

MINUTES

Aransas County Commissioners Court

9:00 AM - Monday, June 12, 2023

The Aransas County Commissioners Court met on Monday, June 12, 2023, at 9:00 AM, in the Aransas County Courthouse, 2840 Hwy 35 N, Rockport, Texas. Aransas County Commissioner's Court meeting video recordings are available by following this link: [Commissioners Court Minutes and Agendas \(aransascountytexas.gov\)](https://aransascountytexas.gov/minutes), then scroll to the bottom of the page and select the date you wish to view.

Present: **Ray A. Garza**, County Judge
Jack Chaney, Commissioner Precinct 1-1A
Leslie Casterline, Commissioner, Precinct 2
Pat Rousseau, Commissioner, Precinct 3
Robert Dupnik, Commissioner, Precinct 4

I. Call to Order & Pledges - The meeting convened at 9:00 AM

II. Invocation

III. Roll Call was taken and a **Quorum was declared, and the following proceedings were had and done to wit:**

IV. Citizens to be heard - both here on behalf of Proclamation P-10-2023 "National Pollinator Week"

V. Presentations and Proclamations

- 1 Presentation of Proclamation P-10-2023, proclaiming June 19 – 25, 2023 as National Pollinator Week – Ginger Easton Smith/Judge Garza

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

Discussion followed

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

VI. Consent Agenda

- 2 Discuss, approve, or disapprove the Minutes from the May 22, 2022 Regular Meeting – Misty Kimbrough/Judge Garza
- 3 Acknowledge receipt of, and record in the minutes of the Commissioners Court, a certificate of completion for Lori Cesar from the Humane Educators of Texas, LLC for Dangerous Dog Investigator – Lori Cesar/Judge Garza
- 4 Acknowledge and accept a donation of \$43 from Nadezda and Terry Redd for Aransas County Animal Care Service's Spay/Neuter Program – Lori Cesar/Judge Garza
- 5 Acknowledge and accept a donation from Amber Lousberg of a LG Inverter Washer and Dryer, value of \$900, for Aransas County Animal Care Services – Lori Cesar/Judge Garza

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

Discussion followed

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

VII. County Reports

- 6 Discuss, approve, or disapprove the 1st Quarter 2023 Report of the Texas Maritime Museum – Justin Parkoff

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

Discussion followed

Vote: Motion tabled 5-0; it was so ordered

VIII. County Roads and Floodplain

- 7 Discuss, approve, or disapprove accepting a permanent twenty-foot (20') wide drainage easement from JoAnn McLester as depicted on the attached Exhibit and authorize the County Judge to execute necessary documents – David Reid/Judge Garza

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

No discussion

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

IX. Contracts and Grants

- 8 Discuss, approve or disapprove authorizing County Judge to sign Change Order #2 for Bahia Bay Drainage Improvements Project. The change order is a \$98,627.42 increase of the contract with Gerke Excavating, Inc., for the relocation of an existing gas line – David Reid/Judge Garza

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

Discussion followed

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

- 9 Discuss, approve, or disapprove entering into a contract with Department of State Health Services (DSHS) Vital Statistics Sections and Aransas County to allow the County Clerk's office to provide the service of providing birth certificates for anyone born in the State of Texas – Misty Kimbrough/Judge Garza

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

Discussion followed

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

- 10 Discuss, approve, or disapprove the annual County Clerk Archive Plan as required by Local Government Code Sections 118.011 (f) – Misty Kimbrough/Judge Garza

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

Discussion followed

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

- 11 Discuss, approve, or disapprove authorizing the County Judge to use Stellar Energy Solutions, an Energy Broker Service, to locate and price Electricity Service for the County – Jacky Cockerham/Judge Garza

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

Discussion followed: The current power provider will be dropping the County in June of 2024. The provider will no longer be servicing smaller clients like the County.

Stellar Energy should save us approximately \$ 64,000 annually for 5 years total savings \$

Tim Clark and Becky Mayes from Stellar were present to answer questions.

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

- 12 Discuss, approve, or disapprove authorizing County Judge to sign a Letter of Commitment to provide \$35,000 of GOMESA funds to go toward the match of a CEPRA (Coastal Erosion Planning and Response Act) grant to provide the engineering and design components of the project titled "Newcomb Marsh Shoreline Protection – Phase II" – John Strothman/Judge Garza

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

Discussion followed: This cost is for engineering services, Commissioner Rousseau asked how will the construction be paid?

