



# MINUTES

## Aransas County Commissioners Court

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9:00 AM – Monday, February 14, 2022

The Aransas County Commissioners Court met in **Regular Session** on Monday, February 14, 2022, at 9:00 AM, in the Aransas County Courthouse, 2840 Hwy 35 N, Rockport, Texas.

Present: **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

Absent:

### I. Call to Order & Pledges

The meeting convened at 9:00 AM, followed by pledges to the American and Texas flags.

II. **The Invocation** was given by County Surveyor Jerry Brundrett.

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

### IV. Citizens to be Heard –

**Pat Murphy spoke in favor of agenda items 10 and 11** (which deals with a Right-of-Way issue in West Lamar). He stated, “I support my neighbors 100% with what they’re trying to do. It’s going to help our shorelines.”

**Jeff Hutt spoke out against Judge Mills with regard to the Copano red beds.**

*The remainder of the people who signed up to speak opted to do so when their item of interest was being discussed.*

### V. Presentation –

1. Texas Commission of Environmental Quality (TCEQ) Regarding the Alcoa Alumina Pits on Highway 188 in Aransas and San Patricio Counties

**Eleanor Wehner, TCEQ – Remediation Division, gave a PowerPoint presentation entitled, TCEQ Update of the Former Copano Facility.** It focused on the location of the site, its history, the bankruptcy settlement agreement which was established in 2018 between TCEQ and the current owner, Copano Enterprises, LLC, as part of Sherwin Alumina’s sale of the Copano facility, and included environmental assessment actions, current actions, and next steps.

The Copano facility received liquid nonhazardous industrial waste, generated from Sherwin Alumina’s bauxite ore processing refinery in Gregory, from 1969 until 2016. In 2007, the

Copano facility received authorization for disposal of municipal wastewater and water treatment plant sludge for the purpose of establishing and maintaining vegetation on the beds. In 2016, Sherwin Alumina filed for bankruptcy protection, ceased its refining operations, and ceased its bauxite disposal activities at the Copano facility.

Under the bankruptcy settlement agreement, Copano Enterprises, LLC, assumed management of the Copano facility and agreed to implement a Community Engagement Plan, which included posting informational signs around the property, establishing a hotline number (361-920-6013), creating an informational website ([www.copanobeds.com](http://www.copanobeds.com)), and hosting public meetings.

Wehner discussed Copano Enterprises' Environmental Assessment Actions to date and Next Steps:

- Preliminary Groundwater Assessment Report
  - This report identified uranium, radium 226/228 combined and fluoride in onsite groundwater, which triggered additional site assessment actions under TCEQ rules
  - Report approved by TCEQ in June 2019
- Affected Property Assessment Report
  - Assessment of soil (from 44 locations), groundwater (from 34 monitoring wells), surface water and sediment samples in the areas surrounding the 4 beds (freshwater lake and Swan Lake)
  - Soil and groundwater samples were below TCEQ cleanup standards for protection of human health (“below” clarified to be good in this context)
  - Surface water and sediment samples were below human health and ecological screening levels for potential freshwater and salt water ecological receptors (again, “below” clarified to be good)
  - Report approved by TCEQ in September 2020
- Required to Close 4 Beds
  - Submit Plans for Closure and Post-closure Care to TCEQ for approval (plans are required to be submitted two years prior to submitting reports)
  - Submit Closure Report for Bed 1 (w/updated release assessment) in 2028
  - Submit Closure Report for Beds 2,3,4 (w/updated release assessment) in 2048
- Implementation of Post-closure Care for Beds triggered upon TCEQ approval of Closure Reports

Wehner then opened the floor for questions to her or to other TCEQ representatives present. Questions from Commissioners were addressed first, followed by questions from the public.

**Scott Hime** stated that he was skeptical of the TCEQ because of the battle between it and the EPA over dumping desalination brine and other chemicals into Aransas Channel (with TCEQ on the side in favor of allowing the Port to proceed with the dumping). He also read a

statement which asked about seeming discrepancies on documents and questioned whether site testing was adequately performed beyond the perimeter of the ponds.

**Jennifer Shaw** made “some specific points related to the APAR Report” (referring to the Affected Property Assessment Report (APAR) prepared by Golder Associates, Inc. for CE Ranch LLC’s December 15, 2020 Virtual Public Meeting for the Findings of Environmental Assessments for the Copano Site). She stated that there wasn’t a single water well test done outside of real estate owned by Alcoa. She also stated that they’ve been recently contacted by a man on (Copano) Retreat Road (west side of Port Bay). He’s drilling a well and building a house there. He is extremely concerned that no one has tested “off-site.” She also stated that nothing in the APAR tested the actual red mud in beds 2 or 3 and that, because of an EPA alert that was published in October of 2021, we want to see the actual red mud in the beds extensively tested so we can know the quantities of the radioactive elements present and their potential risk to humans and the environment. She also raised a concern with Alcoa’s hiring of consultant TetraTech, stating that Tetra Tech employees were criminally convicted of felonies in San Francisco for fraudulently altering radioactive soil reports.

