

# MINUTES

## Aransas County Commissioners Court



9:00 AM – Monday, November 27, 2023

The Aransas County Commissioners Court met on Monday, November 27, 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 \(aransascourt.com\)](https://www.aransascourt.com/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

### 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

There were none

### V. PRESENTATIONS AND PROCLAMATIONS

1. Presentation from [Coastal Bend Wellness Foundation](#) addressing substance use and opioid use disorder in rural communities of the Coastal Bend – Aaron Delgadillo

**Presented by:** by Aaron Delgadillo, Rural Outreach Specialist with the Coastal Bend Wellness Foundation, specifically for the project "REACH" addressing substance and opioid use disorder in rural communities of the Coastal Bend. We are trying to help communities by establishing referral networks to help provide services. Substance abuse has long-term effects in the community both socially and financially. We want to help by getting abusers to a place where they can be sober, clean and a productive member of society. We work with other agencies including the Children's Coalition, also the Health Department, Sheriff's Department, Police and Indigent Health Services to be able to better provide services for your community. I'm here for awareness, many counties don't know we exist. You have tools at your disposal but if you don't know how can you use it. In the future we would like to participate in an MOU (Memorandum of Understanding) between our program and the County. We have presented a rough draft to be "fixed or amended" by the County Attorney, in order to be able to provide services that suit your needs in your county. Our program is free, it's been free. We function from a federal grant.

Commissioner Rousseau – I suggest two things: 1. Our Treasurer, Alma Cartwright, is here and she is over the Indigent Health Department. We have addressed the opioid

and substance abuse disorder in court before. 2. Lara Rios is our Juvenile Case Manager and she would be a good person to talk to. So, I suggest giving them your card. Thank you for making us aware of this, I did not know your organization existed.

Aaron Delgado – that the reason I’m here today.

Commissioner Rousseau – have you spoken with Patricia Arnold with Aransas County Medical Services?

Aaron Delgado – that is one of the people I’m hoping to speak to, moving forward.

2. Presentation from the Children’s Coalition of Aransas County – Dianne Nielsen/Megan Kunkel Glidden

**Presented by:** by Megan Glidden & Dianne Nielsen.

Megan Glidden – one of my greatest joys working for the county and being a part of the Texas Agra Life is getting to work with and be on the board of the Children’s Coalition of Aransas County. I’m very proud of the work that we do and the services that we are providing the children and families. The best person to describe what we do and to go more in depth is Dianne Nielsen our Executive Director.

Dianne Nielsen – See attached PowerPoint.

- Began in 2017, with Camp Harvey a 3 week long emergency Child Care Program for 52 children while families began the recovery process after Hurricane Harvey.
- When that was completed there were still needs in our community, our community faces serious challenges.
  - 32.1% of Aransas County children live at or below the poverty level
  - Aransas County ranks in the lowest 10% of the state for children’s economic well-being
  - Child abuse rate in Aransas County is 2.5 times the state average
  - Prior to October 27, 2022 there were enough legally operating childcare spaces in Aransas County to meet 11% of the need
- We are a faith-based organization, doing what we can to share the love of Christ with our community.
- We envision a community in which every child will have a safe, healthy, and happy childhood.
- October 27, 2022, CCAC opened the Coastal Bend Child Development Center
  - This created 93 more childcare spaces, so now we meet about 20% of the need for child care in Aransas County
  - Quality care for children between 6 weeks and 12 years of age. Mon.-Fri. all year
  - 64% of children that attend CCAC live in low-income households
- Research shows that quality birth-to-five early childhood education delivers the greatest return on investment.
  - Every dollar invested for disadvantaged children delivers a 13% annual return
  - This is higher than the 7-10% ROI delivered by preschool alone

- We as a society focus on Elementary and on Public Schools but according to, heckmanequation.org, that is too late
- Quality care gives parents the time to enter the workforce, build skills and advance careers and income
- Quality care programs pay for themselves within 5 years, based on the income gains among parents who enter the workforce
- Since October 2022, CCAC has created 25 new local jobs
  - These jobs put more than \$55,000.00 per month into the local economy
  - We provide emergency food pantry for families in need. With an annual impact of \$1,500.00 per month
  - We are in partnership with the Good Samaritan program, delivering groceries once a week for families who lack transportation
  - Diaper Pantry, serves approximately 90 families, with a monthly economic impact of approximately \$1,000.00
  - Children's clothing closet from newborn to children's size 18, with a monthly impact of approximately \$2,600.00
  - We provide training services for early childhood professionals throughout the Coastal Bend. We host an annual Conference that brings about 250 early educators for a full day of development
  - We provide a 120 clock hour training course for those who wish to earn the nationally recognized Child Development Associate credential. This course (a \$400.00 value) is offered at no charge to employees at the CCAC Coastal Bend Child Development Center. Participation and completion of this course is tied to a career ladder that leads to higher rates of pay.
- Through all of these services that we offer, CCAC's annual impact on the economy in Aransas County is greater than \$725,000.00
- We receive a modest amount of income from tuition, that income does not cover the full cost of care. The center operates at a deficit every month. We depend on grants, donations, and fundraising activities to provide the funding necessary to do the work that we do.
- The recently approved Texas Constitutional Amendment Proposition 2 amends the state constitution to allow counties or municipalities to authorize a property tax exemption on all or part of the appraised value to real property used to operate child-care facilities. This tax exemption would be very helpful to Aransas County childcare centers, and we appreciate your consideration of ways to implement this exemption in 2024.
- Friday is our annual fundraiser, we have dinner and band at the Fulton Convention Center. If you are interested and do not have tickets you can go to Event Bright by looking up Aransas County Coalition or call our office or go to our website: [www.childrenscoalitionac.org](http://www.childrenscoalitionac.org)
- They accept gently used clothes and toys, also food and diapers.

