

MINUTES OF THE ARANSAS COUNTY COMMISSIONERS' COURT

REGULAR MEETING - MARCH 8, 2021

On the 8th day of March, 2021, there was a Regular Meeting of the Commissioners' Court in the Commissioners' Courtroom, 2840 Hwy 35 N, Rockport, Aransas County, Texas, with the following members present in person, via ZOOM, or via YouTube: **C. H. "Burt" Mills, Jr.**, County Judge; **Jack Chaney**, Commissioner, Precinct 1-1A; **Leslie Casterline**, Commissioner, Precinct 2; **Pat Rousseau**, Commissioner, Precinct 3; **Wendy Laubach**, Commissioner, Precinct 4; and **Carrie Arrington**, County Clerk.

Other County Officers present in person, via YouTube, or via Zoom, were: **Alma Cartwright**, Treasurer; **Laura Kocian**, Chief Deputy Treasurer; **Pam Heard**, District Clerk; **Tracy Orr**, Administrative Assistant to County Judge; **Amanda Oster**, County Attorney; **Jennifer O'Steen**, Assistant County Attorney; **Jacky Cockerham**, County Auditor; **Tana Taylor**, First Assistant County Auditor; **Elizabeth Guerra**, HR Assistant; **Sheriff Bill Mills**; **Rhonda Konieczny**, Executive Assistant to the Sheriff; **Collin Jackson**, IT Director; **David Reid**, County Engineer; **Kat Comeaux**, Development Services Coordinator; **Mike Geer**, Airport Manager; **John Strothman**, Project Manager; **Kim Foutz**, Long-Term Recovery; **William Whitson**, Long-Term Recovery; **Lori Cesar**, Animal Control Director; and **Iris Sanchez**, Library Director.

Members of Local City Government, Community Groups and other Interested Parties present in person, via YouTube, or via Zoom, were: **Rick McLester**, Aransas County Emergency Management Coordinator; **Rickey McLester**, Fulton VFD; **Roman Cortez**, Fulton VFD; **Pat Rios**, Mayor, City of Rockport; **Mike Probst**, Editor and Publisher, The Rockport Pilot; plus other volunteer members and

staff from **Fulton Fire Department, Lamar Fire Department, Aransas County Sheriff's Department, and Fulton Community Church.**

Aransas County Citizens present in person, via YouTube, or via Zoom, were: **Mike Fields; Allan Smith.**

The Meeting was convened at 9:00 a.m. at which time roll call was taken and a quorum was declared by Judge Mills, WHEREUPON, the following proceedings were had and done, to wit:

CITIZENS TO BE HEARD

There were none.

PRESENTATIONS

1. **Tracy Orr** read **Proclamation #P-03-2021**, recognizing the volunteers and personnel from the **Fulton Fire Depart, Lamar Fire Department, Aransas County Sheriff's Department, and the Fulton Community Church** who opened their doors as warming stations and provided meals and drinking water during the **Winter Storm of 2021.**

CONSENT ITEMS

2. Minutes from the **February 8, 2021 Regular Meeting.**
3. Minutes from the **February 11, 2021 Special Meeting.**
4. Minutes from the **February 23, 2021 Regular Meeting.**
5. Minutes from the **March 1, 2021 Special Meeting.**
6. Acceptance of a **\$1,000 donation from Les and Mary Puckett Children's Foundation to the Aransas County Library to be used for children's books and programs.**

7. Acceptance of a \$100 donation from Shari Neva to the Sheriff's Department for providing meals at the Fulton Fire Department during Winter Storm Uri.
8. Acceptance of a \$100 donation from James and Constance Johnson to the Sheriff's Department for providing meals at the Fulton Fire Department during Winter Storm Uri.
9. Acceptance of a \$100 donation from James and Judith Mann to the Sheriff's Department for providing meals at the Fulton Fire Department during Winter Storm Uri.

