

MINUTES



Aransas County Commissioners Court Special Meeting

1:30 PM – Thursday February 22, 2024

The Aransas County Commissioners Court met on Monday, February 22, 2024, at 1:30 PM, 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://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 – *Absent from meeting*
Leslie Casterline, Commissioner, Precinct 2
Pat Rousseau, Commissioner, Precinct 3
Robert Dupnik, Commissioner, Precinct 4-4A

- I. **CALL TO ORDER**
- II. **ROLL CALL** *Commissioner Chaney Absent*
- III. **DECLARE QUORUM**

CITIZENS TO BE HEARD

- **Jeff Hutt** I’ll be real quick Judge, I just wanted to remind the court that today is what we consider the start of the battle of the Alamo for the next 13 days ending on March 6, 2024. What I would like to see going forward is that our county sees as high holy days. It’s times when whites, browns, and blacks all got together. I think this is something that should be honored and that we should hold celebrations. Going forward in the next couple of years I’d love to see us really celebrate this part of our heritage and tradition. Thank you.

IV. ITEMS FOR DELIBERATION AND/OR ACTION

1. Discuss, approve or disapprove Change Order #13 from Teal Construction for the following changes: CPR 84 - Reduce Plaque Size - Deduct \$4,345.00 to Change the five (5) foot Diameter Plaque to a three (3) foot Diameter Plaque; and CPR 86 To Add Data and Power in DC A210 and DC Lobby A208 – add \$18,019.00 and five (5) impact days – Elle Moralez/Judge Garza

Motion to accept the consent agenda: by Commissioner Dupnik, motion was seconded by Commissioner Casterline

Discussion followed:
Mark Williams that change order went through some scrutiny and some modifications. We came to a solution that I think is acceptable to everyone. It seems to be the most cost effective way we can modify, and address removal of the wall that was designed to be in between the desk and provide power and data to all the desks without having the wall there.
Judge Garza which room are you talking about? The District Clerk?
Mark Williams yes, are there any questions?
Commissioner Rousseau is the \$18,000 going to have the \$4,345.00 deducted and the total of the impact will be \$14,674.00?
Mark Williams yes
Commissioner Rousseau is this a design issue?
Elle Moralez yes, this is a design issue because they needed to see in the vault. That’s why the wall got removed which has the data and electricity in it and that’s why we’re now going thru the redesign. I gave you all the floor plans so you can see the floor plans when you look at the second floor, look at room A210 which is right here.
Heaven Vazquez this added data and power in the District Clerk lobby area.
Pam Heard that is the one that they put in the window area and didn’t bring it over to the other side.

Commissioner Rousseau is this where they had it on the customer side and not on the staff side?

Pam Heard no they have it on the staff side and not on the other side. Which is for the public terminals and that's all the public has to be able to look at when they need to view our records unless they walk into the vault. They just didn't run power and data over there for whatever reason - they left it just in the window area so it has to go over there.

Elle Morales if you look at your floor plan, this is going to be the orange section right here where it says District Clerk lobby where the public computers are. Now they will have data electricity to the public computers.

Commissioner Rousseau is that a design issue again?

Pam Heard I don't know what happened. Obviously we intended for it to have data and electricity. Why they didn't run it over there I don't know. So as far as I can tell it's bound to be a design issue or something got missed on the plan. I don't know.

Mark Williams I would agree I think that's a design issue.

Judge Garza what is the cost of five impact days? Do we have that?

Mark Williams I will let Teal speak to that but we had two vendors along with a sheet rock person and painter that both required additional days to their contract.

Justin – Teal Construction the impact days that are on there, like Mark said, it's actually to do the additional work, obviously that has to happen. They're just saying that the amount of time that they need to take care of that scope of work is five days and those five days are going to fall in along with the other work that is going on in the building. It's just to let everyone know when we get in and get started in this particular room it's going to take us about 5 days to get through and get out.

Mark Williams that work is being done simultaneously. The painter, sheet rock guy and the electrician all working on the same days.

Judge Garza I just don't want to be surprised that it's going to go back and it's going to be \$10,000 a day and then it's going to be \$50,000.

Justin – Teal Construction that price takes care of all the work that's in it, and obviously we're still back and forth on some other items but yes, that work there is just basically to say if this gets approved expect them to be in this area of the building for another 5 days to get it knocked out.

Paul Bonnet with Matt on PGAL & Zane is also on the line with us too, but as I recall on the District Clerks area in general we did reconfigure that entire area toward the end of design. Zane correct if I'm wrong I know there is a design change in that area shortly before we went to bid.

Pam Heard the only design change I can think of for that area was to not put in bulletproof glass because we have to have it open and also to get the counter where we can actually use it. The power that had to go to where the public computers were never changed, that was always there. Something happened.

