



MINUTES

Aransas County Commissioners Court

9:00 AM – Monday, March 25, 2024

The Aransas County Commissioners Court met on Monday, March 25, 2024, 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 \(aransascourttx.gov\)](https://www.aransascourttx.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

Meeting convened at 9:00 AM

II. INVOCATION

III. PLEDGES

IV. ROLL CALL AND CONFIRMATION OF QUORUM

V. CITIZENS TO BE HEARD

- Miracle Jimenez – on zoom – I was there a few weeks ago, I have a house next to a homeless camp. I think that maybe my vocabulary confuses some people because people are saying that if it's a homeless person on private property then it's different. But, it's not that it's homeless, it's that it's a public nuisance. Currently the property is completely full of trash. It's pretty bad. We've been fighting this for a long time. Talking to a lot of different people and calling everybody like code enforcement but nobody seems to want to help us with the issue. So, I would like my property taxes to reflect the devalued state of my property. And we will just try to focus on leaving. That's all.
- Lowell Rothschild & Deidra Ciriello – will speak during item # 2.
- Blanche Dean – I have the same sentiment as the lady on zoom. Nothing gets done, how long have we been going with this. Last night they were cooking with 15-20 people. Sunday it look like a parade going down the street. He's changed his time because he know he's being watched. I've already contacted a judge that I will be glad to give you his telephone number. I lived next door to him in San Antonio for 20 years, he's the Central Judge for the Southern State of Texas. I've already reached out to other agencies to have something done because your law enforcement cannot deal with that. They own that street. You might as well name it Kensington Ave. The drug flow back there is horrendous. There are prostitutes going down the street every damn night, nothing changes. I feel sorry for law enforcement here they can't do anything. They've got it in a quagmire, they put guys at one end and then the other. They've got police scanners and I tested it the other night because he's back to playing his music all night long. There is no peace back there. Nuisance that is not

even the word for it. Do something. We've called, the other neighbors were all talking again. We've called on Code Enforcement to clean up the mess across the street, there is barrels of stuff leaking into the ground that goes into my well. I called the other night, Saturday, prostitutes are working Cresta. When I call dispatch I get the third degree from the dispatcher, "How do you know they're doing drugs?" Well when you've got 20-30 cars coming and staying for 5 minutes at a time at Griselda's Place on 4th. I call it Griselda's Blancos because that's the drug dealer at 4th now, she moved from the other end. The cars stop and go in there. It's non-stop. Do something. DO SOMETHING. Because I'm going to reach out to other agencies now because I do not get any peace. To have to live like that on a constant basis is ridiculous. I'm so tired, I get to sleep 7 hours. 3:00 AM the music's on, he comes in and makes all his drug runs around town, because those 2 guys are the main suppliers of Rockport. Do something. DO SOMETHING.

VI. PRESENTATIONS AND PROCLAMATIONS

1. Discuss, approve or disapprove Proclamation P-05-2024, recognizing the month of April as Fair Housing Month – Judge Garza

Motion to accept Proclamation P-05-2024: by Commissioner Rousseau, motion was seconded by Commissioner Dupnik

Read by Tracy Orr Smith

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

2. Discuss, approve or disapprove Proclamation P-06-2024, recognizing Jerry and Tana Neel and Another Chance RFT – Judge Garza

Motion to accept Proclamation P-06-2024: by Commissioner Rousseau, motion was seconded by Commissioner Chaney

Read by Deidra Ciriello & Lowell Rothschild

Deidra Ciriello – I would to thank Judge Garza and the Commissioners Court for placing this Proclamation on today's agenda. Also thank you to Tracy and Emily in the Judge's office and Caitlan Frazier, the Director of Aransas County Animal Care, for their assistance and bringing this moment to fruition. I know I speak with one voice with the volunteers and expressing our gratitude and our appreciation. My husband and I had the good fortune to meet Tana and Jerry early in 2017, towards the beginning of their journey with Another Chance RFT. We were immediately impressed with their kindness, graciousness, and sense of humor. And the great difference they were making for the community with their work at the Animal Control facility, what was then called Animal Control and is now Animal Care. Rain or shine they showed up and walked dogs and cleaned cages. Jerry always had kind words and just the right thing to say to brighten your day. He brought laughter and levity to any situation. In the early morning hours before most of us were even awake, Jerry and Tana would arrive at Animal Care to pick up dogs so they could be transported to no kill shelters throughout the US and Canada. He was a humble and hardworking man and not concerned with credit or notoriety. Most people in the community may not even be aware of his years of service and contributions he made in our County. A former boss of mine once said that "character can often be defined by what you do when you think no one is watching." Then Jerry Neel was certainly a man of great character. As a retired Minister he was guided by compassion, a compassion he extended to all of God's creatures. Jerry was the walking embodiment of Proverbs

12:10. Our goal is now to continue his commitment of service to our community and honor his legacy. In his honor my husband Lowell and I would like to announce the following: 1. many of you may be aware, in lieu of flowers Jerry's family has asked for donations to Another Chance, and in his honor my husband and I will be matching all donations up to \$5,000. This will provide funding to Another Chance that will be used to provide spay and neuter services, medical care to dogs, and transport to no kill shelters throughout the US and Canada.

