

MINUTES

Aransas County Commissioners Court



9:00 AM – Monday, November 13, 2023

The Aransas County Commissioners Court met on Monday, November 13, 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

II. INVOCATION

III. ROLL CALL AND CONFIRMATION OF QUORUM

IV. CITIZENS TO BE HEARD

There were none.

V. PRESENTATIONS AND PROCLAMATIONS

1. Presentation from the Texas Department of Transportation (TxDOT) "End the Streak" initiative, aiming to raise traffic safety awareness and commemorate the last deathless day on our state highways, which sadly dates back to November 7, 2000 – Assistant Area Engineer Chandler Williams, P.E.

Presented by: Danny Cox, Maintenance Administrator for the Texas Dept. of Transportation for the Corpus Christi District, and a local citizen in Aransas County. # End the Streak of daily deaths on Texas roadways, since November 7, 2000 there has not been a single day without a death in Texas on our roadways. TxDOT is determined to change that narrative. The choices we make on the road have life or death consequences. The average deaths per year in Texas is 3,600 since 2007. Half of those deaths were not wearing seatbelts. Got to TxDOT online to share the vision. Commissioner Dupnik – I want to thank TxDOT, at Hwy 35 North and Park road 13 in Lamar lane dividers were installed. It will take some getting used to but it's going to make that intersection safer.

Commissioner Chaney – further South thank you for how you work with Road and Bridge, that's a breath of fresh air. We had constant complaints, but it's a lot better and I look forward to that road getting widened. The growth is significant down in that area. I thank you Danny because I know you led that fight.

2. Issuance of Proclamation #P-21-2023, recognizing the month of November 2023 as the Texas Department of Transportation's "End the Streak" Safety Campaign - Chandler Williams/Judge Garza

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

Read by: Tracy Orr Smith

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

3. Presentation – Historical Commission Announcement – Doreen Bronner

Presented by: Doreen Bronner, our group got together and nominated somebody for a Texas Historical Commission Award. We were notified two weeks ago that our nominee won the Ruth Lester Lifetime Achievement Award. It is the second highest historical award in the State of Texas. I am much honored to announce that Pam Stranahan is our winner for the following reasons: Pam Wheat-Stranahan continues opening our eyes to long forgotten stories, people, and ways of life that help shape Texas and our nation. She ceaselessly encourages us to seek and not forget our past through her many educational publications which includes numerous books and a PBS program, many exhibits, and oral histories. But moreover, in retirement, Pam's dedication, historical understanding and talent shines in every position she holds. From serving in her many prestigious professional career positions to retirement positions such as President, Vice President and Founding member of the Friends of the History Center for Aransas County as well as Aransas County Historical Commission Chairperson to being named as a Fellow for the Texas Archeological Society and everything in between, Pam does it all with skill, finesse, excitement, and fortitude. She is this county's favorite historian and no one can hold a candle to her knowledge and dedication in preserving Aransas County History! Notable people who have won this award: Ladybird Johnson, Nelly Conley, John Ben Shepard, and the Bass brothers. The award will be presented in April. Pam Stranahan – Thank you so much. I can only say I really depend on the local historians like Buba Casterline and Jerry Brundrett who have been long time residents here who have given me the background needed and organizations that I participated with. They are the ones doing the work. Thank you to all of them too.

4. Issuance of Proclamation #P-20-2023, recognizing November 13, 2023 as "Geographic Information Systems Day" – David Reid/Judge Garza

Motion to accept 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

5. Discuss, approve or disapprove the Minutes from the October 23, 2023 Regular Meeting – Misty Kimbrough/Judge Garza

Donations

6. Acknowledge and accept a donation of animal supplies valued at \$130 from Missy Fox for Aransas County Animal Care Services – Lori Cesar/Judge Garza
7. Acknowledge and accept a donation of kitten supplies valued at \$130 from Karen Small for Aransas County Animal Care Services – Lori Cesar/Judge Garza

8. Acknowledge and accept a donation from Pets Wants “The Pack Gives Back” food drive valued at \$1,200 for Aransas County Animal Care Services – Lori Cesar/Judge Garza
9. Discuss, approve or disapprove declaring five hundred and fifty (550) books surplus and authorize the Aransas County Library to dispose of the books by giving them to the Friends of the Aransas County Public Library for the book sale that is conducted for the benefit of the Library – Iris Sanchez/Judge Garza

