

MINUTES – Regular Meeting

Aransas County Commissioners Court



9:00 AM – Monday, December 23, 2024

The Aransas County Commissioners Court met on 23rd day of December, 2024, IN THE COUNTY COURT AT LAW COURTROOM IN THE ARANSAS COUNTY COURTHOUSE, 2718 HWY. 35 N., ROCKPORT, TEXAS, 78382. The meeting video recordings are available by following this link: [Commissioners Court Minutes and Agendas \(aransascountytx.gov\)](https://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 4-4A

I. CALL TO ORDER

Video Time 0:00

II. INVOCATION

Video Time 0:09

III. PLEDGES

Video Time 1:51

IV. ROLL CALL AND CONFIRMATION OF QUORUM

Video Time 2:18

V. CITIZENS TO BE HEARD

Video Time 2:29

★ There were none

★ Judge Garza

Video Time 3:19

- Strike item # 8
- Moved Section XII forward to celebrate
 - Judge Garza - Tiger Field, Santa in the Park Event, around 240 children
 - Judge Garza our guest of honor David Reid, retirement celebration
 - David Reid – appreciate everyone that helped me do these things
 - Take a 10 minute break

Video Time 7:08

★ Judge Garza called back into session 9:16

Video Time 16:48 (no sound)

VI. PRESENTATIONS AND PROCLAMATIONS

★ There are none

VII. CONSENT AGENDA

Video Time 16:55 (no sound until 17:57)

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

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

1. Discuss, approve or disapprove the Minutes from the December 9, 2024 Regular Meeting – Misty Kimbrough/Judge Garza
2. Acknowledge receipt of and record in the minutes of Commissioners Court the District Judge's Salary Order for the County Auditor and Auditor staff for Fiscal Year 2025 – Jacky Cockerham/Judge Garza
3. Set Terms for Commissioners Court for 2025 [2nd and 4th Mondays (or Tuesday for Monday holiday) of each month, except for August when Court will be held every Monday] – Judge Pro-Tem Casterline/Judge Garza
4. Set Terms for Statutory County Court for 2025 (two terms – January to June and July to December) – Judge Bianchi/Judge Pro-Tem Casterline/Judge Garza
5. Set Terms for JP (Justice of the Peace) Courts for 2025 (one month terms beginning the fourth Monday of each month) – Judge Dupnik/Judge McGinnis/Judge Pro-Tem Casterline/Judge Garza
6. Acknowledge receipt of and record in the minutes of Commissioners Court the 2024 Continuing Education Transcript of Completion and Compliance with Texas Property Tax Code Section 6.23(d) for Anna Marshall, Tax Assessor-Collector – Anna Marshall/Judge Garza
7. Acknowledge and accept the following donations for Aransas County Animal Care:
 - Women's Club - Donation of animal supplies – Estimated Value of \$67.00
 - E&J Towing - Donation of animal supplies – Estimated Value of \$136.00
 - Cindy's - Donation of animal supplies – Estimated Value of \$54.00
 - Melany - Donation of animal supplies – Estimated Value of \$118.96
 - Carolyn Terrell – Donation in the amount of \$100.00
 - Fisher Family – Donation in the amount of \$500.00
 - Michelle Gardineer – Donation of feral cat traps – Estimated Value of \$579.00Caitlan Frasier/Judge Garza

VIII. COUNTY REPORTS, ORDERS AND RESOLUTIONS

8. Discuss, approve or disapprove Order #O-26-2024, an Order accepting maintenance of roads and drainage detailed on Exhibit "A" and Exhibit "B" within the Lucas Ranch Subdivision – Kat Comeaux/Judge Garza
This item was struck from the agenda by Judge Garza Video Time 3:19
9. Discuss, approve or disapprove allowing the airport to participate as a venue in support of the Smithsonian Exhibit scheduled for January 25 through March 9, 2025 – Mike Geer/Judge Garza