After Sheriff Mills, Judge Mills, and Commissioner Chaney each commented on the generosity of the people from whom the County received donations, a motion was made by Commissioner Rousseau and seconded by Commissioner Casterline to approve the consent items.

Question. A roll call vote was taken and the motion carried unanimously.

It is so ordered.

COUNTY SHERIFF

10. A motion was made by Commissioner Chaney and seconded by Commissioner Casterline to approve the Status Report on Jail Operations and Consideration for Pay Adjustments as it relates to staffing submitted by Sheriff Mills.

Sheriff Mills: For several months we've had a staffing issue in the jail and it has continued to get worse over the last several months. Three people have left in the last couple of months to go to the Law Enforcement Academy of Corpus, and one of those came back and asked if he could continue on as a relief jailer from time to time and we took court action a few weeks ago on that matter to approve that.

Texas Jail Commission every month requires a report from the jail about the number of inmates, the classification of them, how everything flows. And, in that report now, there's a line that was added a couple of years ago that requires that we report the number of staff vacancies that we have that month in the jail.

Last month we had to report seven vacancies in a staff of forty-three and we have one on quarantine, so we were working down about eight employees - that's about two per shift. Last month it was six. The month before it was six. And, I think it was five before that. Can I put a mark on really what caused it? I can guess and speculate some of it.

Some people thought it had to do with the stimulus checks. It could be the stress in that facility because we're locking you up in there with inmates and COVID and everything else - even though we've taken a lot of precautions and steps to negate that and we've done a good job there.

About a month ago, we gave consideration and two weeks ago we wrote a letter informing the employees that we were going to go to a scheduled forced overtime to spread the burden out because we've got to maintain minimum staffing requirements for the Texas Jail Commission and if we don't take action and find a way to correct it ourselves, their actions could be decertifying the jail in total. Or they could come in and close a pod in the jail, which would force us to reduce the number of inmates by classification. The first to go would probably be the feds.

To force the overtime, we are bringing in one employee per shift so we're scheduling twenty-four hours of overtime per day at a cost of about \$660 a day. In the month of January, we

spent nearly \$22,000 in overtime in a line item that is budgeted at \$30,000 for the year. And, at that rate, we can't afford that bleed to continue on. So, I'm coming to the court asking for consideration to adjust the salary over there as a starting point to try to find something to make that job attractive. We're not even getting bad applicants right now.

I did talk to Refugio and San Pat Counties and they're staffed, but you can live in those two counties for considerably less than you can live here. I've acknowledged for a long time that employees can't really afford to live here on the schedules that we have but I'm not paying enough right now, apparently, to even attract them to drive here.

Six or seven years ago, we came to the court and you all approved as across the board ten percent raise over there and we had applicants, we had employees leave Kingsville and Victoria to come to work here. What's the number now? I don't know but I think we need to give consideration because at a \$22,000 a month run, you know we're going to go through \$220,000-\$230,000 a year in overtime - and that's with me forcing it on employees which is going to subject them to being tired. They're going to get a little bit, uh, I think their guard's going to drop. I also run the risk of having those that don't want to work the overtime leave too. This could backfire. I could see them leave here and go to work in Nueces or San Pat County where they're not being forced to work the overtime.

So, the court needs to give some consideration but I think you all needed to know where we're at and what the situation is and that we've gotten into a forced overtime to try to maintain minimum staffing. We're not hauling prisoners right now to federal courts in Corpus or Victoria. Now when that starts back up, as we're seeing the state courts and district courts

here are starting back, we're going to need all eight of those people and I won't be able to get by with one person a shift. I'll be looking to bring in two per shift. So, that \$660 a day is going to double. So, that run rate is going to get out of hand unless we can find something to make the job here attractive.

If you all have any ideas, we can entertain that discussion but I think it needed to come to the court and we've run some numbers through the auditor's office. We've got an overtime issue and it could become a safety productivity issue and I could lose more employees by forcing the overtime on a long-term basis.

You asked where the money would come from, number one from the reduced cost of the savings for overtime and the rate that we're going to be running it that would be one place.