Lowell Rothschild – 2. We would like to offer, arrange and fund animal cruelty training for local law enforcement and the County Attorney's office. These training programs are currently being conducted by the most qualified entity in the state and they're being conducted throughout the state. They have been embraced by law enforcement officers from large cities and small towns alike. Because animal cruelty is a leading indicator for other crimes and precursor crimes for things such as domestic violence, child abuse and narcotics trafficking. Addressing it proactively makes the community safer for us all. Training also has enhanced coordination in these other areas and improves support for the role of the ACOs throughout the state who have a difficult and often underappreciated job. Lastly we would like to offer our assistance in establishing basic humane education for the ACISD that is consistent with programs already implemented across the state. These programs teach kids about animals, how to care for them, and how to interact with them safely thus reducing the likelihood of dog bites and other injuries. It's a proven and fun approach that's been embraced by educators and it also teaches responsibility, leadership, and of course safety. We commit funding to this effort. Jerry believed in these programs and ideas and we honor his memory in years of service by proposing them. While we mourn the loss of our friend, we remain encouraged and uplifted by the opportunity to continue his legacy and service to our community. We remain optimistic about the positive difference we can make in the lives of our community, both people and the pets. We stand ready to assist the county, the volunteers, and on behalf of Deidra and me, thank you.

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

VII. CONSENT AGENDA

3. Discuss, approve or disapprove the Minutes from the February 26, 2024 Regular Meeting – Misty Kimbrough/Judge Garza
4. Discuss, approve and disapprove allowing the Aransas County Public Library to apply for an HEB Grant of \$400 – Iris Sanchez/Judge Garza
5. Acknowledge receipt of and record in the minutes of Commissioners Court the County Judges and Commissioners Association of Texas - Commissioner's Education Transcript for Commissioner Leslie Casterline certifying that he has successfully completed the continuing education provisions of Article 81.0025 of the Texas Local Government Code – Commissioner Casterline
6. Acknowledge receipt of and record in the minutes of Commissioners Court the County Judges and Commissioners Association of Texas - Commissioner's Education Transcript for Commissioner Bob Dupnik certifying that he has successfully completed the continuing education provisions of Article 81.0025 of the Texas Local Government Code – Commissioner Dupnik
7. Acknowledge receipt of and record in the minutes of Commissioners Court the County Judges and Commissioners Association of Texas - Commissioner's Education Transcript

for Commissioner Jack Chaney certifying that he has successfully completed the continuing education provisions of Article 81.0025 of the Texas Local Government Code – Commissioner Chaney

8. Request from Wings Over Rockport to Host Fundraiser Pancake Breakfast Event on March 30, 2024 at the Airport in coordination with the Airport Manager – Mike Geer/Judge Garza

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

Discussion followed: Mike Geer – Wings Over Rockport is a 501 (c) 3. They're committed to bringing an Air Show to Aransas County Airport. They made a presentation during the last Commissioners Court. They would like to start doing some fundraising, and it's appropriate for them to do fundraising at the airport because those are the folks that are going to be most interested. They are starting out with a Pancake Fundraiser. They would like to get this approved today and then get back with you with a calendar of events for the rest of the year, and ask for permission to host those events in coordination with me and our operational and safety needs at the airport. We will also be asking to give me the authority to cancel an event if needed, but otherwise to work with them and allow them to host.

Commissioner Rousseau – Do you see any conflict with anticipated traffic here for the Easter weekend?

Mike Geer – No not traditionally. We aren't usually that busy for Easter.

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

Donations

9. Discuss, approve, disapprove accepting a donation from Paul Norwood, Austin resident and Aransas County Airport user, of a 2005 Chevrolet Suburban valued at \$3000 for airport use as a crew car – Mike Geer/Judge Garza

10. Acknowledge and Accept Donations:

- a) Anonymous donation of animal supplies in the estimated amount of \$200
- b) Anonymous cash donation in the amount of \$109
- c) Carmen Canto in the amount of \$100

Caitlan Frazier/Judge Garza

Motion to accept the consent agenda, but address item # 8 separately to make people aware of the fundraiser: by Commissioner Dupnik, motion was seconded by Commissioner Casterline

Donations read by Caitlan Frazier

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

VIII. COUNTY REPORTS AND RESOLUTIONS

11. Review and discuss final report received from Dr. Zhanfei Lui of University of Texas Marine Science Institute (UTMSI) and Adrien Hilmy of Coastal Bend Bays and Estuaries Program (CBBEP) detailing available data collected and analyzed since the second interim report submitted in November 2023. This report will provide an update on continuing project activities relative to evaluating the chemical levels of soil and groundwater at several sites near the Port Bay/Sherwin Alumina tailings' ponds in Aransas County and their recommended proposal for future monitoring of the area – Commissioner Pat Rousseau

Motion to review and discuss: by Commissioner Rousseau, motion was seconded by Commissioner Dupnik

Discussion followed: Adrien Hilmy – see power point attached for more information. Commissioner Chaney – Where does the canal from Ingleside and Aransas Pass come into Port Bay? Is it any place close to where you are sampling?

