

MINUTES – Regular Meeting

Aransas County Commissioners Court



9:00 AM – Tuesday, November, 2024

The Aransas County Commissioners Court met on **12th DAY of NOVEMBER, 2024 at 9:00 A.M. at the AQUARIUM EDUCATION CENTER LOCATED AT 706 NAVIGATION CIRCLE, ROCKPORT, TEXAS, 78382.** The meeting video recordings are available by following this link: [Commissioners Court Minutes and Agendas \(aransascountytexas.com\)](https://aransascountytexas.com/commissioners-court-minutes-and-agendas), 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 4-4A

I. CALL TO ORDER

[Video Time 37:08](#)

II. INVOCATION

[Video Time 37:28](#)

III. PLEDGES

[Video Time 38:56](#)

IV. ROLL CALL AND CONFIRMATION OF QUORUM

[Video Time 39:24](#)

V. CITIZENS TO BE HEARD

[Video Time 39:39](#)

[Video Time 40:23, Judge Garza allowed citizen to speak who had issues with the online Participation Form](#)

★ Chris Veatch

VI. PRESENTATIONS AND PROCLAMATIONS

★ There were none.

VII. CONSENT AGENDA

1. Discuss, approve or disapprove the Minutes from the October 28, 2024 Regular Meeting – Misty Kimbrough/Judge Garza
2. Discuss, approve or disapprove the Minutes from the October 31, 2024 Workshop Meeting – Misty Kimbrough/Judge Garza

[Video Time 45:17](#)

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

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

★ **Judge Garza struck items 10 & 20**

[Video Time 45:45](#)

VIII. COUNTY REPORTS AND RESOLUTIONS

3. Discuss, approve, or disapprove Resolution #R-27-2024, to hire H2O Partners for the update of the Aransas County Multi-Jurisdictional Hazard Mitigation Action Plan (HMAP) – Katherine Comeaux/Judge Garza

Video Time 46:29

- ✧ **Motion to approve:** by Commissioner Dupnik, motion was seconded by Commissioner Chaney
 - ✧ **Vote:** Motion to discuss carried 5-0: it was so ordered
4. Discuss, approve or disapprove enacting Order authorizing the Environmental Health Department Director to enforce Order #O-10-2018, the Abatement of Public Nuisance Ordinance – Adela Martinez/Judge Garza

Video Time 47:13

- ✧ **Motion to discuss:** by Judge Garza, motion was seconded by Commissioner Casterline
 - ✧ **Motion to table:** by Commissioner Rousseau, motion was seconded by Commissioner Casterline
 - ✧ **Vote:** Motion carried 5-0: it was so ordered
5. Discuss, approve or disapprove the Rockport Cultural Arts District 3rd Quarter Report for 2024 – Jennifer Day/Judge Garza

Video Time 50:37

- ✧ **Motion to approve:** by Commissioner Rousseau, motion was seconded by Commissioner Dupnik
- ✧ **Vote:** Motion carried 5-0: it was so ordered

IX. COUNTY ROADS AND FLOODPLAIN

6. Discuss, approve or disapprove Requesting Qualification for engineering services and grant management services for application and administration of the 2024-2026 Promoting Resilient Operations for Transformative, Efficient and Cost-Saving Transportation (PROTECT) Program, for planning improvements to Fulton Beach Road – Kat Comeaux/Judge Garza

Video Time 1:03:17

- ✧ **Motion to approve:** by Commissioner Chaney, motion was seconded by Commissioner Dupnik
- ✧ **Vote:** Motion carried 5-0: it was so ordered

X. CONTRACTS AND GRANTS

7. Discuss, approve or disapprove Change Order No. 8 of construction contract for Southeast Aransas County Drainage Improvements in the County's General Land Office Community Development Block Grant – Disaster Relief (CDBG-DR) Contract #20-065-098-C270. Brizo Construction, LLC is requesting an increase in the contract amount of \$274,463.20. No increase in time is requested – David Reid/Judge Garza

Video Time 1:12:58

- ✧ **Motion to approve:** by Commissioner Casterline, motion was seconded by Commissioner Chaney
 - ✧ **Vote:** Motion carried 5-0: it was so ordered
8. Discuss, approve or disapprove DLF Two, Inc.'s Change Order No. 008 for the Aransas County Community Building/Plaza/Fiber Optics increase in cost of \$14,778.26 for the installation of two of the three handholds – Elle Morales/Judge Garza

Video Time 1:16:05

- ✧ **Motion to approve with a correction of spelling on the agenda “handholds should read hand hole”:** by Commissioner Rousseau, motion was seconded by Commissioner Casterline