3. Issuance of Proclamation #P-29-2023, proclaiming Steve Russell as Aransas County Artist Laureate – Jennifer Day/Judge Garza

**Motion approve issuance:** by Commissioner Judge Garza, motion was seconded by Commissioner Rousseau  
**Read by:** Jennifer Day  
**Vote:** Motion carried 5-0: it was so ordered

**VI. CONSENT AGENDA**

4. Discuss, approve or disapprove the Minutes from the November 13, 2023 Regular Meeting – Misty Kimbrough/Judge Garza
5. Discuss, approve or disapprove the Minutes from the November 15, 2023 Special Meeting – Misty Kimbrough/Judge Garza

**Motion to approve but move # 6 to its own item to discuss separately:** by Commissioner Rousseau, motion was seconded by Commissioner Dupnik  
**Vote:** Motion carried 5-0: it was so ordered

6. Receive and record follow-up response from Adrien Hilmy of Coastal Bend Bays and Estuaries Program (CBBEP) to question raised during the 11/13/2023 Commissioners Court meeting – Commissioner Pat Rousseau

**Motion to receive and record the follow up information:** by Commissioner Rousseau, motion was seconded by Commissioner Dupnik  
Commissioner Rousseau – this information was provided by Adrien Hilmy that was requested during his presentation at a prior Commissioner’s Court. He emailed me the information and I wanted to provide that to the Court and to the public. You can see the detailed information in the attachments.  
**Vote:** Motion carried 5-0: it was so ordered

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

7. Discuss, approve or disapprove the 3rd Quarter Report for the Texas Maritime Museum – Tom Rodino/Judge Garza

**Motion to approve:** by Commissioner Rousseau, motion was seconded by Commissioner Casterline  
**Presented by:** Tom Rodino, Board Member and filling in as the Executive Director, Dr. Justin Parkoff left the museum.  
Commissioner Rousseau – would you tell us about the fundraiser coming up.  
Tom Rodino – The Annual Christmas Gala on Dec. 8, 7-10 pm, ticket purchase and other information are on the website.  
**Vote:** Motion carried 5-0: it was so ordered

8. Discuss, approve or disapprove Order #O-27-2023, an Order of the Commissioners Court of the County of Aransas, Texas, replacing Order No. O-12-2021 entitled “Regulations for the Cutting of Live Oak Trees in the unincorporated areas of Aransas County” to retitle the Order “Regulations for the Removal or Clear Cutting of Live Oak Trees in the Unincorporated Areas of Aransas County”; to amend definitions and procedures; to provide for severability; repealer, and savings; and to establish an effective date – Jen O’Steen/Judge Garza

**Judge Garza** – I had planned to strike this but left it on for discussion.

**Motion to discuss the proposed revision:** by Commissioner Rousseau, motion was seconded by Commissioner Casterline

**Discussion followed:** Judge Garza – there was a mix up in what was posted, there were more revisions submitted last minute.

Debbie Griffith – Chair of the Tree Committee. The committee felt it was important in the definition when talking about development pre-construction activities, to emphasize the Critical Root Zone need to be protected. I believe that legal thought about this differently but when we met again we felt it was important. It gives another avenue to hold someone accountable. On page 5 Tree Plan – add in that any activities planned in the near future. Edited on the meetings and duties of the Tree Committee to make it more passive and flexible. Instead of saying Environmental Health will provide an annual report to the committee, we changed it to say the committee will request periodic activity reports on an as needed basis to understand and utilization compliance and to identify any trends. Without that it would be difficult to annually review the tree ordinance. Just to be more passive than a must do annually. There was some re-numbering, some were out of order. The new re-inspection fee was not mentioned, we added under mitigation replacement trees that the trees need to live three years. Added a sentence about the re-inspection by Environmental Health will be provided periodically during the three years to validate the health of the replaced trees.

Commissioner Casterline – it states or eludes to that the Tree Committee is an advisory group to the Commissioner’s Court. I don’t believe that is a fact. I believe you are an advisory board to the Director of Environmental Health.

Debbie Griffith – do you know where it says that?

Commissioner Dupnik – page 6 section 5

Debbie Griffith – this might have been an edit from legal

Jennifer O’Steen – that was not an edit from legal, this has been in the order from 2021. A quick overview of the differences between 2021 Order that was adopted and the one being presented. I think it’s important to present how much this has changed in two years.

Commissioner Chaney – this is a very critical ordinance and you have been working on it for a long time and I would like to hear your thoughts.