Adrien Hilmy – I don't know off the top of my head, without seeing a full aerial of where that specifically comes in. As we were selecting the sites we weren't targeting that canal. The bay sites were selected to try to provide a comprehensive distribution throughout the bay. Wherever you have drainage entering a bay, you're going to see a higher concentration of (disrupted)

Commissioner Chaney – The reason I ask is there is more industry in that area that runs off into that canal. I just wanted to know if that is something we need to be concerned with.

Adrien Hilmy – I think that's something that should be considered. It might warrant further investigation, but we didn't look at that specifically.

Commissioner Casterline – It comes in right as you go out of Aransas Pass, you'll see some ditches coming across the pastures. Then through a series of lakes and marshes before it gets into what you have on the map. There are slews that run and there's a series of connected lakes that go all the way to 35.

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

IX. COUNTY ROADS AND FLOODPLAIN - None

X. CONTRACTS AND GRANTS

12. Discuss, approve or disapprove to authorize the County Judge to sign a contract with Charlie Marshall for the transportation of bodies to autopsies and cremations and the transportation of paupers – Judge Garza

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

Discussion followed: Commissioner Chaney – Do we have contracts with specific entities?

Michelle Tarver – Are we talking about for autopsies or (interrupted)

Commissioner Chaney – This is for autopsies and cremations and transportation of poppers. Do we take that out of County for any reason?

Michelle Tarver – Yes, sir. Autopsies is the only thing that is out of County. Aransas County has an agreement with Fort Bend County for any autopsies. We transport to and from. If Fort Bend County can't accommodate, then it goes to Lockhart, but we've only had to do that twice in seven months.

Commissioner Rousseau – About how many on average do we do in a year?

Michelle Tarver – I think last year was a total of 214.

Commissioner Rousseau – For the Auditor's office, which fund pays for this?

Jacky Cockerham – The non-departmental, unless it is an autopsy then it's paid out of the appropriate JP's funds.

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

13. Discuss, approve or disapprove the Copano Cove Ranch Acquisition project for funding Contract No. 24-099-001-E379 through the Coastal Management Program Cycle 29 Gulf of Mexico Energy Security Act (GOMESA) and authorize the County Judge to execute the necessary documents – Katherine Comeaux/Judge Garza

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

Discussion followed: *see power point in attachments*

Commissioner Casterline – Do you have an estimate how much of this is wetlands?

Katherine Comeaux – Approximately 65 acres that are not wetlands that were identified in the conservation easement. One of the requirements for the grant is to get a shoreline delineation survey. So there are several hundreds of acres of jurisdictional wetlands. There are 4 separate lots.

Commissioner Rousseau- I’m not sure I understand what you said about 2 of those lots. One is a skinny strip, and another looks like an upside down of a state. They are not included in this purchase?

Katherine Comeaux – No ma’am.

Commissioner Rousseau – They are owned by someone else and they are for what purpose?

Katherine Comeaux – They are for mitigation from the Army Corp of Engineering, so they are never going to be developed. They do have access agreements for maintaining those wetlands for the Army Corp of engineering mitigation requirements.

Commissioner Casterline – I don’t see the remediation location that the Islands of Rockport did. Is that not one of those?

Katherine Comeaux – It is one of the bits that is not highlighted in green. It is a triangular strip. The subject property is highlighted in green. The address and appraisal district information is in your information so if folks want to look at what is currently being taxed they could pull it up. The question came up about the financial impact on the tax payers. This really did seem like an idyllic situation because of the existing conservation easement. The appraisal value for this property is very low. Last year for the 926 acres it was \$151.54 for taxes due. By acquiring the property it does remove from the tax rolls but in this instance we have the opportunity to acquire it without an impact that would be resonant.

Commissioner Dupnik – *indistinguishable*

Katherine Comeaux – The taxes did fluctuate throughout the years, the year before was \$220.32, the year before that was \$660, but it hasn’t been more than \$1,000. Lower taxes is part of the conservation easements for private property.

Commissioner Casterline – It was probably higher on the front part of it where the houses are but over time that has been cut off.

Commissioner Chaney – In this photo is the line that’s not in green the City Limits.

Katherine Comeaux – Yes sir, that is the City of Rockport Limits. I wanted it show that the City is part of that watershed that makes it fit into some of our local planning and community identified goals. With continued development we will have more storm water that will increase and by preserving this property we give ourselves more of that protection for the bays and somewhere for that storm water to go. These wetlands can hold up to 5 times the amount of carbon than rainforests can. I didn’t know that before looking into the nature information regarding wetlands. This will give us the possibility of “carbon banking.”

Commissioner Chaney – Do you think the purchase of this will help us in the future to acquire grants for drainage?

Katherine Comeaux – I do. As we look at strategic planning for public access improvements for this property, we will be able to identify “green” infrastructure

type programs will enable us to add to it while showing the benefits.

Commissioner Rousseau – I’d like to know the cost to the county? I asked if the Director of Public Facilities has been included in any of this since she’s over Pathways, I don’t believe that happened and I don’t see her here to confirm or deny.

Katherine Comeaux – No she has not been addressed.