Zane I think the decision to take out windows was decided during construction. I think what Paul was referring to was that we made some revisions to this lobby area shortly before we submitted the drawings for bid. So it does affect the coordination between architectural and electrical and telecom that we were working with.

Paul Bonnet If I remember right there was a space designated for the public computers. It was inside the district clerks space which I know Pam you have had a bit of an issue with, so that's part of the reason for that change.

Pam Heard we have always planned in the lobby. It never would have occurred to me to look in that area to check until the third visit that there was no data.

Paul Bonnet Understood Pam and from what I recall the County project manager was communicating with you about what you needed and then in return he then would communicate with me. We didn't have a clear communication processes.

Commissioner Rousseau if the intention was to put computers in the District Clerks lobby, which I understand there could be miscommunication, computers are going to need a data link either way, why that wouldn't be questioned.

Paul Bonnet I understand what was communicated to us which was that the data link was going to be inside the space. We had data going to the public computer area but somewhere along the way the data in the lobby area was forgotten.

Misty Kimbrough I think the confusion is with my office. The public computers were going to be in my office space which there are data connections in my lobby area for the public computers but not inside my office space so I think the District Clerk and the County Clerk's data and power for public computers have been totally mixed up.

Pam Heard I think there has been a definite miscommunication.

Paul Bonnett that is a separate issue from what we are speaking about. I know those changes have already been made.

Elle Morales the other part of the change order is the seal. We would need the seal to be placed on the first floor. The seal was going to be on the floor but now will be placed on the wall and the size will be reduced. The seal was going to be a trip hazard.

Judge Garza add the power data. I see DC A208 but the other part of that DC A210 the staff area - where is the power in there?

Elle Morales that is where we are going to be adding power for the desk and that is supposed to go along the wall. We do not have that change order for that.

Judge Garza that is in the motion so do we need to amend the motion? I need the motion to be amended to leave "add data power to DC A210 to delete DC A210."

Elle Morales the change order that we have in front of us is for DC A208 & DC A209. If you look at those two rooms there is going to be (sentenced was not finished).

Commissioner Casterline if DC A209 is not on the agenda we are not allowed to talk about it.

Elle Morales room DC A209 is right here.

Commissioner Casterline yes, I understand what you are saying but if DC A209 is not mentioned on the agenda we can't prove that we talked about it.

Haven Vazquez this change order #13 CPR 86 it going to be a change adding power and data to their front clerk desk and for the public computers. There is going to be a future change order to add power to and connect traps in their work area in the A210.

Judge Garza the AIA document is not correct though, it says add data power to 210.

Mark Williams that document was put together with the consensus of Teal and everybody concerned in the private meeting so that document is an exact reflection of what they asked to be put in the change order.

Haven Vazquez what's included in the price is for District Clerk and District Clerk lobby.

Pam Heard at one point for whatever reason they had all the desk facing away from the counter and they ended up putting all the power and data in the back wall and it can't be there we have to face counter so there is going to be desks in a row basically parallel to the front counter and parallel to that back wall so the power's has to get to those desk some way.

Haven Vazquez that will be a future change.

Commissioner Casterline but still if you don't have 209 on the agenda you can't approve 209.

Commissioner Rousseau so the AIA document is incorrect then.

Commissioner Casterline so maybe we should back up and move to table until its ready.

Vote: Motion was table by Commissioner Rousseau Seconded by Commissioner Dupnik 4-0

2. Update the Commissioners on the progress of the new Courthouse – Judge Garza

Discussion: **Elle Morales** I have a video from the attic. We were speaking about the insulation in the attic and right now we have three contractors who are quoting.

Mark Williams we have the scope of work that was put together by all parties and then Justin wrote the scope and sent it to the subcontractors we're still waiting on prices.

Elle Morales the video behind us is interesting, I went up in the tower and went off to my left so I just went around one corner, so image three more corners walking around, it gives you an idea of how much insulation is going to be required. Up there in the attic, it's not like your house. I believe its five inches thick and will take two passes.

Mark Williams the insulation when they put it down reacts as a catalyst. Added to a solution it generates heat so they have to wait until it chills before they go with a second pass.

Commissioner Casterline is it going to cover the frame on the floor which is the top side of ceiling?

Mark Williams the insulation when they put it down reacts as a catalyst added to a solution, it generates heat so they have to wait until it chills before they go with a second pass.

Commissioner Casterline is it going to cover the frame on the floor which is the top side of ceiling

Commissioner Rousseau but not against the walls.

Elle Moralez it goes up on that one side.

Justin - Teal Construction it goes between there. There is a little wall cavity between that concrete and the roof deck but it's not going to be on a vertical surface.