Motion to accept the Consent Agenda: by Commissioner Casterline, motion was seconded by Commissioner Chaney
Judge Garza acknowledged donations
Vote: Motion carried 5-0: it was so ordered

VII. COUNTY REPORTS, ORDERS, AND RESOLUTIONS

10. Discuss, approve, or disapprove accepting \$11,484.00 from the 36th Judicial District Juvenile Probation Department for funds sent to the San Patricio County Detention Center for housing a juvenile from Aransas County pursuant to Senate Bill 30 of the 88th Legislature’s Regular Session, which provides reimbursement of costs in counties for whom the Texas Juvenile Justice Department does not have adequate capacity – Judge Garza

Motion to accept funds: by Commissioner Casterline, motion was seconded by Commissioner Chaney
Charity Franco, Director of Juvenile Services – we are returning funds that were paid to cover juvenile’s being held in San Patricio County while waiting to enter Texas Juvenile Department. Commissioner Chaney – I don’t remember seeing this before. Charity Franco – this is new for the State. When the Texas Juvenile Department was not able to start taking the kids, in the past they were committed one day and gone the next, but after COVID they have not been able to immediately take the kids. Some wait up to 100 days, after they realized they are making us keep them while they are committed to the State. This is a new initiative, we have never seen it done before and don’t know if it will continue but they did it this time and it is the right thing to do. The State is now paying for holding after 30 days while waiting for a spot in Texas Juvenile Department.
Commissioner Chaney – this is a good step towards the State recognizing some of the costs that counties across the State get hit with.
Vote: Motion carried 5-0: it was so ordered

11. Accept and discuss a report submitted by Dr. Zhangfei Liu of the University of Texas Marine Science Institute (UTMSI) and Adrien Hilmy of the Coastal Bend Bays and Estuaries Program (CBBEP) pursuant to the Contract for Sediment and Water Quality Testing and Analysis at Port Bay, which report will provide information about available data collected and analyzed since the interim report submitted to the Commissioners in May 2023– Commissioner Pat Rousseau/Judge Garza

Motion to accept report: by Commissioner Rousseau, motion was seconded by Commissioner Dupnik
Presented by: Adrien Hilmy of the Coastal Bend Bays and Estuaries Program. See attachments for the report.
Commissioner Chaney – What is an expectation of a normal sample?

Adrien Hilmy – That is tricky, the regulatory agency approved levels for surface waters is not exactly clear. So what we work off of is the drinking water standards. That is 2 parts per billion, we are at 21 parts per billion, but no one's drinking Port Bay water on a regular basis. We would like to see this lower, I don't think the concentrations we're seeing is a cause for alarm, but I am not a toxicologist. As we get more information from the oyster tissue sampling that's going to be revealing. Commissioner Chaney – is this something that in the area sampled is unusual to the Port Bay system?

Adrien Hilmy – coast wide nutrient levels are increasing going to the bay, just as we see increased urbanization, water is being routed directly into the bay to reduce flooding. Nutrients seems to be increasing faster than other bay systems but not the highest concentrations that we are seeing along the coast. It is something to monitor moving forward.

Commissioner Chaney – at a further distance from the testing sites would we expect to see the nutrient level about the same?

Adrien Hilmy – because Port Bay is pretty enclosed that causes reduced circulation compared to Copano Bay. Typically the larger the bay the more circulation there is and those concentrations are going to go down.

Commissioner Chaney – could we assume that this concentration would be relatively neutral throughout the bay and different distances?

Adrien Hilmy – Within Port Bay?

Commissioner Chaney – in reference to the sample sites.

Adrien Hilmy – the samples are spread throughout Port Bay at 8 different sites.

John Seffern – I did this for a living in the Air Force. You don't specify an isotope for the uranium, do you happen to know what that is? That's bad stuff by the way.

Adrien Hilmy – The reason that the isotope for radium is specified is because we see that specific isotope as for Uranium we are looking at uranium across the board not just that specific isotope that is produced.

Commissioner Casterline – do ya'll take into consideration that the watershed for Port Bay goes all the way to Ingleside?