Jennifer O’Steen – the committee has been great and have put a lot of time and effort into meeting with myself and Elle Moralez, and sometime with developers who had plans that would have required the removal of a significant of Live Oak trees. In 2021 Commissioners Court adopted an order that replaced an existing ordinance. That was made possible be a statute that was adopted by the state legislature in 2009. That statute gives us authority to regulate the cutting of Live Oak trees even though most counties do have that authority. That is found in 240.909 Local Government Code (LGC), this gives the county the ability to prohibit or restrict the clear cutting of Live Oak trees in the unincorporated areas of the county. If gives us the ability to define what a violation is and that a person can be punished as a Class C misdemeanor violation with a possible fine of up to \$500.00. The County Attorney or an attorney representing the county may file an action in District Court to enjoin a violation or threatened violation of an order adopted under this section. Cities generally have

extensive regulatory authority, more so than counties do. Betty Styles and others approached the legislature in 2009 to point out that the Live Oak trees in Aransas County are a unique resource and should be protected. The original order adopted that was in effect until 2021 was very brief, and did not provide for enforcement review or even provide definitions or procedures. That led to the review in 2021 and new order. Until it was put into practice we weren't sure what might need to be adjusted. The Tree Committee was defunct at that point but in 2021 with the new order it was revived. There were many meetings and work with the committee and Environmental Health to get to the final version included in the agenda packet. What did not make it into the packet were some additional revisions that the committee is suggesting, that did not get sent in in time to make it into the packet. The requested changes are relatively minor. The definitions mentioned are in my final draft, the critical root zone and the critical damage. What was not in my final draft was some of the language regarding what Environmental Health staff has to do. My version states that Environmental Health would come at least annually and give the Tree Committee information on how the order is working and problems that are found and maybe suggest revisions be made. The reason I stated annually is that an advisory board's purpose is to advise Commissioners Court. Not to direct staff not to assign staff duties, or ask them to provide additional documentation. Staff should not be creating records, an outside entity doesn't have authority to direct our staff. That's why I stated annually to give that information at least once a year to the committee. That does not mean they can't do it more frequently. If Judge Garza directed his staff then that is something that could happen. Re-inspection does take place if somebody cuts trees without going through the process and our staff finds out. We do have to go out and find out what's happened. Then once the mitigation measures are determined our staff would have to go back out and re-inspect the site. I did not put in going out over a three year period because of staffing. We have limited staff, and don't have ability to promise that we will have people to inspect periodically. It's about not putting something in the order that sets us up to potentially fail. Other than this one point I think everything recommended have been incorporated into the final order. What we have done with this order is to define and explain why the trees are important, how we are measuring the size of the trees, and what we are trying to accomplish by keeping as many of them as we can. While also recognizing property owners have a right to do what they want with their property, to an extent that it doesn't harm other and the idea that being able to remove all of our resource, Live Oaks, would be damaging to the community at large and not just an individual property owner. This order is to prevent the removal of more than 50% of the trees on a property. In addition it does have mitigation measures, and mentions things like irrigation. Some properties trees will be planted to replace some that have been removed, it might be necessary for owners to take steps like installing an irrigation system. The way it is in the order it would not be a mandatory thing for every single situation, it will be looked at on a case by case basis. Some properties already have enough water to keep the trees healthy, as the trees are already there. This order provides a chart to shows: how to measure the trees, where the critical root zone is and where we have to protect that. This order applies to properties that are at least 1 acre, if 50% or more of the Live Oak trees are going to be removed they will have to submit a tree plan to the

Environmental Health department and explain what and where they are going to remove and a review the plan with staff. If the staff looks at the plan and finds that it is reasonable a tree removal permit may be issued and the property owner will be able to proceed with their plan. What we have found over the last two years is at times developers just go ahead and cut the trees and hopes nobody notices. We have to trust our community to report, if you see cutting of trees with no sign that they have gone through the tree removal process please report it to Environmental Health. If the owner want to do something beyond the scope of the ordinance they can request a variance from those requirements, the ordinance does state what those procedures are. There is also an information about cumulative calculations for removal. There are rules and regulations about an owner removing 50% and then later splitting the lot. It will stop them from removing another 50% of the lots that have been created from 1 lot.

Commissioner Chaney – how long is that in effect, because you may have two or three different owners.

Jennifer O'Steen – you can subdivide you lots, but you can't subdivide your lots to get around the tree requirement.

Commissioner Chaney – what would be the evidence to prove that?

Jennifer O'Steen – that's why this is a problem and why it has taken two years for us to get to where we are today. There are problems with potentially enforcing the order. In a perfect world Environmental Health would have a record of every property in this county that says what its current state: what kind of trees, where are they located, what is the health status of those trees, but that is not something we can do or make owners do. As people come to us and apply for a permit the hope is that Environmental Health will keep good records of that and be able to refer back to them over the years.

Commissioner Chaney – We have a fine set for failure to comply, for cutting trees that should have stayed. How much are the penalties? If they were developing 100 acres or 2 acres, what is the financial implication for them if they were to cut it and just pay the court fine?

Jennifer O'Steen – There are two things to look at first: The Administrative fees that are separate from a violation of the order. These fees just pay for the county's cost to enforce this order. These are reasonable costs. For example \$50 for pre-inspection, \$50 for compliance inspection, for a tree removal permit \$55 plus \$35 per acre, and the fee after the tree(s) have been removed in violation of the order. Currently the version I gave says \$500 and \$35 per acre. That is different than the committee asked for, they asked for \$700, but my worry is the criminal penalty for a Class C misdemeanor is a maximum of \$500. I can't imagine an administrative fee that is greater than the criminal penalty. Keeping in mind that an owner would be subject to prosecution through our local court for that Class C misdemeanor for up to \$500 for every tree that's removed, depending on what we can prove. The administrative fee is intended only to cover our cost of enforcement. It may take time for the criminal case to get through the court while the administrative penalty can be put into place and collected rather quickly to cover our costs for staff going out for inspections.