Video Time 18:29

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

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

IX. COUNTY ROADS AND FLOODPLAIN – NONE

X. CONTRACTS AND GRANTS

10. Discuss, approve or disapprove authorizing the County Judge to sign necessary documents to replace our current end-of-life/end-of-support Xerox Multi-Function devices with new models, at a rate of \$3,206/month for 60 months governed under pre-negotiated contract PACE Purchasing Coop number P00230 - Collin Jackson/Judge Garza
Video Time 19:47
 - ⊛ **Motion to approve:** by Commissioner Dupnik, motion was seconded by Commissioner Casterline
 - ⊛ **Vote:** Motion carried 5-0: it was so ordered
11. Discuss, approve or disapprove engagement of services provided by the law firm of Allison, Bass & Magee LLP for assistance in the preparation of documents related to the City of Rockport's Tax Increment Reinvestment Zone (TIRZ) #1 and other legal services as needed, and authorize the County Judge to execute a retainer agreement for such services – Commissioner Rousseau
Video Time 23:21
 - ⊛ **Motion to approve:** by Commissioner Casterline, motion was seconded by Commissioner Dupnik
 - ⊛ **Vote:** Motion carried 5-0: it was so ordered
12. Discuss, approve or disapprove DLF Two's, Inc. Change Order No. 8 for the Aransas County Community Building/Plaza/Parking Lot, General Land Office (GLO) Community Development Block Grant – Disaster Recovery (CDBG-DR) Contract #20-065-098-C270 – Adding 19 Days. The new project's substantial completion date will be January 19, 2025 – Elle Morales/Judge Garza
Video Time 24:30
 - ⊛ **Motion to approve:** by Commissioner Rousseau, motion was seconded by Commissioner Casterline
 - ⊛ Mark Williams with Broaddus spoke to this
 - ⊛ **Vote:** Motion carried 5-0: it was so ordered
13. Discuss, approve or disapprove DLF Two's Inc. Change Order No. 9 for the Aransas County Community Building/Plaza/Parking Lot General Land Office (GLO) Community Development Block Grant – Disaster Recover (CDBG-DR) Contract #20-065-098-C270 – adding \$129,002.72 to the contract for a total contract price with all approved change orders to \$4,616,856.32. The new project's substantial completion date will be January 19, 2025 – Elle Morales/Judge Garza
Video Time 27:46
 - ⊛ **Motion to approve:** by Commissioner Rousseau, motion was seconded by Commissioner Dupnik
 - ⊛ **Vote:** Motion carried 5-0: it was so ordered
14. Discuss, approve or disapprove requesting a Contract Amendment No. 6 for Community Development Block Grant – Disaster Recovery (CDBG-DR) General Land Office (GLO) Contract #20-065-098-C270. The amendment is to extend the grant end date from February 2025 to August 2025 to allow for construction grant closeout – Jacky Cockerham/Judge Garza
Video Time 29:58
 - ⊛ **Motion to approve:** by Commissioner Casterline, motion was seconded by Commissioner Rousseau
 - ⊛ **Vote:** Motion carried 5-0: it was so ordered

15. Discuss, approve, or disapprove a Memorandum of Understanding (MOU) with the U.S. Marshals Service in which the Marshals Service agrees to reimburse Aransas County for up to \$21,741 in overtime expenses related to Aransas County Deputies serving warrants – Jacky Cockerham/Judge Garza

Video Time 31:53

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

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

16. Discuss and Acknowledge the County Attorney's SB22 Rural Prosecutor's Office Salary Assistance Grant for Fiscal Year 2025 in the amount of \$175,000 – Jacky Cockerham / Judge Garza

Video Time 33:25

★ **Motion to discuss:** by Commissioner Judge Garza, motion was seconded by Commissioner Rousseau

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

17. Discuss and Acknowledge the County Attorney's SB22 Rural Sheriff's Office Salary Assistance Grant for Fiscal Year 2025 in the amount of \$350,000 – Jacky Cockerham / Judge Garza

Video Time 35:32

★ **Motion to discuss & acknowledge:** by Judge Garza, seconded by Commissioner Rousseau