Commissioner Casterline – This is not currently part of Pathways, it would have to be public election to put it into pathways.

Commissioner Rousseau – I understand that, but I keep hearing Pathways through here and public access and that’s probably the avenue that they’ll take. So I’m curious what the cost is to the tax payers?

Katherine Comeaux – One of the reasons why that hasn’t been determined yet, is that we do hope to see the possibility of funding it through “carbon credits”. If we were able to do that it may not have to be added to Pathways system. I’m not sure what parameters Pathways has to operate under. That is where having a strategic plan and looking at what it would cost under Pathways, and what would make it viable for the hotel occupancy tax recipient.

Commissioner Rousseau- I just like to know what the anticipated cost is. If it stays as it is now with us just mowing it to get to the easements, initially it was sold under the idea of helping to mitigate the runoff and to create wetlands. Those things are fine. The additional proposed things, walkways, parking lots, kiosks, and viewing stands, are going to be a cost to build and maintain. I don’t see where there are firm numbers associated with any of those. I know you don’t have it determined what it’s going to be but you’re still talking about it.

Katherine Comeaux – I was asked to discuss what we would be able to do once the property is purchased versus what we couldn’t do. For example we would not be allowed to subdivide and sale it for profit, or put in a wastewater treatment system, or anything construed as industrial activity. These possible improvements will have to be decided upon at a later time as the grant parameters require we remove that from the application.

Commissioner Dupnik – (mic not working) The only actual costs we have currently for the County is to maintain the drainage easement (indistinguishable) and that’s not going to change.

Katherine Comeaux – Yes, sir.

Judge Garza – We don’t have to have any improvements. We can leave it just the way it is.

Katherine Comeaux – Yes, sir. Environmental assessments that were done, GOMESA requires a phase one and if necessary a phase two. The phase one was done and found that a phase two was not needed. The documentation concerning the property, once the county has purchased it we will be able to make public.

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

14. Discuss, approve or disapprove accepting the bid and awarding the Brush Grinding Services contract for Environment Health and the Transfer Station to Greenbelt Turf Management LLC and authorizing County Judge to sign necessary documents – Anthony Van Meter/Judge Garza

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

Discussion followed: Anthony Van Meter – We are recommending to award the bid to Green Belt Turf because it was the lowest bidder.

Commissioner Casterline – Do you know how they compared to the bids that were out previously but they were higher than we had ever paid?

Elle Morales – In December the prices came in at \$6 and \$9. This bid came back at almost exactly what we had been paying before, at around \$3 and we will be able to do the double grind to make the citizens happier.

Commissioner Rousseau – On page 2 under term, states the effective date of 4-1-24 thru 12-31-24, but all of the contractors work will be completed no later than 5-31-24. Is that correct? Isn't this ongoing?

Elle Morales – No, they come in a grind one time per year. It normally takes 2-3 weeks, we try to do it in January when there is less wind and not as busy at the Transfer Station. This year because we had to rebid, it's pushed us back.

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

15. Discuss, approve or disapprove a rental contract with UniFirst for uniforms through the BuyBoard purchasing C0-Op agreement and authorizing the County Judge to sign all necessary documents – David Reid/Anthony Van Meter/Judge Garza

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

Discussion followed: Elle Morales – We have used UNIFirst for the last 5 years for the Transfer Station and Road and Bridge. We like there services but we need to renew the contract.

Commissioner Rousseau – On the agenda memorandum it state the price quote was attached but it wasn't there. Is it pretty much what it was before?

Elle Morales – It's pretty much what it was before, around the same pricing.

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

16. Discuss, approve or disapprove to authorize the County Judge to sign the professional engineering services proposal with Waterscape Consultants, Inc. for the infrastructure design of the Community Center Celebration Plaza bronze sculpture – Elle Morales/Judge Garza

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

Discussion followed: Elle Morales – The Rockport Center for the Arts donated a beautiful sculpture to us that has a water feature. This is the proposal to put in the infrastructure that will be underneath the decorative brick. The contractor DLF will be do the work, once we get the fountain. It has passed the notice of appropriateness from the City of Rockport.

Commissioner Dupnik – The contract mentions \$12,500 as a maximum fee. Then there is also a slate fee, are those included in the \$12,500?

Elle Morales - That's just note that if he comes to Rockport how much it will cost. That's why it is "up to" \$12,500.

Commissioner Dupnik – Where is this funding coming from?

Jacky Cockerham – It is not part of the grant so it will be General Funds.

Commissioner Rousseau – Under the design development phase it states to participate

in one design conference in Houston to review concepts and preliminary designs. I'm not wanting to get into another issue like the courthouse, I know you don't either. It also says they make no warranty either expressed or implied as to their findings, recommendations, and plan specifications or professional advice. It sounds like they don't guarantee their work?

Elle Morales – I will have to look at that and speak with him again, he guarantees his work. He is one of the only fountain designers in Texas and does many projects.

Commissioner Chaney – Have we had legal look at this?

Elle Morales – They have had the opportunity.

Commissioner Chaney – Have you had comment from them?

Elle Morales – I have not. She has had it at least 2 weeks.

