular Meeting of October 26, 2020.
4. Two donations to Aransas County Animal Control: \$100 from Matthew and Brooke Jones; \$50 from David and Brenda Crandall.

A motion was made by Commissioner Smith and seconded by Commissioner Casterline to approve the consent items.

Question. Motion carried unanimously.

It is so ordered.

COUNTY REPORTS

5. Jennifer Day, Executive Director, Rockport Cultural Arts District, gave the organization's quarterly report. A motion was made by Commissioner Smith and seconded by Commissioner Chaney to approve the 3rd Quarter 2020 Report for Rockport Cultural Arts District.

Question. Motion carried unanimously.

It is so ordered.

6. Proclamation #P-10-2020, a proclamation recognizing November 28, 2020, as "Shop Small Saturday" in Rockport-Fulton, Texas, was read to the court by Tracy Orr. A motion was made by Commissioner Smith and seconded by Commissioner Laubach to approve the proclamation.

Question. Diana Probst, President/CEO, Rockport-Fulton Chamber of Commerce, provided details about the Chamber's upcoming fun event to encourage local shopping on the Saturday after Thanksgiving—one of the busiest shopping periods of the year. Motion carried unanimously.

It is so ordered.

COUNTY AIRPORT

7. Airport Manager Mike Geer discussed a proposed upcoming weekend "fly-in" event, December 5-6, 2020, to be hosted by airport tenant ACTS Aviation – a faith-based, family-run flight school. Geer stated that the airport would remain open and participants would be allowed to camp "under wing." He further stated that there would be entertainment, food trucks, and temporary bathroom facilities available, all courtesy of ACTS Aviation. A motion was made by Commissioner Laubach and seconded by Commissioner Chaney to approve the event as proposed, provided ACTS Aviation bears the full cost of the event, including cleanup and the necessary Certificate of Insurance naming Aransas County as "Additional Insured" on a General Liability policy consistent with coverage we've required of other public events held at the airport.

Question. Motion carried unanimously.

It is so ordered.

8. David Reid relayed that it's time to advertise for bids for next year's road materials. To that end, he provided the court with a Bid for Road Materials packet, which included information on Pricing Adjustments, Fuel Surcharges, and Materials Bid Specifications. A motion was made by Commissioner Smith and seconded by Commissioner Chaney to advertise for bids for the County's 2021 road materials, such bids to be accepted until 2:00PM on Wednesday, December 9, 2020.

Question. Motion carried unanimously.

It is so ordered.

9. After some discussion as to whether or not the court should continue to keep this item on the agenda and then continue to table it until such time the court's objections are cleared, and whether denying the order now would mean that Mr. Hernandez would have to redo his application with Griffith and Brundrett and pay again if it were to come back to the court, Mr. Brundrett stated he would not, that Mr. Hernandez's current application (and fee) would still be good later if the order came back around. Subsequently, a motion was made by Commissioner Smith and seconded by Commissioner Casterline to deny Order #0-21-2020, Homer Hernandez's petition to close, abandon, and vacate the 100-foot Roadway called Hood Street, Manning Addition, Aransas County, Texas, recorded in Vol. 1, Pg. 7 of the plat records of Aransas County, Texas, and described by metes and bounds on Exhibit A and B attached to the petition.

Question. Motion carried unanimously.

It is so ordered.

CONTRACTS, AGREEMENTS, GRANTS & LEASES

10. A motion was made by Commissioner Smith and seconded by Commissioner Chaney to approve Resolution #R-43-2020 to award an environmental services contract to Trileaf Corporation, a multi-disciplined engineering firm certified to provide FCC (Federal Communications Commission) National Environmental Policy Act (NEPA) environmental clearance services, for the provision of an FCC NEPA report on the County's proposed radio tower associated with its CDBG-DR contract 20-065-098-C270. Question. Motion carried unanimously.
It is so ordered.
11. A motion was made by Commissioner Smith and seconded by Commissioner Chaney to approve Amended Resolution #R-37-2020-A to specifically name 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 - as the referenced Organization receiving a 2021 \$45,000 grant from Aransas County, unintentionally omitted in Resolution #R-37-2020, passed by Commissioners' Court on September 14, 2020. This Amended Resolution #R-37-2020-A replaces #R-37-2020. Question. Motion carried unanimously.
It is so ordered.
12. A motion was then made by Commissioner Smith and seconded by Commissioner Chaney to TABLE authorizing County Judge to sign a Lease Agreement with 22T Aviation. Question. Motion carried unanimously.
It is so ordered.

PLANNING & BUDGET

13. Following a brief review of Treasurer Alma Cartwright's report submission, a motion was made by Commissioner Smith and

seconded by Commissioner Casterline to approve the October 2020 Indigent Health Care Report.

Question. Motion carried unanimously.

It is so ordered.

14. County Attorney-elect Amanda Oster submitted a new Paralegal job description for approval, effective January 1, 2021, citing no new monies. A motion was made by Commissioner Smith and seconded by Commissioner Casterline to approve the new Paralegal job description for the County Attorney's office as submitted.

Question. Motion carried unanimously.

It is so ordered.