For twelve years we have met budget in the Sheriff's Office and the jail. The savings last year that we returned to the General Fund is twice the amount we would need to consider an across-the-board raise.

We have always maintained and come in with enough money for the last several years to have funded this on just about any year we wanted to do it - but it's time that I've got to do something in the jail and I've come to the court to ask for your consideration and discussion on trying to move this forward where we can stop the bleed over there.

It's the entry level stuff that's killing me and I've sent stuff in the packet. We can probably get copies of the reports that the auditors have drawn showing the impact of this years' budget as well as next year at different considerations but I'd

leave it to you all right now to ask any questions or discussion.

There was quite a bit of discussion. In the end, it was decided to form a committee consisting of the Sheriff, the Auditor, a Commissioner, and a jailer to look further into the situation and come back with a realistic recommendation to the court. Pat Rousseau accepted appointment to the committee.

Question. A roll call vote was taken and the motion carried unanimously.

It is so ordered.

11. A motion was made by Judge Mills and seconded by Commissioner Casterline to approve the Annual Profile Report (required by Code of Criminal Procedure 2.131-2.138) as submitted by Sheriff Mills.

Question. A roll call vote was taken and the motion carried unanimously.

It is so ordered.

COUNTY ROADS

12. A motion was made by Commissioner Casterline and seconded by Commissioner Chaney to approve Order #O-02-2021, an Order Closing, Abandoning, and Vacating an Alleyway, in response to a petition from Travis Kelley regarding the 20-foot alleyway in Block 292 of the Manning Addition, Aransas County, Texas.
Commissioner Casterline: This is a block that's off of San Antonio Street and Ft. Worth. The applicants own the whole block. There's an alley in there. The alleyway isn't accessible by anyone else because the road right-of-ways on each end have long since been abandoned so there's no opportunity for anybody else to use the alleyway.

Question. A roll call vote was taken and the motion carried unanimously.

It is so ordered.

13. A motion was made by Commissioner Casterline and seconded by Judge Mills to approve the request for a Variance on County Subdivision Regulations on Minimum Lot Size and Building Setbacks at 578 Mesquite Tree Loop for Lot 578-R, Mesquite Tree Section, Holiday Beach Subdivision. **Kat Comeaux:** This request is by the owners to combine two-and-a-half lots into one lot. They've already received the approval on their septic and pulled a building permit to build a new home. It is just to give the home a bigger yard and footprint. The combined lot will be less than the county requires but it is still substantially larger than the existing lots in the subdivision and it is a grandfathered lot.

Question. A roll call vote was taken and the motion carried unanimously.

It is so ordered.

14. A motion was made by Commissioner Casterline and seconded by Commissioner Chaney to approve the request for a Variance on County Subdivision Regulations on Minimum Lot Size and Building Setbacks at 19 Estates Dr. for Lot 18-R, Palmetto Park Estates. Question. A roll call vote was taken and the motion carried unanimously. **Kat Comeaux:** This is another grandfathered situation. There is an existing home and an existing guest house and they are upgrading the septic in order to come into compliance.

Question. A roll call vote was taken and the motion carried unanimously.

It is so ordered.

15. A motion was made by Commissioner Casterline and seconded by Commissioner Laubach to approve the request for a Variance on County Subdivision Regulations on Minimum Lot Size and Building Setbacks at 1724 S. Kossuth St. for Lot 14-R, Block 169, Manning Addition. **Kat Comeaux:** This request is to have a septic system to allow for one cabin and three RV spots. It will not be an RV park; however, the owner wants to have the option of having family use the RV spots, which is why the replat is required for the septic system. The setback request on the variance is to allow for enough developable land on the property after the replat to still allow for the cabin and three RV spots. It is a request for five feet on the interior lot line and fifteen feet on the lot lines abutting the street to maintain safe line of sight for oncoming traffic. It combines three lots into one lot. **Commissioner Rousseau:** My question is, how will this impact other landowners in the vicinity? Are there similar cabins and RV sites in this area or are they homes? **Kat Comeaux:** It is similar to the type of homes in the area and there's a fair amount of manufactured housing and RVs there. There are also single-family traditional site-built homes but this area - particularly this block - is largely undeveloped and does have a lot of other types of similar homes.
- Question. A roll call vote was taken and the motion carried on a 4:1 vote with Commissioner Rousseau dissenting.
- It is so ordered.
16. A motion was made by Commissioner Casterline and seconded by Commissioner Chaney to approve a Proposed Plat for Lots 1-8, Block 1, Harper's Landing on Copano. **Kat Comeaux:** This proposed plat is to take four-and-a-quarter acres and make eight half acre lots for single-family homes. It will have city water and the half acre lot size will allow for the required acreage for septic. There was some discussion about a tight curve and