**Kristie Rutledge** stated that there was a collapse of a red bed site in Hungary that flooded some rivers and homes and killed about a dozen people initially and destroyed all marine life, and, as a result of the cleanup they did there, Alcoa produced a report in January of 2021 (that she found on the internet) of all of their bauxite facilities across the world. On this report, the Copano bed site was found to be stable—but her question on that is: Do we have independent test results of the stability of these ponds? Because there is an extreme hazard risk if one of the ponds were to fail or leak. Also: Has a recent formal analysis of downstream impact on communities, ecosystems, and critical infrastructure in the event of catastrophic failure been undertaken to reflect final conditions? The last one she could find was in 2012. She also stated the need for independent testing, not Alcoa testing themselves.

**Debbie Griffith** had three questions and two points:

- Who is the point person at TCEQ assigned the responsibility of monitoring compliance of the red mud beds and Copano Enterprises?
- Since they (TCEQ) could not recall or were unclear about a 2007 TCEQ document that revealed radiation levels in excess of the threshold standard, how could they expect to retain important documents from then, to now, and to 2026 and 2046, two years prior to the required closure date?
- When was the copanobeds.com website placed on the internet? She stated that she asks this question because she had conducted many searches on the internet and never came across that particular website. Also, she noticed that the website didn’t have any dates on it, or instructions, or contacts, or explanations. She further stated that the site now has information on it that wasn’t there a week ago, so she suspects that the site was recently placed online (and not in compliance with the deadline outlined in the TCEQ agreements).
- She recommends that TCEQ and the Commissioners be alert to TCEQ disclosures and monitoring of the SDI steel plant in Sinton as it has created a lot of community concern

and it was were not compliant with TCEQ requirements from the beginning and even started building before they were permitted to do so.

- She wants to hear from TCEQ on these red beds—not from a Political Action Committee quoting a retired engineer.

At the conclusion of the presentation, TCEQ gave brochures for the public to Judge Mills. These brochures, which were made available to the attending public, addressed how to make an environmental complaint with TCEQ. Brochures were also left on the table at the courtroom entrance and on the counter in the County Clerk’s office.

## VI. Items for Deliberation and/or Action

### Consent Agenda:

2. Minutes from the January 24, 2022 Regular Meeting
3. Donation of \$25 from Jeff and Christy Hutt for Aransas County Animal Control

**Motion** by Commissioner Rousseau to approve the Consent Items; seconded by Commissioner Chaney.

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

### County Reports:

4. New 2022 Appointments and Officers for the Historical Commission (as read by Chairperson Betty Stiles)

**Motion** by Judge Mills to approve the New 2022 Appointments and Officers for the Aransas County Historical Commission; seconded by Commissioner Chaney.

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

5. 4th Quarter 2021 Report for the Texas Maritime Museum by Executive Director and Marine Archaeologist Justin Parkoff

**Motion** by Commissioner Rousseau to approve 4th Quarter 2021 Report for the Texas Maritime Museum; seconded by Commissioner Casterline.

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

6. 4th Quarter 2021 Report for the Rockport Cultural Arts District by Executive Director Jennifer Day

**Motion** by Commissioner Casterline to approve the 4th Quarter 2021 Report for the Rockport Cultural Arts District; seconded by Commissioner Chaney.

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

7. 4th Quarter 2021 Report for the Friends of the History Center by Chairperson Pam Stranahan

**Motion** by Commissioner Rousseau to approve the 4th Quarter 2021 Report for the Friends of the History Center; seconded by Commissioner Chaney.

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

**County Roads:**

8. Drainage Easement from Kontiki Beach Partners, LP for Fulton Beach Landings Subdivision

**Motion** by Commissioner Casterline to approve the acceptance of a 20ft wide drainage easement from Kontiki Beach Resort Partners, LP, which will provide the outfall for the Fulton Beach Landings Subdivision located near 2261 N. Fulton Beach Rd; seconded by Commissioner Chaney.

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

9. Drainage Easement Correction Instrument

**Motion** by Commissioner Laubach to approve the acceptance of a Correction Instrument for Drainage Easement, which will replace the Exhibits A and B that were erroneously attached to the Drainage Easement in 2016, so that the new Exhibits A and B will describe the correct property and authorizing County Judge to execute the document; seconded by Commissioner Casterline.