15. A motion was then made by Commissioner Smith and seconded by Commissioner Casterline to approve authorizing County Attorney-elect Amanda Oster to post a Paralegal job opening (with an effective start date of January 1, 2021), and to begin interviewing potential candidates. Question. Motion carried unanimously.

It is so ordered.

16. Tana Taylor, First Assistant County Auditor, reported no Budget Line Item transfers or amendments. A motion was made by Commissioner Smith and seconded by Commissioner Casterline to approve (no) Budget Line Item Transfers and Amendments for this period.

Question. Motion carried unanimously.

It is so ordered.

17. Tana Taylor also stated that our Accounts Payable and Payroll/Payroll Liabilities were all normal for the period. A motion was made by Commissioner Smith and seconded by

Commissioner Casterline to approve Accounts Payable and Payroll/Payroll Liabilities.

Question. Motion carried unanimously.

It is so ordered.

REPORTS FROM COMMISSIONERS, ELECTED OFFICIALS & DEPARTMENT HEADS
WHEREIN NO ACTION WILL BE TAKEN

Jack Chaney, Commissioner Pct.1-1A, requested a Workshop next Wednesday, November 18, to discuss the County's 381 Agreement policy with a Special Meeting to follow to consider a 381 Agreement. There was some discussion - particularly about whether or not there should be a special meeting afterwards since there wasn't an urgent need for a special meeting.

David Reid, County Engineer, projected an aerial view of Mundine Road and talked about the present situation with this road to bring it to the court's attention. He stated that, at some point, decisions about this road would likely come back to the court. While referencing the aerial, he added the following background information.

Mundine Road today isn't where it was originally platted. Over 60 years, people drove the last section of it differently than the way it was platted in order to avoid wet areas. Over time, that diverted portion of the road became an accepted piece of the road.

Transportation Code Chapter 258 gives counties the ability to make an official county road map to correct problems like this and what that did was create an actual right of way (ROW) where the road had been and was being traveled. The code states that if counties made situations like this into an official county road map and that official county road map was approved by Commissioners Court then it would provide conclusive evidence of the people's right to

access this road and the county's right to maintain it as a county road. So, that was done here back in 2005.

What we still have today, though, is the old ROW still on the books as County property and lots fronting the then-ROW now having to drive through private property to access the current ROW (the roadway).

So, this has been like this for a very long time and the only reason I bring it up to the court now is that I recently had one of the property owners come in and ask me about adding a fence to their property, which brought this situation to light.

Reid sees that there are probably three things we could do:

- 1) We could do nothing. It is what it is. It's been like this for a long time so maybe we don't worry about it until it becomes a problem. Now, maybe that doesn't happen in my lifetime, but I'd be surprised that it doesn't happen in somebody's lifetime. Because the fact is that people are driving across the County ROW and across private property to get to a road.
- 2) We could abandon the old ROW. We don't need it anymore and that gets us out of the issue but the same issue that people will have to drive through private property to access our county road will still exist because those lots are no longer fronting a county ROW. But, again, maybe not our problem and it's just theirs to figure out.
- 3) Or, we could try to get all of the affected property owners together in a room or on Zoom to discuss the situation and maybe help work out something that allows the access of these properties onto our road, abandons the old ROW that we don't

need anymore. Maybe there's somethings we can figure out with the input from property owners.

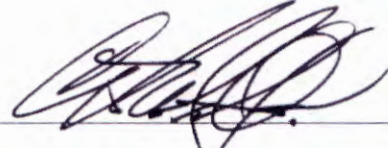
Commissioners asked questions of Mr. Reid - including whether the County could go back and make the road back where it used to be. He said we could but he also pointed out the site-built home in the old ROW and said moving the road back to where it was would also cause problems. He mentioned that there were probably 10 affected property owners. We had a similar situation on Burton Road.

He reminded the group that this was just informational but welcomed commissioner questions, input, and information gathering individually out of court sometime.

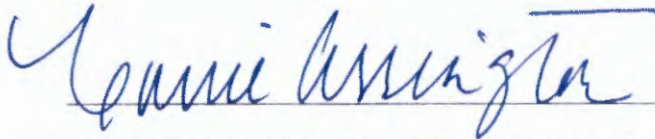
On a different Road & Bridge note, Commissioner Casterline requested some written guidelines for road closures from Reid. Reid said he would be happy to but said that he'd like to get some input from the court as to what they want. For example, is it important to show a benefit to the County to abandon a ROW? Are regained taxes enough? Or, do we want to retain ROWs for potential drainage? And, do we need to think about shoreline erosion?

Carrie Arrington, County Clerk, wanted to remind everyone about Veterans Day on Wednesday. She wanted to thank veterans for their service and to further remind everyone - especially veterans - that the County has a Veterans Services Department, here in the courthouse, headed up by veteran John Kroll. She closed by relaying that the courthouse will be closed on Wednesday, in honor of Veterans Day.

No further business presenting, the Court adjourned at 10:38 a.m. on a motion duly made by Commissioner Laubach and seconded by Commissioner Smith.



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



CARRIE ARRINGTON, EX-OFFICIO CLERK
OF THE COMMISSIONERS' COURT