Commissioner Chaney – If there are 500 trees and there is a set amount per tree that does make a difference.

Debbie Griffith – that is not a fine per tree

Jennifer O’Steen – Yes it is if we can prove it. Each tree that’s removed in violation of the ordinance could be a separate criminal penalty. We have had some luck with that. In 2021 we had a developer remove a lot of trees, because of the number of trees and our inability to prove how many we entered into a settlement agreement. They paid a penalty as part of a CIVIL agreement in lieu of prosecution under the current order.

Commissioner Chaney – Then they would be in violation of the administrative part. Jennifer O’Steen – they would but in this case a criminal penalty agreement might be \$10,000 and the administrative cost would be \$500 plus \$35 per acre, that is just paying our cost to enforce. Administrative fees cannot be used to punish. They are not fines. That is what the criminal violation is for. We want to make sure everyone knows this order is in place, and it is in our building permit process for two years. People and developers should know, realtors should know, property owners should know. What we need to get to is a community attitude that saving the trees that we can is important for our community.

Commissioner Chaney – We are not doing this to gain money. We are doing this to protect the long-term value of Aransas County. The long-term attractiveness of Aransas County. This is not a money making issue.

Jennifer O’Steen – The committee would probably tell you that they would prefer to charge more in the way of fees than what I’ve suggested. I limited my suggestion on the cap for the tree removal fee for a permit issued after they violated the order to be capped at the maximum criminal penalty would be. This is to help pay for staff not to make a profit. The criminal penalty goes into the same as all other penalties go, it’s not funding us, and it’s not a way to make money. But, when somebody violates the law there has to be some kind of financial penalty.

Debbie Griffith – I would like to add that the last presentation I made I gave statistics over the last two years. Most didn’t go to criminal court and they paid about \$250.

Jennifer O’Steen – that’s between the prosecutor and the offender and the court. All you can do as a Commissioner’s Court is set the maximum penalty. Whatever happens in court none of us can control. This will need to involve good communication between Environmental Health and the County Attorney’s Office to make sure the cases are as well documented as possible so they can move forward. Sometimes cases are settled for less than what the maximum penalty is, especially if there are issues with the photographic evidence. So they settled and asked them to pay a smaller penalty. The more we see this happen the more it will get out to the community and hopefully we will see fewer violations.

Commissioner Chaney – Once we file it’s up to the court to determine the fine anyway, up to the maximum that is set.

Jennifer O’Steen – or if the is a plea agreement with the prosecutor’s office.

Commissioner Chaney – when we first started there were a lot of violation, there doesn’t seem to be as many now.

Jennifer O’Steen – that is not the case. There are violations with almost every property that has been developed. Most of the time they aren’t removing too many but they are not getting the permit and not going through the review process. We definitely need to have a public awareness campaign to make in more widely known.



The Tree Committee did put out a big banner over McDonald's for Arbor Day that has an attention grabbing photograph on it. A lady with a chainsaw and is says "Call before you cut!" That is the idea, come to Environmental Health and figure out the requirements and how it applies to you. It is a nominal fee to do it right.

Commissioner Casterline - the part that I struggle with is as a property owner I feel like I own the trees on my property. I think that is common with people that own property. To me we are getting into the weeds with this. We are pressing on to where we'll have to pay people for the value that we affected their property.

Jennifer O'Steen - The biggest fear I have is overregulation into no longer having any authority at all. Our governor has been vocal over the last years about the dangers of overregulation. Specifically about regulation of trees. We know that he frowns upon regulating this area, but the legislature gave us some limited authority to regulate.

That is what we are trying to do. Reasonableness is what we have to look for. What you are saying is that we could remove someone's most economic beneficial use of their property. Which would result in an inverse condemnation case or an unconstitutional taking, keeping them from using their property the way they want to by our regulation. That is a valid concern. It is a concern that I have and anybody who is familiar with inverse condemnation would hope that we are staying so far into the reasonableness area that we wouldn't have to worry about that and I think the variance procedure gets us there. The variance procedure could allow them to remove the trees do what they want with their property and mitigate some other way. This could let the owner do what they want and protect our mission of protecting that natural resource.

Debbie Griffith - If we could have we would have distinguished between commercial and residential properties. Remember this is 1 acre or above. We are seeing most of the violations with larger acreage.

Commissioner Casterline - wouldn't that be discrimination?

Jennifer O'Steen - no it wouldn't be, but we are also not doing that.

Commissioner Rousseau - When I came onto the court I was concerned with what I saw going on in the community. I knew how hard Betty Styles had worked to get that Tree Ordinance. I worked with her to get it reestablished and get a new active committee appointed. This committee has worked obscenely to revise the order. I think the order before us addresses most of the concerns we had at our last meeting. I agree with Ms. O'Steen if a Class C misdemeanor is capped at \$500 we cannot assess a higher fee than that.

Debbie Griffith - and we agreed to that completely.

Commissioner Rousseau - Hearing what Ms. O'Steen said today about making some of the changes you (Ms. Griffith) talked about. Can we vote on this today?

Jennifer O'Steen - you motion was to discuss, you could amend the motion if you chose to do so. I did say this at the beginning, this is an important issue. I have worked with the Tree Committee for over two years. It's important to me to see it through and this is my last meeting, I would appreciate the Courts consideration and potentially adopting the revised order today. I hope I've addressed the questions brought up by the committee and explained why I did not want to make those extra changes. But every other revision they have asked for is included.