Adrien Hilmy – we're not doing any testing up into the watershed, just locally here. There could be influences higher in the watershed, we can't exclude that.

Commissioner Chaney – the primary ditch to drain Ingleside comes right by Kiewit and through that area. I would suspect that would influence to some degree but that is a long way.

Adrien Hilmy – It is, especially the testing on land that we've done is very localized and adjacent to those Retention Ponds. But as for the testing in Port Bay itself that will be particularly influenced by everything in the watershed.

Commissioner Chaney – that is something that we ought to consider looking at, the City of Ingleside is have a problem with that ditch not being wide enough and there are some ongoing studies them and the Port of Corpus Christi. They are talking about widening and some other things with those ditches and maybe some aquatic cleanup. The reason I ask that, whenever we ask for this survey, and I think you have done a very good job, we asked what was in the "Red Beds", it doesn't get in the "Red Beds" from the West it comes in from the South.

Adrien Hilmy – Depending on the contaminant, some of those like Mercury, Radium, and Uranium are more directly attributed to the “Red Beds”. Nutrients are going to be influenced by watershed.

Commissioner Chaney – the shallow water depth plays a part.

Adrien Hilmy – absolutely, the shallow water depth, the enclosed nature of the bay leads to these contaminants getting and staying there. Shallow depth you have nutrients in the sediments that are constantly getting re-suspended.

Commissioner Casterline – do you see the algae that you talk about retaining any of these chemicals?

Adrien Hilmy – not those other pollutants. No the Mercury, Radium, Uranium, and PAHs, you’re going to see those in the Oyster tissues. The algae is mainly a nutrient uptake process. With algae growth it’s the bloom and fish die off, that’s the concern.

Bill Stranahan – Have you analyzed how dangerous the “Red Beds” by itself how dangerous it is?

Adrien Hilmy – We don’t have access to those “Red Beds”, we haven’t sampled with it. We are not able to sample the dust itself. What we would see adjacent at these beds or in the bay would be potentially either blown out by high winds if there isn’t enough ground cover or seeped out due to flood or leaks.

Jennifer O’Steen – doesn’t TCEQ sample directly in the “Red Beds”?

Adrien Hilmy – Yes, TCEQ I believe sampled in the “Red Beds” in the mid-2000s. I think it is the responsibility of the Company now, ALCOA, to sample and report to TCEQ. They are mandated to have about a 20-year process to determine how they are going to close those beds. We are not involved with regulating those issues.

Bill Stranahan – what they did to mitigate this in Ingleside, they pumped sewage into those beds to grow a cover of palm trees. The problem they had over there was blowing the red dust. It hasn’t been done over here and it seems to me that would be the best thing we could do.

Adrien Hilmy – that is definitely a strategy to reduce the dust. I know they put hay and brush material to reduce the dust. We are not part of those mitigation strategies.

Bill Stranahan – it seems like if there is danger from the red dust mostly because it’d be blowing, you do have seepage into the groundwater.

Adrien Hilmy – that’s what we have been tasked with. To see if there has been seepage into the groundwater, as well as during flood events. This came from concerns from satellite imagery following Hurricane Harvey, and the high water levels with the heavy rainfall experienced during that time. It’s a twofold question. Could it be coming from dust or leakage?

Bill Stranahan – wouldn’t the main pollutant be from the blowing?

Adrien Hilmy – I can’t comment on that

Bill Stranahan – it seems like it might be. You are telling how far from the beds the pollution is.

Adrien Hilmy – we are trying to quantify and see if there is a significant contamination related to those beds.

Judge Garza – Bill, can you state your full name and address for the County Clerk?

Bill Stranahan, address given. I have these question as I worked with Dr. Matthew who was the Medical Director there for years. I know the efforts they made. This

dust starts with Boxite, then extract. The reason they have to store this stuff is there is nothing else they could do with it. It's chemically inert, it won't combine with anything. A project to use it to make lightweight concrete, it worked but it turns out they didn't have any way to ship it to a plant that makes concrete. It seems if were really dangerous people would have died from it, because they worked in it. I'm just curious as to how dangerous the stuff by itself is?

Adrien Hilmy – I will say, though I'm not a toxicologist that these byproducts with long-term are associated with increased cancer rates and other serious health problems. How long you need to be exposed and what concentrations, I'm not sure. We are trying to provide base level concentrations in the area.