potential traffic issues. Question. A roll call vote was taken and the motion carried on a 4:1 vote with Commissioner Rousseau dissenting.

It is so ordered.

CONTRACTS, AGREEMENTS, GRANTS & LEASES

17. A motion was made by Commissioner Rousseau and seconded by Commissioner Casterline to approve the Aransas County Library Director to seek and apply for a \$500 H-E-B grant to be used for summer and children's programs.

Question. A roll call vote was taken and the motion carried unanimously.

It is so ordered.

18. A motion was made by Commissioner Rousseau and seconded by Commissioner Laubach to approve authorizing County Judge to sign the Renewal of the Program Agreement with Texas Association of Counties (TAC) for the Affordable Care Act Reporting and Tracking Service (ARTS).

Question. A roll call vote was taken and the motion carried unanimously.

It is so ordered.

19. A motion was made by Judge Mills and seconded by Commissioner Rousseau was made to approve the February 2021 Indigent Healthcare Report. **Alma Cartwright:** The total expenditures for the month of February were \$18,708 total, and the sixth month fiscal year total is \$199,769.

Question. A roll call vote was taken and the motion carried unanimously.

It is so ordered.

20. A motion was made by Commissioner Casterline and seconded by Commissioner Chaney to approve the (no) Budget Line Item Transfers. **County Auditor Jacky Cockerham:** There are none. Question. A roll call vote was taken and the motion carried unanimously.
It is so ordered.
21. A motion was made by Commissioner Casterline and seconded by Commissioner Rousseau to approve Accounts Payable and Payroll/Payroll Liabilities. **Ms. Cockerham:** Our Accounts Payable and Payroll/Payroll Liabilities are all normal for the period - but it does include the insurance on our property that was approved last time. Question. A roll call vote was taken and the motion carried unanimously.
It is so ordered.

REPORTS FROM COMMISSIONERS, ELECTED OFFICIALS & DEPARTMENT HEADS
WHEREIN NO ACTION WILL BE TAKEN

Sheriff Mills: Last week we did jury pre-qualifications so jury trials in Aransas County will be getting underway on the 15th. We sent out 1,200 jury notices and brought them in in three different groups, and I think it went relatively smooth. We jumped between courtrooms and now have pre-qualified jurors coming back to make a selection on the 15th.

As a part of that protocol, we will be screening. If anybody is detained in the facility at the jail, they will be screened before they are brought to the school for that process.

And, I wanted to announce and ask everybody to spread the word last Friday afternoon we made a decision because we're doing 1,170 vaccines on Wednesday in Aransas County on a scheduled process, we

made the decision that we needed to use the Rockport Beach Park so it will require the closure of the beach park Wednesday. It will be operational Tuesday and Thursday and the rest of the week and while this may be an inconvenience to some people that are traveling here to enjoy it, Malcolm, I think, echoed to the Judge that the safety and health of the county residents exceeded any consideration for funding revenue with the beach park. So, if you could just spread that word.