Commissioner Casterline how long does it take it to cool? Normally when they are spraying they are moving and as soon as it cools they go back and add on to it right then and there.

Mark Williams that's one question we had asked. The thought was by the time they make it all the way around the attic and come back it should be ready to spray again.

Judge Garza is that water there?

Justin - Teal Construction there may be some water in there. If you remember this is right at the tower where it's not finished, where we have to run the brick up and think this was right after it had rained and it just came through the back side.

Commissioner Rousseau should it be dry before they put in the insulation?

Justin - Teal Construction yes it should be.

Commissioner Rousseau Rene will your team have to be up in the attic for any reason once this insulation is put in?

Rene Butler I have actually been in the attic, prior to finding that we needed it in there, and it didn't appear that we would need to.

Mark Williams it is walkable you can walk on this insulation without disturbing it, without deteriorating the insulated qualities.

Justin Teal Construction The attic is 4000 square feet the building is 10,011 square feet with floor space 5½ inches thick roughly.

Commissioner Dupnik other than attic space is there anything like plumbing or electrical or any kind of duct systems?

Justin - Teal Construction there's electrical for all your soffit lights so all your rips and everything runs through there.

Mark Williams insulation will not be there in that area.

Commissioner Casterline the insulation will be covering those beams that are going across.

Elle Moralez the other floor plan that you have is for JP1 & JP2 that is where we need to be put in the doors, electrical data for their printers, and then some additional electricity in those rooms. The doors are being pushed back because the lighting system is already up in the ceiling.

Commissioner Casterline how many circuits are you're going to run in there that stuff is low power.

Elle Moralez they have a lot of electricity already but they wanted some against the wall. We already have to put electricity in there for the printer. They are going to run a couple more. I think there are three outlets on each side on the back wall and then the doors that are there. The District Clerk will have card readers to get into their side. Other than this there will be more change orders coming up. I just want you to be aware for JP1 & JP2.

Misty Kimbrough I have a question for you Elle. Are the additional countertops that are in the way of us waiting on the counter, has there been any discussion or pricing of what it would be to remove that counter so that we can keep the warranty?

Elle Moralez no not at this time.

Misty Kimbrough I want to make this public and I want to make it known that my staff is not waiting that counter until it's removed and if we lose warranty on those few walls to get that out I will do that.

Elle Moralez okay thanks

Justin - Teal Construction could I make one more comment just to make things a little more confusing on that AIA document, you are looking at rooms 208 & 210. If you look at the architectural floor plan and if you look on the electrical drawings there is no 209 so that's 208 & 210 which matches the AIA document and the plugs that go on the back side of that counter are technically in room 210.

Amanda Oster we have already tabled that. Right now we are not allowed to talk about that. We can talk about it again.

Mark Williams I have several items I'd like to discuss. We have three large outstanding change orders and Elle mentioned the first one about the attic insulation. As we said we have three bids coming in for that.

bid from Teal was \$299,000 I'm hoping we can get that much less than that with an effort from the bidding process we're going through

I believe we are going to see a great reduction in that cost, that was the first issue. The next one is the Texas Jail Standards, we've had a meeting with Courtney this week. It was PGAL, myself, Elle, Brooks, and we also had the Texas Jail Standard people. I'm not sure who all was involved in that meeting.

Paul Bonnett I believe it was Jordy Elrod from the Jail Standards side.

Mark Williams it was determined that we need an extra detention grade door on the outside of the building so it's going to add another door to this order. The shop drawings are underway and will be added to that scope of work. We'll get a modified copy of costs.

Judge Garza did the door come from the exterior into the lobby.

Mark Williams that price originally started out at \$229,000. We may see an increase and also in the 16 week delivery time. We're already into the 16 weeks delivery time. Justin are we waiting on the final?

Justin - Teal Construction no sir, we're not in the 16 week time yet. We got the directive to order the doors and frames which started the submittal process. The submittal came in. That's when we understood that there was going to be an issue with doors needing to be added or hardware needing to be added so that time essentially stopped until we figure out if we've got to have electrified hardware or additional doors and get that priced. So the 16 weeks has not yet started.

Mark Williams so we got 16 weeks of lead time?

Commissioner Rousseau was there a determination for two or four doors that were needed.

Mark Williams Paul correct if I'm wrong - it was just one additional door right?

Paul Bonnett prior to this additional contact with the Jail Standards, we needed four additional detention doors now we have five.

Commissioner Rousseau that point was argued for about 35 minutes at the last weekly meeting we had so now we're saying we are going to need five additional doors.

Paul Bonnett we have the shop drawings for the four that were previously in the proposal request number 12 and we will review and get those back to Teal today so we can start whatever the lead time is. We want to remind people that the 16 weeks is hopefully a worst case and then we'll have to get another drawing done for the exterior door.