Bill Stranahan – I'm concerned about the quality of water also because of the fish but it seems like if it was really dangerous there would have been a lot more problems.

Who knows? You have not analyzed the dust itself?

Adrien Hilmy – No, we're not sampling within those retention ponds themselves. We are only able to look at what or if anything has come out of those ponds, if so how concentrated that is.

Bill Stranahan – with a large oil industry as well it seems like we need to separate those as well.

Adrien Hilmy – So that's something that the PAHs has contributions from both. I think by looking at Mercury, Uranium and Radium, those are more directly related to the "Red Beds".

Commissioner Dupnik – on your conclusion sheet you said the concentrations of total Mercury are within typical ranges found in Texas and also you said in site 3, closet to the tailing pond had the highest concentration. The other data here it says that Mercury concentration was below the detection limit for the EPA, so location 3 was pointed out but it's still within EPA standards.

Adrien Hilmy – it is still within EPA standards, it's just noteworthy that the highest concentrations was site 3. Overall it is relatively encouraging.

Commissioner Chaney – how far below the maximum was it?

Adrien Hilmy – I will need to double check on that.

Commissioner Chaney – will you do that and let the court know?

Adrien Hilmy – I can follow up with court about that. It is worth noting again that all of these EPA standards are for drinking water rather than surface water.

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

12. Discuss, approve or disapprove the Rockport Cultural Arts District Report for 3rd Quarter 2023 – Jennifer Day/Judge Garza

Motion to accept presentation: by Commissioner Casterline, motion was seconded by Commissioner Rousseau

Presented by: Jennifer Day

Commissioner Dupnik – I know the Airport Board is looking to promote this too, and that will help ya'll too. People don't realize they don't have to drive, they can fly in.

Jennifer Day – Chief Stevens stated he is using this as a recruiting tool as well. Real

Estate agents are also using it. There is no downside to it.
Vote: Motion carried 5-0: it was so ordered

VIII. CONTRACTS AND GRANTS

13. Discuss, approve, or disapprove the FY2023/2024 Interlocal Agreement with the Regional Public Defender's Office for Capital Criminal Cases, funded in part by the Texas Indigent Defense Commission (TIDC) Multi-Year Discretionary Grant Program Funds and in part by Program Participants, to provide court-appointed counsel for individuals charged with the offense of capital murder in the participating counties and who cannot afford to hire their own attorney; Cost for services is based on our 2020 census numbers and the latest ten-year capital case data reported by our District Clerk (Oct. 1, 2010 – Sept. 30, 2020) with \$5,661.00 being Aransas County's cost share – Amanda Oster/Judge Garza

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

Discussion followed: Jennifer O'Steen – I would like to note that the \$5,661.00 is for year one of the agreement. This is a two year of the agreement so the total is just under \$12,000 for two years. I think the motion is still acceptable, I just wanted to point out that is one year's cost.

Commissioner Rousseau – you said the second year would be the same amount?

Jennifer O'Steen – I think it is exactly the same but if not it is still under \$12,000 for both years.

Commissioner Rousseau – Question about the letter from Edward Ray Keith with the Regional Public Defender, it mentioned it was due on Sept. 30th of this year and the payment due 30 days after that. Are we still going to be compliant?

Jennifer O'Steen – I questioned that but this was the first time that I was aware of this item. I think it came to Tracy Orr Smith. I'll repeat what Tracy said since no one can hear her: Just because the letter is dated that wasn't the date that it was received by Aransas County. We received it well after the dates listed in the letter. I think we will be fine. This is a renewal of an ongoing project that we participate in. It's worthy to note that we haven't had a capital murder case in the recent past. We hope that we will not have those types of cases, but participating at this cost is money well spent.

If we do have a case like that more than you can fathom. This would pay for its self and then some, probably 100 times over.

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

14. Discuss, approve, or disapprove Change Order No. 6 to the Construction Contract for the Copano Heights Project between Aransas County and K-C Lease Service, Inc. d/b/a Matagorda Construction & Materials funded by the County's General Land Office Community Development Block Grant – Disaster Relief (CDBG-DR) Contract #20-065-

098-C270, to increase the time of the contract by 34 days – David Reid/Judge Garza

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

Discussion followed: Commissioner Rousseau – the reason for this extension? David Reid – they are not finished, we had a change order to add a few things that was approved in Commissioner’s Court a few weeks ago. We have our final walk through tentatively this Thursday, there may be a something that comes up but the project should be substantially finished.