Commissioner Rousseau – I forwarded this information to the Executive Director for the Arts Center since they are the ones that are graciously funding the sculpture and would ask Mr. Puron if you have any concerns?

Mr. Puron – I am actually familiar with the company, I know two of their projects that are listed on the proposal they submitted. I would like to clarify that we are donating the sculpture. The sculpture will be owned by the Rockport Center for the Arts and maintained and that was part of our initial presentation. We will be placing it on long-term loan at the Celebration Plaza. It is a reputable company, I did a cursory review of BBB, lawsuits, or things of that nature. I also consulted with the interior designer for MD Anderson because they are familiar with that company as well. I found no red flags.

Commissioner Chaney – Our total cost is \$12,500?

Elle Morales – That would be the maximum amount that he would charge.

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

17. Discuss, approve or disapprove the renewal of the Interlocal Cooperation Contract (ICC) for the Failure to Appear (FTA) Program – Misty Kimbrough/Judge Garza

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

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

18. Discuss, approve or disapprove Lone Star Strategy Group, LLC to apply for the Defense Community Infrastructure Program (DCIP) Grant – Mike Geer/Judge Garza

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

Discussion followed: Mike Geer – This was discussed at length in the Commissioners Court Workshop and felt like it was well received by the Commissioners at that time. Are there any questions?

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

19. Discuss, approve or disapprove Resolution R-09-2024, a Resolution to support the Defense Community Infrastructure Program (DCIP) Grant – Mike Geer/Judge Garza

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

Discussion followed: Mike Geer – I did see it because I helped to offer it.

Commissioner Rousseau – At the bottom it says it's approved the 11th day of March?

Judge Garza – I have an updated one for the 25th day.

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

20. Discuss, approve or disapprove publishing a Request for Qualifications (RFQ) for design-build services for Airport improvements – Mike Geer/Judge Garza

Motion to approve: by Commissioner Casterline, motion was seconded by Commissioner Chaney
Discussion followed: Mike Geer – Any questions about the difference between design build and traditional build for engineering procurement?
Commissioner Casterline – Is it going to be just for this Defense Grant or do you have to specify in the RFQ?
Mike Geer – On the advice of the grant writer, it’s better not to mention DCIP in this particular RFQ that we could maybe have other sources of revenue.
Commissioner Casterline – So how are we going to fund this?
Mike Geer – DCIP I imagine will be the Lion’s Share, if not the whole thing.
Commissioner Rousseau – We just don’t have to have it in there.
Commissioner Casterline – Will you be able to fund it if you don’t mention that?
Mike Geer – I don’t imagine so. I don’t know what the grant writers, Lonestar, has in mind but I don’t think so.
Vote: Motion carried 5-0: it was so ordered

21. Discuss, approve or disapprove authorizing the County Judge to sign a one (1) year contract with four (4) automatic renewals with Campbell Oil for wholesale aviation fuel supply at the airport – Mike Geer/Judge Garza

Motion to approve: by Commissioner Rousseau, motion was seconded by Commissioner Dupnik
Discussion followed: Mike Geer – Campbell Oil was the winning bidder, they scored the best and I recommend that we move forward with a contract with Campbell Oil.
Commissioner Chaney – This will be a 5 year contract.
Mike Geer – 1 year with the option of 4, 1 year renewals.
Commissioner Casterline – Where do they come from?
Mike Geer – The same place that we were getting it with Ave fuel, around Deer Park/Houston.
Commissioner Rousseau – They have their own transportation company.
Mike Geer – That’s what they indicated. Another thing to note is they provided us a way to lease a re-fueler truck, ours is nearing the end of its life. The rate was attractive at \$650 a month and they take care of all the maintenance.
Vote: Motion carried 5-0: it was so ordered

22. Discuss, approve or disapprove a contract renewal with Ceres Environmental Services, Inc. for Disaster Emergency Response. Aransas County and Ceres Environmental Services, Inc. entered into an agreement in July 11, 2022 for a term of one year with four (4) one year renewal options and last year Aransas County chose to extend this Contract for the first of the four (4) consecutive twelve (12) month renewal periods, based on the terms and conditions in the contract. We are requesting approval to exercise the second, one year renewal option to begin July 01, 2024 through June 30, 2025, unless renewed – Mike Geer/Judge Garza

Motion to approve: by Commissioner Casterline, motion was seconded by Commissioner Chaney
No discussion
Vote: Motion carried 5-0: it was so ordered

23. Discuss, approve or disapprove a contract renewal with Garner Environmental Services, Inc. for Disaster Emergency Response. Aransas County and Garner Environmental Services, Inc. entered into an agreement in July 2022 for a term of one year with four (4) one year renewal options and last year Aransas County chose to extend this Contract for the first of the four (4) consecutive twelve (12) month renewal periods, based on the terms and conditions in the contract. We are requesting approval to exercise the second, one year renewal option to begin July 01, 2024 through June 30, 2025, unless renewed –
Mike Geer/Judge Garza

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

No discussion

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

24. Discuss, approve or disapprove allowing the airport manager to seek Request for Qualifications (RFQ) for engineering and design services for the airport pavement project which will be funded through the Bipartisan Infrastructure Law (BIL) Grant –
Mike Geer/Judge Garza