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

- 13 Discuss, approve, or disapprove authorizing County Judge to sign Access Easements for the Bay Shore Drive Shoreline Restoration Project, Texas Commission on Environmental Quality (TCEQ) Contract #582-21-22184 – John Strothman/Judge Garza

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

Discussion followed: Commissioner Rousseau moved to amend the motion to show easements are granted by Key Allegro Canal & Owners Association, Charles Johnson, and Manager James McCutcheon

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

Vote: 5-0; it was so ordered

- 14 Discuss, approve, or disapprove Change Order #7 for the Construction Contract between Teal Construction and Aransas County for the construction of the new Aransas County Courthouse, resulting in an increase in the Contract Cost of \$79,941.89 with no change in the length of the contract and further consisting of the following changes: 1) Plan Revision #2 to the generator yard – Cost increase of \$37,558. 2) Plumbing – Roof Drains – Cost increase of \$38,346.82. 3) Frame Plumbing Pipes – Cost increase of \$3,073.55. 4) Ceiling Revisions for Corner Offices – Cost increase of \$13,933.52. 5) Thermory Wood Soffit Material Change – Cost decrease of \$21,000. 6) Change in Locks – Cost increase of \$8,030. - John Strothman/Judge Garza

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

Discussion followed: Mark Williams, with Broaddus "We deliberated with the PGAL, the design team, and the construction team to assess the cost and feels that these revisions are necessary and that the work and the cost are reasonable."

Questions followed from the Commissioners: 1. Why did the generator pad need modifications? Mr. Williams "To accommodate the change of location of the manual transfer switch." 2. Why did the switch need to change locations? Justin McComb, of Teal Construction "It allows it to be tested and checked. The actual reason for the change is for a load bank that was added and in order for the generator to fit, changes had to be made. The conduit was on the east side of the pad and had to move to the west side."

Commissioner Rousseau "Seems to be a great number of changes that if there had been better coordination between the design team and construction management company we don't believe we would have all of these changes that could be considered errors. It's frustrating as a tax payer that we are not getting the services for which we have paid." Commissioner Dupnik "I feel like lack of communication is the cause of many changes and request you to let the whole team know our frustrations. Today's changes add up to almost \$80,000."

Mr. Williams "Many of the changes were due to several design changes, going from 3 stories to 2 stories, the back to 3 stories and then back to 2 stories, and then only having approximately 3 months to complete the 2 story plans. The design team was put in a tail spin with so many changes."

Commissioner Rousseau "A few weeks ago the IT Director stated that the lock for a "secured" door where prisoners will be moved to and from court rooms was missed. He was working off of a provided plan that was not complete or current drawings to make his requests. Paul from PGAL stated that the drawings were about 95% done, but we were working off of drawings that were about 75% done. This item was missed due to the plans he was working from were not the most current. That is not our problem that is your problem. We depend on the whole team's professionalism to get us the most current and correct drawings and she does not feel like we have seen that at all."

Mr. Williams "It is a matter of time, when drawing are changed they are sent out as expediently as possible. They are sent to the office for dissemination to those who need them. They are sent out in a timely manner."

Commissioner Dupnik "I do not understand how the generator/electrical change on a building of this size how this could be affected and that prioritization needs to happen and asks that they pass this on to the management team that they need to be more conscious of this because it is costing the County a lot more money than anticipated."

Mr. Williams asked Justin McComb to speak to what caused the need for the change. Mr. McComb "It was a change required to the functionality of the generator to get the building to operate the way it was intended to. The work exceed the drawings for a little bit and had to get caught up to make it work correctly."

Commissioner Dupnik asked Justin McComb "Do you anticipate a lot more change orders as you should have a feel for the job." Justin McComb "I do not like change orders either. We are here to build what's on the plans and move forward with what we've got. A lot of changes have been the result of walkthroughs of the building where we were requested to move a wall, some plugs or whatever. For what it's worth the only change order on this list that we've brought is a deduct. We are not in the market to try to get any more money or to make any changes. We were not involved with the design of the building so the short answer to more change orders it that it's up to you guys." Commissioner Dupnik "I understands you are the general contractor but please pass on our concerns."

Commissioner Rousseau "I you pass on our concerns to the construction management company. I viewed your website and talked with Dr. Broaddus a couple of times. Your organization is very proud of its reputation but I have not seen that level of quality with this project and I'm disappointed in it."