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

10. Petition of Trudy Hutchings – Order #O-02-2022

**Motion** by Commissioner Laubach to approve Order #O-02-2022, regarding the petition of Trudy Hutchings to close, abandon, and vacate the platted 60-foot wide portion of Ash Street lying between Lot 16, Block 92, and Lot 9, Block 93, Lamar Townsite, Aransas County, Texas, recorded in Vol. 2, Pg. 36 of the Plat Records of Aransas County, Texas, and being more particularly described by metes and bounds on Exhibit "A" and "B" attached to the petition; seconded by Commissioner Rousseau.

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

11. Petition of Mary Thornhill – Order #O-03-2022

**Motion** by Commissioner Laubach to approve Order #O-03-2022, regarding the petition of Mary Thornhill to close, abandon, and vacate the plated 60-foot wide portion of Pine Street lying between Lot 15-R, Block 91 and Lot 9, Block 92, Lamar Townsite, Aransas County, Texas, recorded in Vol. 2, Pg. 36 of the Plat Records of Aransas County, Texas, and being more particularly described by metes and bounds on Exhibit "A" and "B" attached to the petition; seconded by Commissioner Rousseau.

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

**Contracts, Agreements, Grants & Leases:**

**12. Resolution #R-05-2022 – Homeland Security Grant Program**

**Motion** by Commissioner Casterline to approve Resolution #R-05-2022 for the Fiscal Year 2021 Homeland Security Grant Program, Grant Number 3171805, effective March 1, 2022, and authorize the County Judge to execute necessary documents; seconded by Commissioner Chaney.

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

**13. Authorize Mercer Construction dba Lynn Engineering to Solicit Bids**

**Motion** by Commissioner Casterline to approve authorizing Mercer Construction dba Lynn Engineering to solicit bids for construction for the Texas Community Development Block Grant (TxCDBG) Colonia Contract No. 7219025; seconded by Commissioner Laubach.

*This is for a re-bid on this project after the City changed some of the requirements.*

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

**14. A505 Construction Contract Change Order**

**Motion** by Commissioner Laubach to approve authorizing the County Judge to sign form A505 Construction Contract Change Order for the Texas Department of Agriculture (TDA) Colonia Contract No. 7219490 reducing the total project cost by \$13,847.05 and approve a 40 day extension to complete the project; seconded by Commissioner Rousseau.

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

**15. Hanson Professional Services Proposal**

**Motion** by Commissioner Laubach to approve accepting a proposal from Hanson Professional Services, Inc. for a drainage study of the Lamar Beach Road/Fourth Street watershed; authorizing the County Judge to sign a Task Order for professional services with Hanson Professional Services, Inc. under the Master Professional Services Agreement with the cost of services being fixed at \$41,000.00, and being paid through Flood Control budgeted funds; seconded by Commissioner Chaney.

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

**16. Purchase and Sale Agreement with St. Charles Properties, LLC**

**Motion** by Commissioner Laubach to approve entering into a Purchase and Sale Agreement between St. Charles Properties, LLC, and Aransas County, Texas, for the purchase of approximately 11.934 acres of land located in Lots 6, Block E and Lot 3, Block H, in the Goose Island Lake Estates, a subdivision in Aransas County, Texas, for a portion of the property often recognized as the Lamar Golf Course, for the purchase price of \$151,907.00, contingent upon the submission and acceptance of a final plat, with closing to occur within Thirty (30) days, and authorize the County Judge to sign necessary documents; seconded by Commissioner Casterline.

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

**17. Change Order No. 1 for the RCA Parking and Public Facilities**

**Motion** by Commissioner Casterline to approve the proposed Change Order No. 1 for the Rockport Center for the Arts (RCA) Parking and Public Facilities Improvements Project contract with Marshall Company, General Land Office (GLO) Contract No. 20-065-098-C270, to address a calculation error in pricing for Natchez Crepe Myrtles and to add a required domestic preference clause which will increase the total contract price from \$636,723.57 to \$641,000.00; seconded by Commissioner Laubach.

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

**Planning & Budget Office:**

**18. Indigent Health Care Report**

**Motion** by Commissioner Casterline to approve the January 2022 Indigent Health Care Report; seconded by Commissioner Chaney.

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

**19. Treasurer's Report**

**Motion** by Commissioner Rousseau to approve the December 2021 Treasurer's Report; seconded by Commissioner Chaney.

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

**20. 4th Quarter Treasurer's Investment Report**

**Motion** by Commissioner Casterline to approve the 4th Quarter Treasurer's Investment Report; seconded by Commissioner Laubach.