Shelley Steckler - I am on the Aransas County and City of Rockport Tree Committee.

I would like to address what “Bubba” Casterline said: The order only applies to an acre or more. When they apply for their tree permit if the tree is in the boundary line of their septic system of their home, then that tree is able to come out. If later they want to put in a small building or something in back, as long as it is permitted the tree is able to come out. This is to protect the trees from being clear cut. It applies to 50% or more, we are not saying you cannot do anything to your property. That is not the case, and that is not what this order does. I would like to differentiate from commercial and residential but in the city we can. If we have an 84 acre subdivision coming in off of Corpus Christi St. I’ve seen their tree plat, I cannot differentiate what trees are on there and what size. With so much development coming into Aransas County, approximately 24 subdivisions, if we are not protecting our natural assets, our trees that cool the temperature, they give us triple the price point of our land value, and they clean our groundwater. What are we going to have in 20 years from now? We will look like Portland and that’s not what your community would like. So moving forward with this order and this adoptions is for the betterment of our community.

Commissioner Casterline – the difference on our opinion you stated plainly. You said our, I said my. That’s the difference, you see all of the trees on everybody’s property as ours. We the property owners see them as ours.

Jennifer O’Steen – and that’s why we have that variance procedure. We want to ensure that whoever invests/owns property can use it the best way they choose to. We can’t prevent someone from changing their property. We just need to have a procedure in place for them to request a variance so they can still do what they want. It may involve them planting trees at a different location to make up for the trees they’re removing. This is about clear cutting, not about the removal of one or two trees. It to keep properties that are somewhat forested and wiping it all out. Which is what we were seeing a lot of.

Commissioner Chaney – This deals only with the unincorporated areas, not with the City.

Debbie Griffith – Ms. O’Steen provided very good information to us so we understood this. Originally we wanted greater penalties and smaller acreage, but she educated us very well about limitations of the laws.

Commissioner Chaney – want to make sure the public understands that we are talking about the unincorporated areas, not in the city. The city has more authority.

Debbie Griffith – Mr. Casterline I wanted to mention that over the last two years I’ve attended several variance meetings and in those meetings I think the Tree Committee and Environmental Health are very balanced at understanding what their needs are and come up with suggestions trying to make it work for them. That has been very evident in the variance meetings, discussing alternative that they might not have considered. I would love to move forward with this. We have a lot of communicating to do and we have a strategy and we’ll do as much as we can updating the information and the paperwork that’s in Environmental Health. I’ve offered to help do that to take the burden off of them. We would love to get this out there.

Commissioner Rousseau – **I will resend my earlier motion and Move to approve Order # O-27-2023 an Order of the Commissioners Court of the County of Aransas, Texas, replacing Order No. O-12-2021 entitled “Regulations for the Cutting of Live**

Oak Trees in the unincorporated areas of Aransas County” to retitle the Order “Regulations for the Removal or Clear Cutting of Live Oak Trees in the Unincorporated Areas of Aransas County”; to amend definitions and procedures; to provide for severability; repealer, and savings; and to establish an effective date – Jen O’Steen/Judge Garza

**Motion seconded by:** Commissioner Chaney – I would like to add as approved by the County Attorney.

Commissioner Rousseau – Approving the version we have in the packet.

Jennifer O’Steen – yes approving the version in the packet.

Commissioner Casterline – is the version the one you went through or are we voting on additional changes?

Jennifer O’Steen – the version in the packet is the version I was presenting to you and the version that was available to the public on our “box” and they can look at any time.

Debbie Griffith – I think the numbering needs to be changed.

Commissioner Rousseau – I looked at this Debbie while you were saying that and it seems the numeration works.

Jennifer O’Steen – I think it was the redline version you were looking at, it was kind of confusing. There is no numbering problem in the final version that I can see. That is not substantive in nature so if needed we would correct the numbering.

Commissioner Rousseau – Page 7 Sec. 7 Sub. Sec. C I think there is a missing word. “An approved tree plan containing a tree survey site plan any applicable mitigation measures must be fully utilized in the complete before it expires.”

Debbie Griffith – that is something that I had corrected in the version that I sent to Tracy.

Commissioner Rousseau – what should it say?

Debbie Griffith – “and completed”

Commissioner Rousseau – that’s very minor

Commissioner Chaney – was there a change of reporting to?

Debbie Griffith – it was passive, so we wanted it to say upon request that we could monitor utilization and trends.

Jennifer O’Steen – my concern with that is that an advisory committee should not be directing staff or giving them more work to do. But of course our staff should be providing statistics at least annually, to complete the review. That doesn’t mean that Judge Garza or the Environmental Health Department couldn’t volunteer to do that more frequently.

Commissioner Casterline – I think you can request without it being spelled out in the order.

Commissioner Rousseau – What we would be voting on would say what you said Jen. Environmental Health will provide the Tree Committee an annual report. I think that’s good.

Judge Garza – we have a motion, we got a second, and we are approving what’s in the packet.