Commissioner Casterline – they seem to be virtually finished.

Commissioner Rousseau – I this the one where we did additional?

David Reid – safety and treatments was the last.

Commissioner Rousseau – we made improvements to this because there was money still available in the grant.

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

15. Discuss, approve, or disapprove permitting the Road and Bridge Department to solicit bids for Road Materials– David Reid/Judge Garza

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

Discussion followed: David Reid – this is an annual bid.

Commissioner Chaney – how are we doing on inventory right now?

David Reid – its November so we’re getting to the end.

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

16. Discuss, approve or disapprove Change Order No. 1 with Contractor Gerke Excavating, Inc.; Contractor misinterpreted the engineer’s intent for bidding “double-barrel box culverts”, which resulted in under-bidding the items on the construction contract for East Linden from the County’s General Land Office Community Development Block Grant – Disaster Relief (CDBG-DR) Contract #20-065-098-C270; Engineer and staff discussed the error and agree that the change order is warranted to increase the approved cost by \$433,774.39, which will increase the total contract price from \$2,265,183.19 to \$2,698,957.58 – David Reid/Judge Garza

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

Discussion followed: Commissioner Chaney – is this an obvious mistake they should have caught or because we can’t get the volume with a single conduit?

David Reid – the question was a doubled barreled covert, the plan that the engineers signed was measured from head wall to head wall. The contractor thought that was the overall length of both sets of boxes into the end so he bid it half the amount he should have. He was still the low bid even if had bid it correctly. We are doing a double so we assumed that it was an honest mistake, and he should be compensated for what he is putting in the ground.

Commissioner Chaney – is he sharing in the cost of this mistake?

David Reid – not that I’m aware of.

Jennifer O'Steen – There's one way that he would be commissioner and it's the total amount of change orders allowed for the contract over the life of the project. This will reduce it down to only \$188,000 remaining legally for us to issue additional change orders if needed. If additional change orders are needed and it exceeds that amount the contractor would then take a hit.

Commissioner Chaney – we are still within our budget?

David Reid – we are and I talked with the contractor about if change orders exceeded that amount that he would be responsible so don't ask for more.

Commissioner Dupnik – you said this is still the lowest bid.

David Reid – it is still the lowest bid, yes. We've used this contractor on another project and they have been really good.

Commissioner Casterline – the reason for the double barrels? Would it be because you have to use something much bigger and the depth?

David Reid – Yes.

Commissioner Chaney – because of our water table are we going more and more to double barrel coverts?

David Reid – When we start looking at the design, double barrels fit better, we are so flat and the water table.

Commissioner Chaney – is this something we might start using on driveways and things?

David Reid – we do occasionally do it on driveways, but driveways aren't necessarily designed to the same flood frequency that these big box crossings, but sometimes that's what you have to have to fit.

Commissioner Chaney – maybe we need to look at using these more?

David Reid – We do look at what size it needs and how it fits in there the best way.

Commissioner Rousseau – for clarification, this is being paid for with a grant.

David Reid – yes

Commissioner Rousseau – as the Assistant County Attorney said, there was an allocation made for the possibility that there might be change orders with a limit on that amount. This falls within the limit that's available, but it will shorten any other change order that need to be made for this project and the contractor knows that.

David Reid – it's not an allocation made for overages, it's the limitation under state law for change order amounts that is 25% of the total value of the contract when the contract exceeds a million dollars.

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

17. Discuss, approve or disapprove a contract with GreatAmerica Financial Services Corporation for an upgrade Pitney Bowes postage machine from the current SendPro MailCenter 1500 to the SendPro MailCenter 2000 with no increase in cost– Judge Garza

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

Discussion followed: Rocky Connor with Pitney Bowes.