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

Discussion followed: Mike Geer – This is different from the DCIP grant, this is for Bipartisan Infrastructure Law (BIL) Grant. The airport has 5 years' worth of entitlement. We are currently in year 3 of funding. We are sitting on \$745,000 that should be enough to handle the pavement requirements. We have looked at the best way to get this funded and because of the size of project I didn't feel like RAMP grant was the best way to do it. RAMP Grant comes with a 10% match and BIL is 100%. We recommend to proceed with a RFQ for engineering services so we can package our project in a way that FAA will want to see it, so it doesn't get rejected. It's not competitive but it is a very tedious process to have it lined out exactly how you intend to accomplish it. Who owns what structures that are near the project? FAA wouldn't be in favor of using BIL money to enhance pavement around private hangers. We needed to prove the hangers near the project belong to the county and they do.

Commissioner Rousseau – Did you say it is 100% paid by the grant?

Mike Geer – It's basically our escrow money with the FAA.

Commissioner Rousseau – It is grant funds that are available.

Mike Geer – Yes, ma'am.

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

25. Discuss, approve or disapprove a contact renewal with Thompson Consulting Services, Inc. for Monitoring Services Related to Debris Removal and Disposal. Aransas County and Thompson Consulting Services, Inc. entered into an agreement on June 13, 2022 for a term of one year with four (4) one-year renewal options and last year Aransas County chose to extend this Contact for the first of the four (4) consecutive twelve (12) month renewal periods, based on the terms and conditions in the contract. We are requesting approval to exercise the second, one year renewal option to begin June 13, 2024 through June 12, 2025, unless renewed – Mike Geer/Judge Garza

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

No discussion

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

26. Discuss, approve or disapprove a contract renewal with Crowder Gulf, LLC for Disaster Debris Management, Debris Removal, and Debris Disposal Services. Aransas County and Crowder Gulf, LLC entered into an agreement on June 13, 2022 for a term of one year with four (4) one year renewal options and last year Aransas County chose to extend the Contract for the first of the four (4) consecutive twelve (12) month renewal periods, based on the terms and conditions in the contract. We are requesting approval to exercise the second, one year renewal option to begin June 13, 2024 through June 12, 2025, unless renewed – Mike Geer/Judge Garza

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

No discussion

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

27. Discuss, approve or disapprove Change Order #17 from Teal Construction for the following change: **CRP 82.2 – Install Spray Foam Insulation in Attic** - furnish and install Carlisle spray foam insulation in the attic cavity above Courthouse second floor concrete deck; insulation will be applied to achieve R-38 insulation value; the concrete deck will be prepped by insulation contractor – ADD \$87,318.00 and Nine (9) Days – Elle Morales/Judge Garza

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

Discussion followed: Mark Williams – This was removed in value engineering based on the architect’s recommendations. We received a credit for \$44,500. To add it back in, we got a proposal from Teal for \$299,000. We researched and requested Teal to review 3 alternate prices provided by 3 subcontractors that do spray on insulation. We determined the best was the second lowest bidder due to the lowest bidder not having a great track record. We now have a revised price that you have in front of you in the amount of \$87,318 to put this insulation back in the contract.

Commissioner Dupnik – Initially it was \$299,000?

Judge Garza – It’s not only \$87,318, we are adding 9 days. What is associated with those 9 days? Is there a monetary figure?

Mark Williams – 9 days is for additional time based on the subcontractors time required to do the work.

Commissioner Casterline – is this closed cell?

Mark Williams – It is a closed cell urethane foam, it is walkable if we need to do any service in the attic space.

Judge Garza – You didn’t answer my question. Those 9 days is there a cost associated with the additional time for general conditions for the 9 days?

Mark Williams – No, sir.

Judge Garza – You are not going to come back because we gave them 9 days and say we owe them “x” amount of dollars?

Justin with Teal Construction – As Mark mentioned, the original price was close to \$300,000. Through negotiations and conversations we’ve had over a couple of months. We’ve agreed as a project team to look at time extensions and general conditions to get the project finished with some of the changes that are going on. Part of the reduction in that price is pulling out the general conditions that are being negotiated completely separately. So the question is there a cost for those 9 days listed on there? There is but not associated with this cost. This is just the cost of work

itself. There are no contingency dollars in this amount. It is strictly the subcontractor costs. Separately there'll be another conversation to address time and general conditions, etc. In order to get everything that is still outstanding complete. It's hard to say exactly what the cost will be for just this activity. But, there will be another change order that is submitted that extends the time and costs. I don't know if you have the actual change order or just the narrative. On the front sheet it asks for 9 additional days. There is an admin error on the bottom. It doesn't officially add any time to the contract, but the date changed on it. I don't know if we need to update to add the 9 days or use the original completion date. I think it's important that we get the front page of this correct before we sign it.

Mark Williams – I will take a look at that and we can table this change order until next term and I can make a modification to it and re-issue it.

Judge Garza – I would like an estimated cost for those 9 days. I feel like we are writing a blank check. We approve this and then a month from now you're going to come back like last Thursday, asking for money that we owe you because we did this change order. You're saying 9 days, but there is a cost and we'll figure it out later.