**Vote:** Motion carried 4-1: Commissioner Casterline was a nay, it was so ordered

### VIII. CONTRACTS AND GRANTS

9. Discuss, approve or disapprove Change Order #11 for the Construction Contract between Aransas County and Teal Construction for the construction of the new Aransas County Courthouse, resulting in an increase in the contract cost of \$6,893.70 with no changes in the length of the contract and further consisting of the following changes: 1) CPR 72 - Furnish and install Security Grills - Cost increase of \$2,536.60. 2) CPR75 - Furnish and install stainless steel cover plate with tamper proof screws for the Card Readers at the detention area in the new courthouse – Cost increase of \$220.00 3) CPR76 - Furnish a new circuit and switch for additional RFI 203 Water Heater – Cost increase of \$4,137.10 – John Strothman/Judge Garza

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

**Discussion followed:** John Strothman these are a few small change orders that have come up.

Commissioner Chaney – were these in the original bid or were they missed?

John Strothman – some were missed. The breaker, and the Security Grills were missed. The Jail Commission asked for the grill to be changed. The security doors were set to be key doors not electronic doors.

Commissioner Rousseau – tell me again about the grills

John Strothman – the grills in the spec were not what Texas Jail Commission Approved.

Commissioner Rousseau – that was a design issue?

John Strothman – yes that was a design issue.

Commissioner Casterline – don't we have more of that to come?

John Strothman – yes we do, sizably more

Jennifer O'Steen – are those the security grills that are in the inmate area of the courthouse?

John Strothman – yes

Jennifer O'Steen – were those secure areas on our plans?

John Strothman – yes

Jennifer O'Steen – so should it have been assumed that they were security grills?

John Strothman – yes

Commissioner Chaney – I know that there are always change orders and this may be an inappropriate time to bring this up but, things that were on the plan and missed and things that should have been there were missed. Change orders are getting kind of old. I know that we set money aside for that but we paid construction and designers' good money to bring us a product that is correct. I realize we had some problems like the generator that was not anybody's fault. I'm an electrician and if miss a switch, I pay for the switch. If it's on the plan and I miss it I pay for it. If something changed from the time I submit it then I don't pay for it. It seems like we are a long ways behind because of market issues but now it seems they are nitpicking us to death.

Commissioner Dupnik – do you have a copy of the document we have?

John Strothman – not with me, no.

Commissioner Dupnik – it shows the original contract sum of \$23,615,000, then it shows a net change for previously authorized change orders we had a credit of over

\$74,000, so that's a credit in change order right?

John Strothman – that what we have left in our credit.

Commissioner Dupnik – after this change order it already shows that we still have a credit of \$67,754.

Jennifer O'Steen – the credit was based on value engineering. The original contract price was higher than expected so engineer, architect and staff came together to bring down some costs to be more in line with our original estimate, that is what we are calling the credit. But we are chipping away at the value engineering and are almost all the way back to the original bid.

Commissioner Dupnik – that is the value engineering credit.

John Strothman – yes, and there are other things that we have gotten credit for over time.

Commissioner Rousseau – question on the CPR 76 the additional hot water heater, not shown on the electrical plans. Was that a water heater that we did not anticipate, or we knew we needed it wasn't on the plan?

John Strothman – the breakers were not on the plan

Jennifer O'Steen – the water heaters were on the plan but not the electronics that go with it.

Commissioner Rousseau – this is design issue?

John Strothman – that is a design issue.

**Vote:** Motion carried 3-2: Judge Garza & Commissioner Rousseau voted nay; it was so ordered

10. Discuss, approve or disapprove Aransas County issuing a Request for Proposals for Tiger Field Athletic Complex Lease, RFP #2023-1105, located at 1301 N. Live Oak, Rockport, TX 78382 – Judge Garza

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

**Discussion followed:** Commissioner Rousseau – do we need the motion to be more direct to say move to approve it?

Jennifer O'Steen – I would move to approve or disapprove the issuance of the RFP.

Commissioner Rousseau – do you want to re-state that Commissioner?

Commissioner Chaney – I leave that for the point of discussion so we can figure out what it is.

Judge Garza – so we are discussing it first?

Commissioner Chaney – discussing it first.

Judge Garza – we've got a motion to discuss it do I have a second to discuss it?

Commissioner Casterline – second.

Judge Garza – in the past few years we have had non-profits manage Tiger Field. When I took office there were people that want to take over management of Tiger Field. Currently we have someone managing it but he is not under a contract. In the past the Judge has just told whomever that they can have it. We are going to try to do things differently. We are going to try to get a contract and that is what this is for, to get proposals. This gives the people who want it opportunity to put in a proposal. I believe the City ever want to propose. Any questions?

Commissioner Dupnik – The city has interest, would they have to follow the same proposal?

Jennifer O'Steen – Anybody who is interested in running Tiger Field would have to submit a proposal that would be evaluated against the other proposals. Currently we don't have a contract that sets obligations of the parties. I think that moving forward that is really important. If a group is using our property for any use be it profit or non-profit the County shouldn't still be paying the utility bills. If a group is using the property then they should be paying the utilities. When a contract is reached it needs to state who is going to pay for the utilities and insurance including property and liability coverage. If there are concessions who gets the money. There are a lot of issues that should be addressed in a contract. So, I ask that you please issue this RFP.

Commissioner Rousseau – I'm not sure if this is a sample or what we might issue or if this is the one that we're going to issue? There are a couple of discrepancies, page 12 and 20, it's talking about the liability insurance...