I put it out on my site and I've asked the Judge to put it on the county site so we can kind of soften the inconvenience to some people that may be traveling here. It's just the one area in the county that we can control the flow of traffic and the access that has enough staging area because 1,100 vaccines - while it doesn't match Nueces County and their show barn and 10 times the staff working on it - I do believe it can be pulled off here with a high degree of efficiency and in the previous clinics that we've had at 100 and 300 doses, there have been people from the Department of Health with clipboards doing observations. So, if we can't handle the 1,100 doses, we probably won't get numbers like that in the future.

I think it's important that we have a good showing Wednesday with very little inconvenience and that it comes off effectively. People can still park at the fair grounds and walk over to the beach but it will be closed to vehicular traffic all day for all who are not scheduled for their vaccine that Wednesday.

Commissioner Casterline: There was a real successful fundraiser at the Sugar Shack for the Fulton Fire Department on Saturday. They raised in excess of \$20,000. This was put together in just a few days and Fulton even put together a parade because this would have been Oysterfest weekend.

Also, in keeping with the donation acknowledgements that we did at the beginning of the meeting, I think we ought to keep an eye out for others who really helped out during the winter storm.

I know of one restaurant that I heard about that when their power went off, they took all of their stuff that might have spoiled and split it between the church in Fulton and another church in town. It was supposedly a really large donation of really good food.

County Clerk Carrie Arrington: I have a request - and this is primarily for Citizens to be Heard, and for people giving presentations, and for electeds and department heads speaking during this part of our meeting - I would like to appeal to you to give me a copy of your notes or, ideally, to email me a Word version of what you are saying so I can accurately convey what you've said in a more efficient manner.

I do my best, but some of these minutes end up to be 20 and 30 pages long and it can be very difficult to hear the recordings so it's very challenging and time consuming to get the record right. I know it's my job - I understand that and I will continue to do the best I can - but if you can help with this, too, it would be most appreciated. Thank you.

County Auditor Jacky Cockerham: You all have the January Fees Report, I wanted to see if you have any questions. (There were none.)

County Library Director Iris Sanchez: I was just going to inform the Judge and the Commissioners Court that the library is working with the Chamber as a geo-caching location - which is like a treasure hunt using GPS.

Commissioner Rousseau: I just had a question. The court had received a certified letter from the Nav District towards the end

of February requesting a collaboration to keep Little Bay from becoming an impaired waterway - and are we acting to meet with them? They've given us several different weeks.

Judge Mills: Yes, Ma'am, we are.

Commissioner Rousseau: Okay. So, there will be a meeting scheduled or there is one?

Judge Mills: No. Not with the whole Commissioners Court but, yes, I've talked with Commissioner Dieckow and the Mayor and I think Commissioner Dieckow has an organization coming in to talk about what they can do to help with Little Bay and that's, I don't know I think it's the 24th or 25th.

Commissioner Rousseau: Okay. Good. I'm glad to hear that. Thank you.

Commissioner Casterline: And we'll have a report from our engineers about Little Bay too - right?

Judge Mills: Yes, we'll have a report on Little Bay on the 22nd about their thoughts on how to solve the problem.

Commissioner Chaney: Kat, well everybody, whenever we start talking about setbacks and alley closures and everything, the agenda really needs to reflect what precinct that's in and who the commissioner is or at least the precinct and the commissioner needs to be contacted by staff that this is going to be on the agenda so they can get in and check it before we get the packet on Friday.

Commissioner Laubach: I apologize. I usually just call Kat and I let this one slip by.

Commissioner Chaney: Yeah, I think it'd just be you know we know what precinct it's going to be in whenever they said it and I think we need to do that and make sure that commissioner is aware that

it's going to be on the agenda. It's just something that would help us out.

Kat Comeaux: Yes, sir.

Judge Mills: That was a long discussion. Anything else?

No further business presenting, the Court adjourned at 10:12 a.m. on a motion duly made by Commissioner Casterline and seconded by Commissioner Chaney.



C. H. "BURT" MILLS, JR., COUNTY JUDGE



CARRIE ARRINGTON, EX-OFFICIO CLERK
OF THE COMMISSIONERS' COURT