18. Discuss Grant Project Summary – Jacky Cockerham/Judge Garza

Video Time 37:22

★ **Motion to discuss:** by Judge Garza, seconded by Commissioner Rousseau

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

19. Discuss, approve or disapprove request to solicit Request for Qualifications (RFQ) for Engineering Services for Shell Ridge Road Grant Project to be Funded by the Texas Department of Emergency Management (TDEM) as a sub-grant from the Hazard Mitigation Grant Program (HMGP), DR-4332-16, Hurricane Harvey and Local Funds – Jacky Cockerham/Judge Garza

Video Time 38:24

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

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

20. Discuss, approve or disapprove hiring Lloyd Gosselink, Attorneys at Law, to represent Aransas County with respect to the matter regarding T2J Partners LLC, and authorizing the County Judge to sign all necessary documents – Amanda Oster/Judge Garza

Video Time 46:38

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

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

21. Discuss, approve or disapprove the Engagement Agreement with Lloyd Gosselink to represent the County in Cause No. 24-0099, Oldcastle Building Envelope v. Sharp Glass, LLC, where the County is named as a third-party defendant – Amanda Oster/Judge Garza

Video Time 48:14

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

★ **Vote:** Motion carried 4 for -1 abstain by Commissioner Rousseau: it was so ordered

22. Discuss, approve or disapprove authorizing the County Attorney to hire a Utah Civil Litigation Attorney to defend Aransas County in iWorQ Systems, Inc. contract dispute in Civil No. 240100226 – Amanda Oster/Judge Garza

Video Time 50:55

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

✪ **Motion to table:** by Commissioner Rousseau, motions was seconded by Commissioner Dupnik

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

23. Discuss, approve or disapprove the Termination Agreement between the County and T. Baker Smith for the Detention Center Water Tank Project and to authorize the County Judge to sign the necessary documents – Adela C. Martinez/Judge Garza

Video Time 56:21

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

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

24. Discuss, approve or disapprove renewing the Interlocal Agreement for Municipal Court Representation Services by the Aransas County Attorney's Office between Aransas County and the City of Rockport and to authorize the County Judge to sign the necessary documents – Adela C. Martinez/Judge Garza

Video Time 59:06

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

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

25. Discuss, approve or disapprove Change Order No. 9 of construction contract for Southeast Aransas County Drainage Improvements in the County's General Land Office (GLO) Community Development Block Grant – Disaster Relief (CDBG-DR) Contract #20-065-098-C270. Brizo Construction, LLC requests a decrease in the contract amount by \$68,250. No increase in time is requested – Darrell Seibert/Judge Garza

Video Time 1:00:15

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

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

26. Discuss, approve or disapprove bids received in response to the FY2025 Road Materials Invitation for Bids – Darrell Seibert/Judge Garza

Video Time 1:02:05

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

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

XI. PLANNING AND BUDGET

27. Discuss, approve, or disapprove the November 2024 Treasurer's Report– Alma Cartwright/Judge Garza

Video Time 1:03:19

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

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

28. Discuss, approve or disapprove appointing Darrell Seibert the Interim County Engineer – Judge Garza
Video Time 1:05:12
 - ⊛ **Motion to approve:** by Commissioner Rousseau, motion was seconded by Commissioner Dupnik
 - ⊛ **Vote:** Motion carried 5-0: it was so ordered
29. Discuss, approve or disapprove Job Description for Contracts and Procurement Specialist – Jacky Cockerham/Judge Garza
Video Time 1:06:54
 - ⊛ **Motion to approve:** by Commissioner Rousseau, motion was seconded by Commissioner Dupnik
 - ⊛ **Vote:** Motion carried 5-0: it was so ordered
30. Discuss, approve or disapprove updated job description for Deputy Treasurer Payroll Clerk. No new monies – Alma Cartwright/Desiree Upton/Judge Garza
Video Time 1:09:48
 - ⊛ **Motion to approve:** by Commissioner Rousseau, motion was seconded by Commissioner Casterline
 - ⊛ **Vote:** Motion carried 5-0: it was so ordered
31. Discuss, approve, or disapprove the Budget Line Items Jacky Cockerham/Judge Garza
Video Time 1:10:30
 - ⊛ **Motion to approve:** by Commissioner Casterline, motion was seconded by Commissioner Chaney
 - ⊛ **Vote:** Motion carried 5-0: it was so ordered
32. Discuss, approve, or disapprove Accounts Payable and Payroll/Payroll Liabilities – Jacky Cockerham/Judge Garza
Video Time 1:10:48
 - ⊛ **Motion to approve:** by Commissioner Chaney, motion was seconded by Commissioner Casterline
 - ⊛ **Vote:** Motion carried 5-0: it was so ordered