- ⊛ Amended Motion by Commissioner Rousseau, motion was seconded by Commissioner Casterline: Move to approve with a revision for DLF Two, Inc.'s Change Order No. 008 for the Aransas County Community Building/Plaza/Fiber Optics the increase for the County's portion of \$14,778.26 for the installation of two of the three hand holes, that the County is responsible for.
 - ⊛ **Vote:** Motion carried 5-0: it was so ordered
9. Discuss, approve or disapprove hiring Shelter Planners of America to perform a Needs Assessment on the Aransas County Animal Care facility and authorizing the County Judge to sign all necessary documents – Caitlan Frazier/Judge Garza
Video Time 1:25:55
- ⊛ **Motion to approve:** by Commissioner Dupnik, motion was seconded by Commissioner Rousseau
 - ⊛ **Vote:** Motion carried 5-0: it was so ordered
- XI. PLANNING AND BUDGET**
10. Discuss, approve, or disapprove the October 2024 Treasurer's Report – Alma Cartwright /Judge Garza
This item was struck from the agenda by Judge Garza Video Time 45:45
- ⊛ Judge Garza called for a break
Video Time 1:38:09
11. Discuss, approve or disapprove the Aransas County Indigent Health Care Report for October 2024 – Alma Cartwright/Judge Garza
Video Time 1:47:24
- ⊛ **Motion to approve:** by Commissioner Rousseau, motion was seconded by Commissioner Dupnik
 - ⊛ **Vote:** Motion carried 5-0: it was so ordered
12. Discuss, approve or disapprove allowing the Healthy County Coordinator (HR Director) to spend up to \$2,400 of the Healthy County & Fair Funds on incentives and other expenditures incurred for the Annual Aransas County Employee Health Fair in anticipation of receiving funds back from the Texas Association of Counties (TAC) Healthy County Program – Desiree Upton/Judge Garza
Video Time 1:48:40
- ⊛ **Motion to approve:** by Commissioner Chaney, motion was seconded by Commissioner Rousseau
 - ⊛ **Vote:** Motion carried 5-0: it was so ordered
13. Discuss, approve or disapprove authorizing County Judge to sign the 2024 Catapult Health Addendum with Catapult Health for Onsite Screenings during the Annual Aransas County Employee Health Fair – Desiree Upton/Judge Garza
Video Time 1:50:20
- ⊛ **Motion to approve:** by Commissioner Casterline, motion was seconded by Commissioner Rousseau
 - ⊛ **Vote:** Motion carried 5-0: it was so ordered
14. Discuss, approve or disapprove authorizing the County Judge to sign the HEB Pharmacy Agreement to Administer Immunizations at the Annual County Employee Health Fair – Desiree Upton/Judge Garza
Video Time 1:52:14
- ⊛ **Motion to approve:** by Commissioner Casterline, motion was seconded by Commissioner Chaney

- ⊕ **Vote:** Motion carried 5-0: it was so ordered
- 15. Discuss, approve or disapprove paying for Immunizations at the Annual Aransas County Employee Health Fair for employees not covered by health insurance, at an estimated cost of \$1,500, already budgeted from the Health Care Sales Tax – Desiree Upton/Judge Garza
Video Time 1:54:45
 - ⊕ **Motion to approve:** by Commissioner Chaney, motion was seconded by Commissioner Rousseau
 - ⊕ **Vote:** Motion carried 5-0: it was so ordered
- 16. Discuss, approve or disapprove and authorize County Judge to sign the Texas County & District Retirement System (TCDRS) Renewal Plan Year for 2025 – Desiree Upton /Judge Garza
Video Time 1:55:49
 - ⊕ **Motion to approve:** by Commissioner Casterline, motion was seconded by Commissioner Chaney
 - ⊕ **Vote:** Motion carried 5-0: it was so ordered
- 17. Discuss, approve or disapprove the declaring of eight vehicles as surplus for trade-in with delivery of vehicles budgeted for this year – Michael Brooks/Judge Garza
Video Time 1:56:56
 - ⊕ **Motion to approve:** by Commissioner Dupnik, motion was seconded by Commissioner Chaney
 - ⊕ **Vote:** Motion carried 5-0: it was so ordered
- 18. Discuss, approve or disapprove use of remaining American Rescue Plan Act Funds – Jacky Cockerham/Judge Garza
Video Time 1:58:23
 - ⊕ **Motion to approve:** by Commissioner Casterline, motion was seconded by Commissioner Dupnik
 - ⊕ **Move to table:** by Commissioner Rousseau, motion was seconded by Commissioner Chaney
 - ⊕ **Vote:** Motion carried 5-0: it was so ordered
- 19. Discuss, approve or disapprove to request funding for the Coastal Bend Disaster Recovery Group (CBDRG) in the amount of \$10,000 to support CBDRG’s continued commitment to Aransas County disaster recovery and resiliency – Jacky Cockerham/Judge Garza
Video Time 2:04:45
 - ⊕ **Motion to approve:** by Commissioner Dupnik, motion was seconded by Commissioner Chaney
 - ⊕ **Motion to table:** by Commissioner Dupnik, motion was seconded by Commissioner Chaney
 - ⊕ **Vote:** Motion carried 4-1: Commissioner Rousseau –nay; it was so ordered
- 20. Discuss, approve and disapprove Job Description for Contracts and Procurement Specialist – Jacky Cockerham/Judge Garza
This item was struck from the agenda by Judge Garza Video Time 45:45
- 21. Discuss, approve or disapprove the October 2024 Auditor’s Monthly Report – Jacky Cockerham /Judge Garza
Video Time 2:13:36
 - ⊕ **Motion to approve:** by Commissioner Casterline, motion was seconded by Commissioner Chaney
 - ⊕ **Vote:** Motion carried 5-0: it was so ordered
- 22. Discuss, approve, or disapprove the Budget Line Items - Jacky Cockerham/Judge Garza
Video Time 2:15:13