Commissioner Chaney "I would like to see value of the change orders to date." Jacky Cockerhan, Auditor "I have that information and will get it to you. With some deducts from the original bid and because of the foundation issues our price, with the change orders, is under the original bid."

John Strothman "Due to the VE (value engineering) work done before the start of the project. We have a net of around \$220,000 and we are still under that." Mr. Williams "That effort was something we as the program mangers assisted the owner with in conjunction with the contractor to find Value that we could engineer out of the project which was \$ 250,000."

Judge Garza "The ceiling revisions for corner offices, a cost increase of almost \$14,000. Not blaming Teal but originally was going to be approximately \$67,000 and we got it down to just over \$13,933. Thank you that's good, but still I don't know whose mistake it is but it is a mistake that we're accepting and we are going to have to pay almost \$14,000. I think you need to get with the design team or somebody to back charge somebody. I don't think we should be eating that cost."

Mr. Williams "That was a disconnect between the exterior and interior architects. The exterior window heights exceeded the interior ceiling heights, that's definitely on them."

Jennifer O'Steen Assistant County Attorney "Is something that would normally be noticed before they build it."

Mr. Williams "Typically the design team catches that. As mentioned early they were pushed into a bubble in terms of design. Typically on a project like this you get eight months to design, for this project they had three months to get the drawings together, that does constitute many changes in the work."

Commissioner Dupnik "Teal is a reputable company but the three of you are here to answer questions and we hope you'll relay everything that has been said to your counterparts."

Vote: Motion carried 4-1, it was so ordered, Commissioner Rousseau voted no.

- 15 Discuss, approve, or disapprove Change Order #1 to the contract with DLF Texas, for building foundation and perimeter beam changes – Cost increase of \$38,807.67 for the construction of the new Community Building – John Strothman/Judge Garza

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

Discussion followed: DLF is General Contractor

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

- 16 Discuss, approve, or disapprove the authorization of County Judge to execute necessary documents to use American Rescue Plan Act (ARPA) funding for the purchase of Transfer Station Equipment – Elle Moralez/Judge Garza

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

Discussion followed: Motion for a Caterpillar back hoe for \$166,152.53

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

- 17 Discuss, approve or disapprove authorizing County staff to contact AEP to purchase and install a security light near the Lamar Boat Ramp, also known as the St. Charles Bay Boat Ramp, for a cost not to exceed \$1,500 and authorize payment for monthly electrical services for Aransas County's negotiated rates – Commissioner Dupnik/Judge Garza

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

Discussion followed

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

- 18 Discuss, approve or disapprove an Amendment to the Harbor Oaks Village Shopping Center Lease Agreement between ILS Rockport, LLC, and Aransas County, Texas, to extend the term of the Lease to November 30, 2023, with options for up to three automatic extensions of three months each and notice of termination of ninety days – Jennifer O'Steen/Judge Garza

Motion to approve: by Commissioner Rousseau, motion was seconded by Commissioner Dupnik
Discussion followed: Assistant County Attorney Jen O'Steen stated that ILS offered an extension to November 30 and an additional option for three extensions of three months each without increasing the rent for the temporary Courthouse.
Vote: Motion carried 5-0; it was so ordered

X. Planning and Budget

- 19 Discuss, approve, or disapprove the May 2023 Indigent Health Care Report – Alma Cartwright / Judge Garza

Motion to approve: by Commissioner Casterline, motion was seconded by Commissioner Chaney
Discussion followed:
Vote: Motion carried 5-0; it was so ordered

- 20 Discuss, approve, or disapprove adding a full-time Supervisor-In-Training position at the Transfer Station – Elle Moralez/Judge Garza

Motion to approve: by Commissioner Chaney, motion was seconded by Commissioner Dupnik
Discussion followed: remainder of 2023-\$31,753, for 2024-\$55,039 Pay group 12-3 to a 13-1
Vote: Motion carried 5-0; it was so ordered

- 21 Discuss, approve, or disapprove job description update and changing the Facilities Maintenance Director's Group/Step from 23-8 to 26-10 moving Pathways from under the County Judge and Director of Community Development to Facilities, adding additional required job duties – Judge Garza

Motion to approve: by Commissioner Rousseau, motion was seconded by Commissioner Casterline
Discussion followed
Vote: Motion carried 5-0; it was so ordered

- 22 Discuss, approve, or disapprove authorizing County Judge to enter into and sign the Renewal Agreement with Texas Association of Counties (TAC) for Employee Health Insurance for the 2023-2024 Plan Year – Linda Doane/Judge Garza