Jennifer O'Steen – I'm looking at Eric Smith who is our contracts...he is nodding his head that this is just an example, before it goes out we will give it another final look to make sure there aren't discrepancies but we would ask that they have liability coverage and before entering into a contract we would require proof of that.

Commissioner Rousseau – I think that is a wonderful idea, it's just some places it talks about \$200,000 and in others \$400,000.

Jennifer O'Steen – that will be corrected before it goes out.

Commissioner Rousseau – on page 17 – 19, there are references to aircraft and hangers, so I request those to be struck.

Commissioner Chaney – I like the idea of private entities running it. That unfortunately comes with a pretty bad stigma. Once you get people in and they are not following the contract, how do you get them out? We work very well with the City, I would like to see if the City would meet our proposals that they be given an opportunity to take this without going out for RFP. If there is a profit the County should get its share.

Jennifer O'Steen – anyone including the City can submit a proposal. We will see what happens once you issue the proposal. But noting that part of the problem with not having a contract is not having an idea of what people are supposed to be doing. What are their duties and obligations? How are they using our property? They should be reporting back to Commissioner's Court to tell you what they are doing with the property.

Commissioner Chaney – since we are not selling the property there are no capital gains or improvements, I suggest we talk to the City and tell them exactly what we need. Give them the opportunity to enter into an Interlocal agreement. Then we don't have to do all of this stuff.

Jennifer O'Steen – one option for the court would be to “not” to take the vote and just keep the discussion portion of the motion. That way staff would have opportunity to contact the City and see if there is interest there. If not Eric Smith could come back with another RFP with the corrections that are needed for your consideration and approval to issue an RFP.

Commissioner Chaney – We are a growing community and the City is going to be doing more and more. And we are charged with the unincorporated area. That's not

an unincorporated area.

Jennifer O'Steen – it is still our property. We could, or Judge Garza could reach out to the City and see if there is any interest, it is possible that they might be interested.  
Commissioner Casterline – I think we should do the RFP. The City can make a proposal of whatever they want to do with it. I don't think its right to cut the public out to make a proposal.

Jennifer O'Steen – You never know what someone's going to propose until you give them an opportunity, they may have a great idea.

Commissioner Casterline – people send in proposals, then we have an opportunity to review them and then come up with an agreement.

Judge Garza – any further discussion? On the table we have a discussion.

Commissioner Chaney – let me revise my motion. I move to approve to go out for proposals, allowing the Judge to review and bring back to court.

Commissioner Chaney – second.

Judge Garza – we've got a motion and a second, let's vote.

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

11. Discuss, approve or disapprove proposal from Kofile to change the style of cabinets approved in the March 1, 2022 Contract. This is due to the manufacturer no longer making the quoted cabinets – Misty Kimbrough/Judge Garza

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

**Discussion followed:** Misty Kimbrough – there is not change to the budget or services it is just a different cabinet due to a manufacturing change.

Commissioner Rousseau – will this work as well for you?

Misty Kimbrough - absolutely

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

12. Discuss, approve or disapprove declaring as surplus, 5 iPhone SE 2<sup>nd</sup> Generation and 1 iPhone 7 and selling them to used Electronics Reseller, with an estimated value of \$318.00 – Collin Jackson/Judge Garza

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

**Discussion followed:** Commissioner Chaney – is that the total or for each?

Collin Jackson – that is the total estimated value. We are trying to move away from bulk surplus sale of items. We are trying to maximize the amount recovered. We had some iPhones sitting on a shelf so we are going to try to sell them to electronic resellers that also recycle and give us a better value than just a bulk surplus sale.

Commissioner Chaney – I think this is a good idea, but I think this needs to be approved by Commissioner Court.

Collin Jackson – that's why it's on the agenda.

Commissioner Chaney – I think the policy needs to be approved.

Jennifer O'Steen – every time we declare a surplus and authorize disposal it has to be approved by the court. Normally there is a list that you declare surplus and authorize disposal, but Collin sought out better pricing for specific items.

Commissioner Rousseau – Collin I’m glad you doing this, it follows what Rene has been doing with the recyclable material. I’m curious for whom does the county provide cell phones?

Collin Jackson – County Attorney’s office, the Veteran’s office, and some at the Sheriff’s office. These are all controlled use.

Jennifer O’Steen – not everyone in our office has one, just a few specifically the prosecutors because victims and witnesses that often call our staff after hours and weekends to arrange for meetings and interviews. This way they don’t have to give out their personal numbers.

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

13. Discuss, approve or disapprove authorizing the County Judge to sign necessary documents to renew the GovOS Seamless Documents Contract for another One (1) year term with no change in cost – Collin Jackson/Judge Garza

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

**Discussion followed:** Collin Jackson – this is an annual renewal for our online forms.

Commissioner Rousseau – it was in the budget

Collin Jackson – it was in the budget, we are approving the contract but won’t get a bill until January.

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

14. Discuss, approve or disapprove the County Judge to rescind an Amendment #5 request for the General Land Office (GLO) Community Development Block Grant – Disaster Relief (CDBG-DR) #20-065-098-C270 grant and re-submit an amendment on the advice of the GLO Grant Manager for a more favorable approval outcome – Jacky Cockerham/Judge Garza

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

**Discussion followed:** Jacky Cockerham – we had a meeting with GLO last week and this was recommended by Genesis Webb our Grant Manager with GLO. I have asked Anthony Gonzalez to be present and he is on Zoom and if you have questions. This will separate our street budget amendments from our Basin 39 because that one is going to take longer. They felt if we do two separate amendments it will make the one go a little faster.