Justin – Teal – If we want to get into even further the 9 days is the actual spraying of the material but not everything that's included in how this is going to impact the project. That's why it's a whole separate conversation about the big picture.

Judge Garza – So it will be more than \$87,000?

Justin – Teal – It all depends on you look at it. The cost of the work is \$87,000. The cost of the time and work around it is all part of what it takes to get to the goal line.

Motion to table by Commissioner Rousseau, and seconded by Commissioner Chaney
Commissioner Dupnik – (very hard to hear) Is work going to be at a standstill when this is being done?

Justin – Teal – It's not affecting what we are doing now. There is work that will have to be done after the insulation is installed. We are still working on the rest of the building at this time.

Commissioner Casterline – When we made the original deduction, didn't you have an envelope specialist that said that it wouldn't make a difference?

Justin – Teal – I don't know if you've had time but we handed out a binder a couple of months ago that gave the whole backlog of how we started, how we worked through it and how we got to where we are at now. It gives information on the envelope consultants that we hired and we submitted information on what was reviewed by the design team. They were looked at by their consultants, they differed a little bit and we had defer to those designing the building and proceeded with what they recommended. We got into an issue with the design that they picked and here we are today trying to fix it.

Mark Williams – The original contract called for spray on insulation on the underside of that same concrete deck. It was to be sprayed on the entire underside of the periphery of the roof area under the sloped roof is. This was removed during the value engineering, it was okayed and agreed upon by the architect. They did have an envelope consultant that concurred with that decision. So putting it back in is basically on PGAL. It would be a responsibility of them to cover this cost. Much like the Jail Standards.

Commissioner Dupnik – Why are we adding 9 days?

Mark Williams – I have the same question. The original proposed change order had 145 days. I went back and negotiated with Teal and they said add 9 days to the contract and we will agree with that. We are also reviewing their construction

schedule to determine how long this critical path is going to be extended beyond the contract time. If they have basic scope of work that extends past the contracted time in excess of this work they don't get any extra money for time. So that is still under review and we will have a submittal to the Commissioner Court during the special court next Thursday.

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

XI. PLANNING AND BUDGET

28. Discuss, approve or disapprove the December 2023 Treasurer's Report – Alma Cartwright / Judge Garza

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

Discussion followed: Alma Cartwright – December – February we defer the reports until the year is closed out. We end the year with a cash balance of \$23,334,000, all the bond fund money it's \$29,815,000

Commissioner Chaney – Can we handle all 3 of these at the same time or do they need to be done individually?

Alma Cartwright – Individually.

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

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

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

Discussion followed: Alma Cartwright – Ending \$29,014,000

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

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

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

Discussion followed: Commissioner Rousseau – Account 430 Capital Projects and Grants, is this amount what is outstanding for reimbursement payments from GLO and other funding sources at \$5,000,000

Alma Cartwright – The Auditor can answer that, but we pay before we get money.

Commissioner Rousseau – I wonder how much of the \$5,528,000 was coming back?

Jacky Cockerham – We've gotten probably \$4,000,000 of it already in March. But, we have had other expenses so it's not quite at \$5,000,000 now, it fluctuates but it's all reimbursements.

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

31. Discuss, approve or disapprove the 4th Quarter Aransas County Treasurer's Investment Report – Alma Cartwright / Judge Garza

Motion to approve: by Commissioner Casterline, motion was seconded by Commissioner Chaney
Discussion followed: Alma Cartwright – The investment report has the same balances but it breaks down the interest earned. In the operating funds we had budgeted \$54,000 and we ended up earning \$828,000 with another \$42,000 in accrued. Hopefully that helps the budget at the end of the year. It's a 1600% increase.
Vote: Motion carried 5-0: it was so ordered

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

Motion to approve: by Commissioner Chaney, motion was seconded by Commissioner Rousseau
Jacky Cockerham – As with the Treasurers report we have to wait until we've completed year end and the outside Auditors require us to hold everything open until February.
Vote: Motion carried 5-0: it was so ordered

33. Discuss, approve or disapprove the January 2024 Auditor's Monthly Report – Jacky Cockerham / Judge Garza

Motion to approve: by Commissioner Casterline, motion was seconded by Commissioner Rousseau
No discussion
Vote: Motion carried 5-0: it was so ordered

34. Discuss, approve or disapprove the Budget Line Item – Jacky Cockerham/Judge Garza
Jacky Cockerham/Judge Garza

Motion to approve: by Commissioner Casterline, motion was seconded by Commissioner Dupnik
No discussion
Vote: Motion carried 5-0: it was so ordered

35. 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 is normal just noting some Capital payments.