Commissioner Rousseau the submittals will be coming from PGAL.

Mark Williams they actually come from the vendor to PGAL through Teal so that is going to be modified because we have five doors now.

Commissioner Rousseau when do we think that process will get started.

Justin - Teal Construction I know we are waiting on some answers for hardware for a couple of the doors that are going to affect the submittals.

Paul Bonnett Justin, we got that figured out and we've been talking to the County and Elle about that this past week so, when we send that back we'll have the answer on the hardware set.

Commissioner Rousseau when do you think you're sending that back?

Paul Bonnett I would like to get it back today. Zayne and I need to talk about that and make sure there's no other issues but hopefully today.

Justin - Teal Construction just so you understand once we get it back we will send that out for pricing and then we will send that back and get the okay on the price and the release of the hardware. Then starts the 16 weeks. If we get the submittal back on the first four doors then the 16 weeks for that can start today or tomorrow as soon as we get it back.

Mark Williams I thought the 16 weeks included shop drawings phase.

Justin - Teal Construction no 2 to 3 weeks for shop drawings and 16 for materials.

Mark Williams the other item I want to speak about is the item from on or around January 5, 2024. We got a change order request from Teal Construction Company for extended general conditions from our original date of construction which was the end of September to the new date of January 31, 2024. They wanted a change order for \$508,000. Mike Monreal and myself, and some scheduling guru's that we have with the firm took the construction schedule and with some review and modifications we've got that price down to \$299,000 which we believe that through that effort this is probably a win-win. This is about the best we can do for this change order for \$299,000 for extended general conditions.

Commissioner Dupnik that is just for September 2023 to January 31, 2024.

Mark Williams yes sir.

Commissioner Rousseau we are already at February 22, 2024.

Mark Williams we're still doing basic scope of services. We have given them a change order to extended the contract to January 31, 2024 but we have not extended the time beyond that so they're still bounded by January.

Judge Garza if we do finish this by August we are looking at more.

Mark Williams we got the Jail Commission Standards. We are going to give them additional time and they're asking for 16 weeks. We got that and there may be some other changes orders that warrant extended time such as the one we attempted to process like that change order number 13 which was 5 days.

Judge Garza are the elevators in?

Mark Williams we have one elevator that is a partial shipment.

Justin - Teal Construction we've got a portion of the elevator in the building. They've had some technicians get started on it. They are not far down the road but they do have a portion of it in. Just to go back to the original number that Mark mentioned, of \$500,000 plus or minus, they got moved down to \$300,000. That difference is not necessarily a direct reflection of any scheduling items. There were costs in there from subcontractors who have been passed through us. The same reasons those have pulled out still need to be discussed but the number that Mark mentioned of \$299,000, that is just general conditions for Teal Construction.

Commissioner Rousseau are you saying that the elevator that was delivered wasn't a complete elevator or was it a complete elevator and only a portion of it has been sent so far.

Justin - Teal Construction it's not a complete elevator.

Commissioner Rousseau did the city get a complete elevator with their shipment?

Justin - Teal Construction I believe the cities are complete.

Commissioner Rousseau do we know when the rest of the first elevator out of three will be showing up.

Justin - Teal Construction they told us each elevator I believe is a truck and a half, 18 wheeler and a half to deliver it so it may end up being that we get the second half of elevator first. And the first half of elevator on the next truck when that's actually going to ship out. They haven't given us that logistics but they do know that it's 18 to 20 working days before they need to get to elevator 2 so it may be another week in a half before we can realistically see the balance of it depending on how the installs go and what's still lacking

V. CLOSED SESSION

3. 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 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/Judge Garza

Motion to move into closed session: by Commissioner Rousseau, motion was seconded by Commissioner Dupnik

Vote: Motion carried 4-0: it was so ordered

Convened into closed session at 2:20PM

Motion to reconvene into open session: by Commissioner Rousseau, motion was seconded by Commissioner Casterline
Vote: Motion carried 4-0: it was so ordered
Convened into open session at 2:38 PM
No action needed

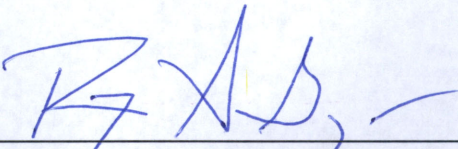
VI. ADJOURNMENT

Motion to adjourn: by Commissioner Rousseau, motion was seconded by Commissioner Chaney
Vote: Motion carried 4-0: it was so ordered
Meeting adjourned at 2:40 PM

ARANSAS COUNTY COMMISSIONERS' COURT



Misty Kimbrough,
Ex-Officio Clerk of the Commissioners Court



Ray A. Garza, County Judge