Commissioner Rousseau – what is the Basin 39 project?

Commissioner Casterline – the drainage that goes across 1781 between Pearl Point and 3036, to enlarge culverts. It was previously in a city grant and there was a lack of funds so we talked to them about taking over the grant and the GLO is looking at letting us do that.

Commissioner Rousseau – so we are moving a project that was the cities and the county is going to absorb it cover it with our grant? What’s the anticipated cost of this?

Judge Garza – David

David Reid – This has already been approved by Commissioner’s Court. We had



extra money from our grant. There was only certain things that it could be used for and this was something that was eligible. We brought this to the court months ago and it was approved.

Commissioner Rousseau – what is the estimated cost?

David Reid – I can't recall.

Anthony Gonzalez – about \$1.3 million, for construction, engineering, environmental and admin. services.

Commissioner Chaney – so this is just paperwork?

David Reid – this is to speed up that amendment.

Commissioner Casterline – this was on the list of things to do by the Drainage Committee and District.

Commissioner Rousseau – it was part of the storm water and flood plain plan?

Commissioner Casterline – yes

Commissioner Rousseau – what was the name of the manager for GrantWorks?

Jacky Cockerham – her name is Genesis Webb

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

#### IX. PLANNING AND BUDGET

15. Discuss, approve or disapprove October 2023 Treasurer's Report – Alma Cartwright/  
Judge Garza

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

**Discussion followed:** Alma Cartwright – the report before you is the fund cash and  
investment balances, any questions?

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

16. 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 Dupnik

**Discussion followed:** Jacky Cockerham – none at this time

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

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

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

**Discussion followed:** Jacky Cockerham – all are normal but some capital  
expenditures: Mott McDonald \$420 for Cedar Bayou, Gray & Pape \$10,304.50 for  
Lamar Shoreline project, 3 invoices for GrantWorks GLO \$147,479.75, Casey Lease  
\$ 621,871.71 for Copano Heights project, LCR Transport \$ 230, 090.78 for 1781  
project, DLF \$103,024.94 for the community building, Teal \$400,221.52 for the  
courthouse, 4 invoices from Lloyd Gosling \$97,355.75. These were not in the budget  
and we will have to do an amendment for those.

Commissioner Dupnik – the money being paid to Teal, that's not in the budget?

Jacky Cockerham – we have it in the budget, but we've used all of our fund we got

from FEMA and the bond issue that sold. We are currently in fund balance and as I have stated previously if we do not receive insurance funds FEMA will come back and reimburse us up to the \$9.9 million, another \$4 million as they have already given us \$5 million. We have to complete the project, then if the insurance has not reimbursed us any money then FEAMA will, but the project has to be completed. Commissioner Dupnik – so any payments now will be coming out of fund balance? Jacky Cockerham – anything now will be coming out of fund balance.  
**Note:** Motion carried 5-0: it was so ordered

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

- Judge Garza – wishing Mike Geer a Happy Birthday. Jennifer O’Steen – this is her last meeting
- Commissioner Dupnik – to Jennifer O’Steen – I appreciate you putting out the notice that the county does not have a noise ordinance. There was some social media comments out there stating that the county had a noise ordinance and curfew hours, so thank you for doing that.
- Commissioner Chaney – Thank you to our blanket lady, Elaine McCollum who brought 3 more bags of blankets for people who need them. We are approaching 2,000 blankets that have been donated. I appreciate Mike Probst putting an article in the newspaper. That is a labor of love. And I thank Alma for heading that up. This started about 3 months after Harvey and has continued.

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

None

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

18. 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”– Amanda Oster/Jennifer O’Steen/Judge Garza

**Motion to move into closed session:** by Commissioner Rousseau, motion was seconded by Commissioner Dupnik  
**Vote:** Motion carried 5-0: it was so ordered  
**Convened into closed session at 10:58 AM after a 5 minute break at 10:53 AM**

**XIII. OPEN SESSION**

19. Reconvene into Open Session

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

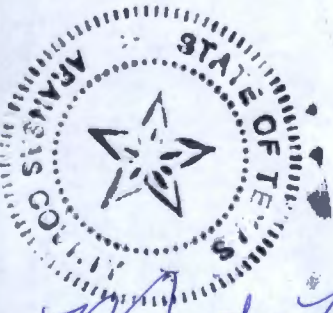
20. Discuss and take action on matters discussed in closed session – Jennifer O’Steen/ Judge Garza

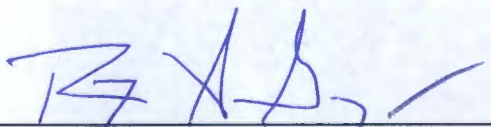
**No discussion needed.**

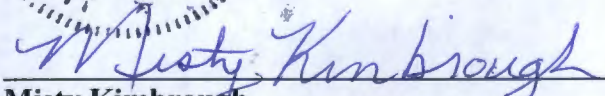
**XIV. ADJOURNMENT**

**Motion to adjourn:** by Commissioner Casterline, motion was seconded by Commissioner Dupnik  
**Vote:** Motion carried 5-0: it was so ordered  
**Meeting adjourned at 11:13 AM**

**ARANSAS COUNTY COMMISSIONERS’ COURT**



  
\_\_\_\_\_  
Ray A. Garza, County Judge

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