*Treasurer Cartwright stated that the interest rate the county earned fell 45% below what they had budgeted for the year but that it was beyond her control. The county accrued and earned \$77,822 in earned interest for 2021 but had budgeted \$173,400.*

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

**21. New Job Description for Director of Community Development**

**Motion** by Commissioner Laubach to approve a new job description for Director of Community Development at a pay group 25. This position replaces the Project Manager position; seconded by Commissioner Rousseau.

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

**22. New Job Descriptions for County Judge's Office**

**Motion** by Commissioner Laubach to approve a new job descriptions for Administrative Assistant & Public Information Officer at a pay group 12 and Executive Assistant at a pay group of 15 for the County Judge's office; seconded by Commissioner Casterline.

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

### 23. Financial Policy and Procedures

**Motion** by Commissioner Casterline to approve a policy outlining the Financial Policy and Procedures of Aransas County; seconded by Commissioner Laubach.

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

### 24. Distinguished Budget Award – **Not an Action Item**

Acknowledge and Record in the Minutes of Commissioners' Court the presentation of the Distinguished Budget Award from the Government Finance Officers Association to Aransas County.

### 25. Budget Line Item Transfers and Amendments

**Motion** by Commissioner Rousseau to approve Budget Line Item Transfers and Amendments; seconded by Commissioner Casterline. (Per Auditor Cockerham, there were none.)

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

### 26. Accounts Payable and Payroll/Payroll Liabilities

**Motion** by Commissioner Casterline to approve Accounts Payable and Payroll/Payroll Liabilities; seconded by Commissioner Chaney. (Per Auditor Cockerham, it includes \$4 million in County Reinvestments—so it might look like we spent that money but we actually put it into investments. We also had some large reimbursable payments for projects in our capital fund.)

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

## VII. Reports from Commissioners, Elected Officials & Department Heads – No action will be taken

*County Clerk Carrie Arrington cited a recent personal experience with a head injury and having to go to our local ER 24/7 Rockport to get an examination and a cat scan. She stated that the medical treatment she received there was quite good but that she was surprised to learn that it was not all covered in-network under the County's Blue Cross Blue Shield insurance. She believes that all of the charges associated with local emergency treatment (hospital services, physicians and other healthcare service providers, treatment, etc.) should be billed in-network through the County's insurance and through the insurance carried by all other major area employers. She hopes that this can and will be addressed.*

*Commissioner Pat Rousseau:*

- In her capacity as liaison to the Airport Advisory Board, mentioned that our airport is working with ACISD Superintendent Dr. Joshua Garcia to bring an Aviation A and P (Airframe and Power Plant) Program to our school district. In preparation for that, and with the assistance of Airport Manager Mike Geer, Judith and Floyd McClannahan, of Tulsa, OK, donated their family airplane to ACISD so students can have hands-on learning with airplane motors.*



- Referring to the Aransas County Employee Handbook, which was revised August 17, 2020, page 19, section IC-13 Political Activity, she read:

Employees of the County are encouraged to vote and to exercise other prerogatives of citizenship consistent with state and federal law and these policies. County employees are not required to contribute to any political fund or render any political service to any person or party. No employee will be dismissed, suspended, demoted, or otherwise prejudiced for refusing to do so.

An employee may not:

1. Use his or her official authority or influence to interfere with or affect the result of an election, appointment, or nomination for office; or
2. Directly or indirectly coerce, attempt to coerce, command, or advise a local or state officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency or person for a political purpose.

County employees, except Elected Officials, may not participate in political activities while on County duty. Employees are expected to remove County uniforms before participating in a political activity. In addition, no County-owned property, vehicle, building, and/or office may be used for displaying campaign materials or for conducting any partisan political activity.

*She stated that she mentions this because, in her neighborhood, a few days ago, a county vehicle went down one of the neighborhood streets, stopped for a while in front of a home and, later, the homeowner was contacted by a candidate—a current official—about the fact that an opponent’s sign was in the yard and not the elected official’s sign. She doesn’t know if this has been remedied or not, or if it was an isolated incident or not, but she believes it is inappropriate behavior. She hates the thought of our county vehicles being out on the streets taking notice of whose signs are in whose yard and then having people being contacted to replace or add signs.*


*The court went into Closed Session at 11:20AM and returned back into Open Session at 11:36AM.*

**X. Adjournment**

No further business presenting, the Court adjourned at 11:36AM on a motion duly made by Commissioner Laubach and seconded by Commissioner Rousseau.



Carrie Arrington, Ex-Officio Clerk  
of the Commissioners Court

  
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C. H. "Burt" Mills, Jr., County Judge