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

- ⊛ Judge Garza – Moved this section to earlier in the agenda at Video Time 3:19

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

Video Time 1:13:25

- ⊛ None

XIV. CLOSED SESSION

33. Convene into a Closed Session to consult with counsel and receive legal advice about pending or contemplated litigation or other attorney-client privileged matters, including insurance matters related to Aransas County’s projects and insurance claims from Hurricane Harvey, various contract disputes, and the Wendt Services, Inc. Public Information Act Request:
 - i. *Aransas County Texas v. Endurance American Specialty Insurance Company, et al*, Aransas County District Court Cause No. 23-0021; and

- ii. *Northstar Recovery Service, Inc. v. Aransas County Independent School District and Aransas County*, Aransas County, District Court Cause No. 23-0066 consolidated with *Northstar Recovery Services, Inc. v. HR&R, LLC, et al*, Aransas County District Court Cause No. 20-0159; and
- iii. *Western Steel Company v T2J Partners, LLC DIE/A FPS Recovery, LLC and Aransas County, Texas; Cause No. 24-0072*, in the 36th District Court of Aransas County, Texas; and
- iv. *Oldcastle Building Envelope, Inc. dba Graham Architectural Products v. Sharp Glass, LLC, et.al.*, Aransas County District Court Cause No. 24-0099; and
- v. *iWorQ Systems, Inc., a Utah Corporation v Aransas County, Texas Case No. 240100226*, in the District Court of the First Judicial District County of Cache, Utah; and
- vi. Report on the status of the formal alternative dispute resolution occurring between the County and Teal Construction Company for the Downtown Anchor Project, regarding the various pending matters as noticed for the September 23, 2024, Regular Meeting Closed Session, including but not limited to, contemplated litigation, alternative dispute resolution, termination of the contract, changes to the scope of work, and various requested and proposed contract amendments to the Contract Sum and Contract Time; and
- vii. Wendt Services, Inc. Public Information Act request.

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 –Adela Martinez/Amanda Oster/Judge Garza

Video Time 1:13:25

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

⊛ **Judge Garza called for a 10 minute break at 10:17, then into closed session**

XV. OPEN SESSION

34. Reconvene into Open Session at **11:37 AM**

Video Time 2:37:20

- ⊛ **Motion to reconvene into open session:** by Commissioner Rousseau, motion was seconded by Commissioner
 - ⊛ **Vote:** Motion carried 5-0: it was so ordered
35. Discuss, approve or disapprove taking action or issuing instructions to the County Attorney’s Office to act on the County’s behalf regarding any of the pending matters identified for Closed Session and authorizing County Attorney’s Office to act accordingly – Amanda Oster/ Adela Martinez/Judge Garza

Video Time 2:37:42

- ⊛ **Motion to approve suspending alternative dispute resolution with Teal Construction for the Downtown Anchor Project:** by Commissioner Rousseau, motion was seconded by Commissioner Dupnik

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

XVI. ADJOURNMENT

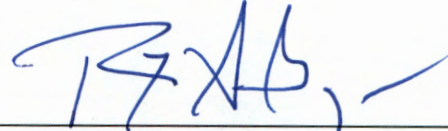
Video Time 2:38:09

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

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

⊛ **Meeting adjourned at 11:38 AM**

ARANSAS COUNTY COMMISSIONERS' COURT



Ray A. Garza, County Judge

01/13/25

Date signed.



Misty Kimbrough,
Ex-Officio Clerk of the Commissioners Court

1/13/25

Date signed and attestation