GNW Engineers	\$1,296	Generator
LCR Transport	\$555,838.17	Holiday Beach Construction
Rizzo Construction	\$397,639.60	South East
DLF	\$257,093.52	Community Building
Mott McDonald	\$4,248.00	Bay Shore Drive Project thru TCEQ
ARPA Grant Works	\$13,440.00	Finished 75% of contracts
Broaddus	\$11,471.63	
Teal Construction	\$598,396.22	

Commissioner Rousseau – what is the special payroll
Alma Cartwright – Terminated employees they have to be paid within 5 days, we had 2 terminations
Vote: Motion carried 5-0: it was so ordered

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

- Pam Heard, District Clerk– Good news first. My Office has once again completed the Audit for the US Department of State and Passports. We are in 100% compliance. I'm very proud of my office. Our office does things properly, we try to do them as properly as possible. That brings me to next item. It has become that the new courthouse is not going to be prepared for my historical or permanent records, by the time we move in. It's either going to have to be prepared at some point to come there which is ideal. We are going to have to build a building somewhere else that meets the statutory requirements. Now they are not met with that building. I have a possible solution that puts this off for a year, I am able legally to send my historical and permanent records to the Texas State Library. There is a cost involved but it is much less than what we are paying in the building that we're in which is substandard. At least they would be safe. I don't know what else to do. I'll be bringing this to you in a formal proposal at some point, but I wanted to give you a heads up that we still have a problem. I don't know how it's going to get fixed. The bottom line is we have to protect these records from: water, fire, steam, collapse, theft, and UV light. It's all of those. Thank you.
- Misty Kimbrough, County Clerk – Same problem. One of the things that TSLAC, Texas State Library and Archive Commission, mentions is a temperature bulb on the water system, but with that it recommends a yearly inspection of all water pipes that are over historical records. There are options other than a dry system that meets their standards. But I have yet to hear anything about that other option. So, I don't have the option of sending my records to the State Library. I by law must have those records where people can touch them and go to them at any time my office is open. We have been given concessions due to Hurricane Harvey, but the moment we take ownership of that building that concession ends. I'm going to tell you again, from the beginning of our county to 1951 we are paying \$3.5 million dollars over 5 years to recover, restore, re-book, documents. Our archive funds are going to be a Zero when that is finished. I collect through our documents and a reminder again that this past September legislation changed how much money we are getting in archive funds. It has dropped dramatically. I, as the County Clerk, and the next County Clerk will not have the funds available to recover documents again and again. If we don't make changes in that room with at least the temperature bulb and a contract or statement from this Court that those pipes will be inspected yearly. I'm going to ask ya'll to sign off on it and you take the responsibility for those records. I took an oath to this County and those who elected me to uphold all laws and to be the custodian of those records. Those records are cemetery plots, all plats for this county, the blueprints for all the buildings of the county, all land and deed records, birth, death, marriage, probate, DD214s, these are important records and of great historical value. It is my job to protect them and I will do my best to do that.
- Commissioner Casterline – I would like to request that we look into asking for AG's opinion. On the interpretation of the law to protect the records. They told us to let the County Attorney to look at it. I personally don't think the requirement appears to

- be as extreme as what the clerks do. I would like to get an AG opinion to see what they say what our obligation is.
- Judge Garza –The only ones who can request that are the Auditors and the County Attorney.
 - Jacky Cockerham – The only experience I have had is that it takes 6 months or longer to get an opinion.
 - The lady that was supposed to be the one that knew at the Library to me she kicked the can down the road to the County Attorney.
 - Pam Heard – That’s because we already had a legal opinion from the County Attorney that says, yes the records have to be protected in this way. No granted. There is nothing in the law that says a dry fire system has to be put in. Nobody disagrees with that. The problem is they put in the wet system even though we told them it had to be this way, from the very first document.
 - Commissioner Casterline – Pam, I’ve heard all of that. I’m just saying I would like an AGs opinion on the extent of the protection we have to have. I don’t want your opinion, I don’t want the County Attorney’s opinion.
 - Pam Heard – Unfortunately you are stuck with my opinion because this is my office and this is what I have to do.
 - Commissioner Casterline – And you are practicing law to interpret it.
 - Pam Heard – No, sir. I am taking care of my office as I was sworn in to do.
 - Commissioner Casterline – I still go back to my question that doesn’t really have anything to do with what she’s saying. It’s my opinion that I would like to see an AG’s opinion over the opinion of the County Attorney and whoever else.
 - Judge Garza – I think we have a special meeting here in a couple of weeks to discuss further. Thank you
 - Mr. Van Meter – I want to thank you for the purchase of the new backhoe. It’s working for us at the transfer station. Thank you.
 - Commissioner Chaney – I had a call from a constituent that had a unique problem. I called Mr. Van Meter and the Inspector went out to visit with them and I think the County and Environmental has made a friend. Thank you for the professionalism that you showed out there. They were impressed with you.

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

- None

XIV. CLOSED SESSION

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

No closed session

XV. OPEN SESSION

37. Reconvene into Open Session

No closed session

38. Discuss and take action on matters discussed in closed session – Amanda Oster / Judge Garza

No closed session

XVI. ADJOURNMENT

Motion to adjourn: by Commissioner Rousseau, motion was seconded by Commissioner Casterline
Vote: Motion carried 5-0: it was so ordered
Meeting adjourned at 11:00 AM

ARANSAS COUNTY COMMISSIONERS’ COURT

Ray A. Garza, County Judge

Misty Kimbrough,
Ex-Officio Clerk of the Commissioners Court