- ✪ **Motion to approve:** by Commissioner Casterline, motion was seconded by Commissioner Chaney
 - ✪ **Vote:** Motion carried 5-0: it was so ordered
23. Discuss, approve, or disapprove Accounts Payable and Payroll/Payroll Liabilities – Jacky Cockerham/Judge Garza

Video Time 2:15:34

- ✪ **Motion to approve:** by Commissioner Casterline, motion was seconded by Commissioner Dupnik
- ✪ **Vote:** Motion carried 5-0: it was so ordered

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

Video Time 2:18:17

- ✪ Commissioner Chaney
- ✪ Commissioner Rousseau
- ✪ Commissioner Dupnik

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

Video Time 2:24:07

- ✪ None

XIV. CLOSED SESSION

24. Convene into a Closed Session to consult with counsel and receive legal advice about pending or contemplated litigation or other attorney-client privileged matters, including insurance matters related to Aransas County's projects and insurance claims from Hurricane Harvey, various contract disputes, and the Wendt Services, Inc. Public Information Act Request:

- 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. *Western Steel Company v T2J Partners, LLC DIE/A FPS Recovery, LLC and Aransas County, Texas; Cause No. 24-0072*, in the 36th District Court of Aransas County, Texas; and
- iv. *iWorQ Systems, Inc., a Utah Corporation v Aransas County, Texas* Case No. 240100226, in the District Court of the First Judicial District County of Cache, Utah; and
- v. Report on the status of the formal alternative dispute resolution occurring between the County and Teal Construction Company for the Downtown Anchor Project, regarding the various pending matters as noticed for the September 23, 2024, Regular Meeting Closed Session, including but not limited to, contemplated litigation, alternative dispute resolution, termination of the contract, changes to the scope of work, and various requested and proposed contract amendments to the Contract Sum and Contract Time; and

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 –Amanda Oster/Adela Martinez/Judge Garza

Video Time 2:26:56

- ★ **Motion to move into closed session:** by Commissioner Rousseau, motion was seconded by Commissioner Dupnik
- ★ **Vote:** Motion carried 5-0: it was so ordered

★ **Judge Garza call for a 5 minute break** Video Time 2:23:17

XV. OPEN SESSION

25. Reconvene into Open Session

Video Time 3:38:44

- ★ **Motion to reconvene into open session:** by Commissioner, motion was seconded by Commissioner
- ★ **Vote:** Motion carried 5-0: it was so ordered
 - a. Discuss, approve or disapprove taking action or issuing instructions to the County Attorney's Office to act on the County's behalf regarding the pending matters between the County and Teal Construction Company for the Downtown Anchor Project and authorizing County Attorney's Office to act accordingly – Amanda Oster/Adela Martinez/Judge Garza
- ★ **There was no motion or discussion following closed session**

XVI. ADJOURNMENT

Video Time 3:38:59

- ★ **Motion to adjourn:** by Commissioner Rousseau, motion was seconded by Commissioner Chaney
- ★ **Vote:** Motion carried 5-0: it was so ordered
- ★ **Meeting adjourned at** 12:01 PM

ARANSAS COUNTY COMMISSIONERS' COURT



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

11-25-24
Date signed and attestation.

Ray A. Garza
Ray A. Garza, County Judge

11/25/24
Date signed.