Motion to approve: by Commissioner Chaney, motion was seconded by Commissioner
Discussion followed: Presented 4 options. Benefits Committee preferred option C, Commissioner Rousseau agreed, option C will increase the employee cost from \$45 to \$60 per month. **Commissioner Rousseau amended the motion** to approve the current plan with the employees paying \$ 60 per month, **Commissioner Dupnik seconded the motion.**
Vote: Motion carried 5-0; it was so ordered

- 23 Discuss, approve or disapprove electing to change voluntary Dental & Vision providers from UNUM to Texas Association of Counties (TAC) and authorize County Judge to enter into and sign Voluntary Dental and Vision Benefit Elections for agreement - Linda Doane/Judge Garza

Motion to approve: by Commissioner Dupnik, motion was seconded by Commissioner Rousseau
Discussion followed: Improved the benefits with a very low additional cost
Vote: Motion carried 5-0; it was so ordered

- 24 Discuss, approve or disapprove electing to replace the current Section 125 Cafeteria Plan from HealthEquity WageWorks at a cost of \$185 annually to WEX through Texas Association of Counties (TAC) at a \$0 annual cost for the county and authorize County Judge to enter into and sign agreement. TAC is covering the cost as an added benefit to participating counties and WEX processes and stores all the required documents – Linda Doane/Judge Garza

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

Discussion followed

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

- 25 Discussion of Proposed 2024 Budget for Aransas County Appraisal District – Commissioner Rousseau

Discussion purposes only by Commissioner Rousseau

Discussion followed: Appriaser Mike Soto was present to explain how the Appraisal District budgeting process works.

No action taken

- 26 Discuss, approve, or disapprove the May 2023 Auditor’s Monthly Report – Jacky Cockerham / Judge Garza

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

Discussion followed

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

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

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

None at this time

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

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

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

Discussion followed:

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

XI. Reports from Commissioners, Elected Officials, and Department Heads

NO action will be taken

JP2-Judge McGinnis - Brought her concerns regarding the space in the new courthouse for JP2 court staff. Specifically, she is concerned that the workspace for three employees is only 7' by 21' and asked the Court to consider whether changes can be made to enlarge the space. Commissioner Dupnik asked if Judge McGinnis was speaking for both JP's, she said "Yes, I am."

District Court Clerk - Pam Heard Spoke to the Commissioners Court about the new courthouse and the plans for space to house permanent records. She explained "they have to be water, fire, steam, theft, collapse proof and not exposed to sunlight." She also mentioned concerns with the design of the space including the counter space. With regard to the records, she added that the requirements are statutory. She said "this isn't something I just want, it's Government Code 7.164, it "shall be". A building built after 2013, statute says it has to be."

Animal Care - Lori Ceasar was asked to bring information on the recent outbreak of parvovirus at the shelter. She told the Court that there are 63 animals being housed at the shelter current. Cesar said "we're overcrowded which leads to stress and more chance of viruses and illness. The dogs were vaccinated but this new strain is a little resistant." She told the Court that Animal Care started an outpatient treatment plan for dogs with parvovirus that had been used in previous years that was utilized, but only 3 of the 7 dogs testing positive survived.

XII. Reports about items of community interest

NO action will be taken

XIII. Closed Session

- 29 Consider convening into a Closed Session to consult with and receive advice from legal counsel about insurance matters related to Aransas County's projects and insurance claims from Hurricane Harvey, pursuant to Section 551.071 of the Texas Open Meetings Act, which authorizes closed sessions for a governmental body to consult with its attorney(s) regarding advice on legal matters pertaining to "Pending or Contemplated Litigation; or a Settlement Offer; or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with" the Open Meetings Act – Amanda Oster/Jennifer O'Steen/Judge Garza

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

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

Convened into closed session at 10:53 AM

XIV. Open Session

- 30 Reconvene into Open Session 11:16 A.M.

Motion to reconvene into Open Session : by Commissioner Rousseau, motion was seconded by Commissioner Dupnik

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

- 31 Discuss and take action on matters discussed in closed session – Amanda Oster/Jennifer O'Steen/ Judge Garza

Nothing to discuss

XV. Adjournment with Roll Call 11:17 AM

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

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

Ray A. Garza, County Judge

Misty Kimbrough, Ex-Officio Clerk
of the Commissioners Court