Commissioner Rousseau – The agreement page states a monthly payment amount is \$785.00 for 63 months and on another page the equipment rental agreement page

states the payment is \$64.00 a quarter. These are very different amounts.
Jennifer O'Steen – those are two different items. The equipment is \$785.00 per month and the other is the meter for the mail postage.
Rocky Connor – Great America cannot bill for the postage meter. That has to be built by Pitney Bowes, that's why it's not consolidated in to one.
Commissioner Rousseau – so what is the current payment amount?
Jennifer O'Steen – It's those exact figures.
Commissioner Rousseau – so \$785.00 per month for 63 months of the contract, plus another \$64.00 a quarter.
Rocky Connor – correct
Commissioner Chaney – is this in our 2024 budget?
Jacky Cockerham – yes it is in our budget.
Jennifer O'Steen – I also want to mention that this company was easy to work with and made a lot of requested revisions in the contract. It's not often that we have someone so easy to work with. So, I want to thank you and Great America for being willing to do that.
Rocky Connor – you put us through the paces but all is well that ends well.
Vote: Motion carried 5-0: it was so ordered

18. Discuss, approve or disapprove Amendment No. 1 between Aransas County and GrantWorks, Inc., to extend the time of the grant administration services contract for FEMA 404 Hazard Mitigation grant program, from December 23, 2023 until completion of all task orders issued to the County or May 31, 2026, whichever is earlier –
John Strothman/Judge Garza

Motion to approve: by Commissioner Chaney, motion was seconded by Commissioner Dupnik
Discussion followed: John Strothman – this is to just extend the time, there is no cash value to it. The fees are paid through the grant.
Commissioner Rousseau – Which 404 Grant Mitigation grant projects are still ongoing?
John Strothman – All of them. Five years.
Commissioner Rousseau – so none of them have been completed?
John Strothman – We have one approved and we're waiting on a budget adjustment but the rest of them are still in various stages.
Commissioner Rousseau – so the Bay Shore stabilization is one of those?
John Strothman – Bay Shore Drive, yes. We are waiting on a budget modification.
Commissioner Rousseau – Is Shell Creek in there?
John Strothman – Bay Shore is funded through TCEQ, we are just waiting on notice to proceed. But the Shell Ridge, Lamar Beach Road, Little Bay and the seven generator projects are all in various stages and still waiting for approvals. After five years all the budgets have been blown apart between COVID and inflation.
Vote: Motion carried 5-0: it was so ordered

19. Discuss, approve or disapprove a proposal from Kofile to include mold remediation for “Part 2” of planned preservation, imaging, and indexing services at the additional cost of \$3,800.01 and authorize County Judge to sign necessary documents – Misty Kimbrough/Judge Garza

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

Discussion followed: Commissioner Dupnik – this is coming at a lower cost than expected.

Misty Kimbrough – a much lower cost. I was expecting around \$50,000. Last Wednesday I met the Kofile representative to assess what is left that wasn’t planned for preservation, imaging and indexing. They will be taking everything that is not in a filing cabinet. He is going to try to have zero transportation costs but waiting until one of their trucks is down in the area to pick up our records. I don’t have bid yet but he feels it will be under \$10,000.

Commissioner Chaney – that’s quite a drop

Misty Kimbrough – it’s because the infiltration of the mold was less than what was expected. The quick work of Rene Butler and Al Johnson to fix the air conditioner and cleaning all of the hard surfaces.

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

IX. PLANNING AND BUDGET

20. Discuss, approve or disapprove October 2023 Indigent Health Report – Alma Cartwright/ Judge Garza

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

Discussion followed: Commissioner Rousseau – the report is fine, I just wonder who our new provider would be since Randy Bingham is closing.

Jennifer O’Steen – we aren’t going to have a new provider, he is going to continue to provide services at the Aransas County Detention Center

Alma Cartwright – As far as the non-inmate patients we are sending them to Dr. Smith in Aransas Pass, while trying to find another provider that will accept our program.

Judge Garza – we are still searching.

Jennifer O’Steen – I was confused, Jacky just corrected me. What I was talking about was on our inmate care. What Alma is speaking to is when we help reimburse indigent individuals for medical expenses they go to whoever they want.

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

21. Discuss, approve or disapprove September 2023 Aransas County Treasurer’s Report – Alma Cartwright/Judge Garza

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 3rd Quarter Aransas County Treasurer's Investment Report – Alma Cartwright/Judge Garza

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

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

23. Discuss, approve or disapprove the October 2023 Auditor's Monthly Report – Jacky Cockerham/Judge Garza

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

Discussion followed: Commissioner Rousseau – Aransas County Monthly Levy Report Sept. 2023. The sum of the uncollected delinquent tax balances is about \$717,000. What's the likelihood of our collecting it?

Jacky Cockerham – they will continue to collect those throughout the year. They will always be on there. We have tax sales to help collect those. They collect all the back taxes when a property sells. They will always be on the books but they'll be collecting them with they are due.

Commissioner Rousseau – is this one of the items that Linebarger assists us with?

Jacky Cockerham – yes ma'am.

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

24. Discuss, approve or disapprove Renewal of the Flood Insurance with Wright National Flood Insurance Company beginning January 1, 2024 – Jacky Cockerham/Judge Garza

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

Discussion followed: Jacky Cockerham – these are renewals, they did increase about \$900 annually per site, and we have 5 sites. We have the Annex, Detention Center, Public Safety Center, Library and Tax Office.

Commissioner Rousseau – so the total cost for the policies going into 2024 is a little over \$29,000, if we keep it at the same level.

Jacky Cockerham – we do have choice there is an A and a B option. A option increases only the contents. We have traditionally stayed with the A option because B significantly increases it more than \$900.

Commissioner Rousseau – so we will go with option A?

Jacky Cockerham – that would be my recommendation.

Commissioner Rousseau – should we amend the motion?

Commissioner Dupnik – you are stating that this will still be within our budget.

Jacky Cockerham – yes sir, we budgeted an increase on insurances. So this should stay within our budget.

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

25. Discuss, approve or disapprove proposed on-site Sewage Facilities Fee of \$1,000 for Illegal Modification of Septic Systems – Elle Morales/Judge Garza

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

Discussion followed: Elle Morales – We have been working with the Short-Term Rental Council / Committee, regarding issues with the OSSFs. Homeowners are attaching little buildings to an existing septic system and using them as Airbnb or short-term rentals. As you can see from the water usage rates that it overloads the system. Our office gets numerous calls, voicemails on Sunday and Monday afternoons regarding seepage out onto other properties. If we can start making homeowners aware that you can't just attach something to your septic and there are reasons why. I think it will help deter that and maybe get it more under control in the county.

Commissioner Casterline – it says “fee” but is that a “fine” instead?

Elle Morales – it's a fee because they are going to have to do a modification to their system. They will have to get a new septic design, a permit and a certified installer. So that is more of a fee that they will pay.

Commissioner Casterline – if they do all that it won't be illegal. I'm just looking at the wording on the agenda item.

Jennifer O'Steen – that's what they will have to do once they have modified it without going through the appropriate steps. So it's more staff time to go out to inspect once we know that they have done it illegally.

Judge Garza – if they do it illegally do you write tickets or press charges?

Elle Morales – we haven't had it as a fee, we do a notice of violation and then go through all of the steps with them. We haven't been reimbursed for our time that we are spending on that case. We are finding it be happening more this last year as short-term rentals become more popular, especially in the county.

Commissioner Dupnik – so there is a penalty but once they start doing all the modification there is going to be a fee for them.

Elle Morales – they are going to have to get a new permit for their system, once they've gotten the modification done with a septic designer and professionally installed. A homeowner in Aransas County is not able to do repairs to their system,

26. Discuss, approve or disapprove proposed closure of the Aransas County Transfer Station on the following dates: 1).December 8, 2023 from 11am to 1pm to allow Transfer Station employees to attend the County Employee Christmas Party 2) Revise the 2024 Transfer Station's Holiday schedule – currently the TS (Transfer Station) is closed on Wednesday after a Monday holiday. The TS is requesting to close on Tuesday after a Monday holiday. Transfer Station employees work on Saturdays, unlike other departments, with Sunday and Monday as their days off. With the current schedule, TS employees work Saturday, are off Sunday and Monday (2 days), work Tuesday, off Wednesday. With the revised schedule, County TS employees will work Saturday, be off Sunday, Monday and Tuesday (3 days). This revision will allow the County Transfer Station employees the opportunity to enjoy the 3-day holiday weekend with their families, equivalent to the majority of the County employees. Following are the proposed changes to the 2024 Transfer Station Holidays:

Tuesday, January 2, 2024
Tuesday, January 16, 2024
Tuesday, February 20, 2024
Tuesday, May 28, 2024
Tuesday, September 3, 2024
Tuesday, November 12, 2024

– Elle Moralez/Judge Garza

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

Discussion followed: Commissioner Rousseau – only changing for Monday Holidays
Commissioner Dupnik – are these closure dates going to be posted on the County website?

Elle Moralez – We want to be able to start advertising dates to be closed, with signage, and it is always on the County website.

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

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

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

None at this time.

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

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

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

Jacky Cockerham: Payroll and accounts payable are normal but want to mention some capitol items:

Mott McDonald, \$21,673.49 for Cedar Bayou and these will be reimbursed by FEMA

Scott Electric for work at the Detention Center, \$5,361.74, insurance claim

PGAL for the courthouse, \$11,381.15

Mott McDonald, \$ 332,001.23, engineering for all of the street projects through the GLO grant

Grant Connection \$3,720.83 TCEQ Bay Shore Dr. Project

Broadus for the courthouse \$18,000

ARPA \$475 to T. Baker engineers for the water tank at the Detention Center

Water Truck for Road and Bridge for \$95,000

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

X. REPORTS FROM COMMISSIONERS, ELECTED OFFICIALS, AND DEPARTMENT HEADS – NO ACTION TAKEN

There were none.

XI. REPORTS ABOUT ITEMS OF COMMUNITY INTEREST – NO ACTION TAKEN

There were none.

XII. CLOSED SESSION – Commissioners Court may Convene into a Closed Session to:

29. Convene into a Closed Session to consult with counsel and receive legal advice about insurance matters related to Aransas County’s projects and insurance claims from Hurricane Harvey, including the following pending litigation:

- i. *Aransas County Texas v. Endurance American Specialty Insurance Company, et al*, Aransas County District Court Cause No. 23-0021; and
- ii. *Northstar Recovery Service, Inc. v. Aransas County Independent School District and Aransas County*, Aransas County, District Court Cause No. 23-0066 consolidated with *Northstar Recovery Services, Inc. v. HR&R, LLC, et al*, Aransas County District Court Cause No. 20-0159; and
- iii. *Aransas County v. Kathleen Hicks, in her official capacity as Director of the Regional Pool Alliance*, Aransas County District Court Cause No. 23-0069.

pursuant to Section 551.071 of the Texas Open Meetings Act, which authorizes closed sessions for a governmental body to consult with its attorney(s) regarding advice on legal matters pertaining to “Pending or Contemplated Litigation; or a Settlement Offer; or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with” the Open Meetings Act – Amanda Oster/Jennifer O’Steen/Judge Garza

30. Deliberate about personnel matters related to the Director of Animal Care Services as authorized by Section 551.074 of the Texas Open Meetings Act.

Motion to move into closed session at 10:38 AM: by Commissioner Rousseau, motion was seconded by Commissioner Dupnik
Vote: Motion carried 5-0: it was so ordered

XIII. OPEN SESSION

31. Reconvene into Open Session

Motion to move into open session at 11:11 AM: by Commissioner Casterline, motion was seconded by Commissioner Rousseau
Vote: Motion carried 5-0: it was so ordered

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

Judge Garza – there is nothing that needs to be discussed.

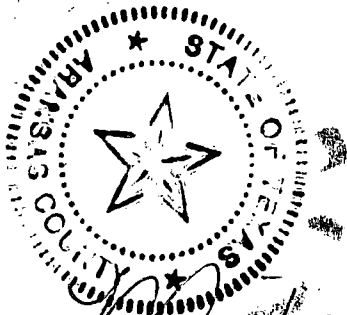
XIV. ADJOURNMENT

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

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

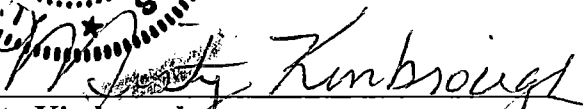
Meeting adjourned at 11:12 AM.

ARANSAS COUNTY COMMISSIONERS' COURT





Ray A. Garza, County Judge



Misty Kimbrough,
Ex-Officio Clerk of the Commissioners Court

