

MINUTES OF THE

COMMISSIONERS' COURT

REGULAR MEETING - MARCH 25, 2019

On the 25th day of March, 2019, 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: **C. H. "Burt" Mills, Jr.**, County Judge; **Jack Chaney**, Commissioner, Precinct 1; **Leslie "Bubba" Casterline**, Commissioner, Precinct 2; **Brian Olsen**, Commissioner, Precinct 3; **Wendy Laubach**, Commissioner, Precinct 4; and **Valerie K. Amason**, County Clerk.

Other County Officers present were **Jerry Brundrett**, County Surveyor; **Alma Cartwright**, Treasurer; **Bill Mills**, Sheriff; **Suzy Wallace**, County Auditor; **Linda Garcia Haynes**, Executive Assistant to the County Judge; **David Reid**, Road Administrator/Drainage Engineer/Stormwater Management Engineer; **Collin Jackson**, IT Director; **Linda Doane**, Human Resources Director; **John Strothman**, Pathways Project Manager; **Carrie Arrington**, Office & Contracts Manager, County District Attorney's Office; **Jacky Cockerham**, First Assistant County Auditor; **Ronell Burke**, Animal Control Supervisor; **Lois White**, Chief Deputy Treasurer; **John Gutierrez**, Chief Deputy Sheriff; **Gavin Harrison**, Training Coordinator for the Sheriff's Office; **Long-Term Recovery: Kim Foutz, Randall Freeze**, Long Term Recovery Specialists;

Members of Local City Government, Community Groups and other Interested Parties present:

**City of Rockport Council Members: Warren Hassinger**, Ward 3 and Mayor Pro Tem; **Barbara Gurtner**, Ward 4;

Aransas County Citizens: Betty Stiles; Sheri Hall; Miranda Cruz; Gayle Wright; Danela Carrisalez; Tammie Pool; Diane Nawara; Cyndi Powell; Linda Holzman; John Jackson;

Chamber of Commerce: Diane Probst, President/CEO;

Aransas Pathways: Glen Gomez, Master Naturalist & Audubon Society;

Xeonic Investment Group: Jatin Bhatka, President;

RV Disaster Corps Program Representatives: Liz Plett; Leroy Plett; Patsy Wernsmann; Richard Wernsmann;

Harte Research Institute, TAMUCC: Joe Fox;

Water Street Oyster Bar, Corpus Christi, Tx: Brad Lomax, Owner & Operator;

Rockport Pilot Newspaper: Mike Probst, Editor and Publisher

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

**CITIZENS TO BE HEARD**

**Linda Holzman:** Good morning, I'm Linda Holzman, I live at 338 Spanish Wood Drive, here in the County. Myself and other citizens are accustomed to receiving the public agenda packets prior to the public meetings, we use the background information in the packets to prepare for these meetings. I find it particularly important to have the background information because there is often little to no discussion by the Commissioners on each issue, any such discussion can be cryptic

and is often difficult to hear, this followed by a rapid scrolling through the consent agenda and a rush to vote. I am asking that the entire court consider restoring the practice of giving the public the agenda packet in a timely manner and in advance of Commissioners' Court meetings. Thank you.

**PRESENTATIONS**

**1. Presentation of Proclamation #P-03-2019 recognizing April 2, 2019 as National Service Recognition Day.**

Proclamation was read by Linda Garcia Haynes and presented to the representatives of the RV Disaster Corps Program.

**PULLED FROM CONSENT ITEMS FOR PRESENTATION**

**Harte Research Institute, TAMUCC:** Joe Fox;

**Brad Lomax:** Thank you for letting us come before you, my name is Brad Lomax and I've owned and operated the Water Street Oyster Bar since 1983, we are asking for your support on House Bill 1300, authored by Todd Hunter, currently being considered in the legislative process. It was just approved by the cultural, recreational, and tourism committee and is now in calendars. The benefits of this bill, economically, Texas is the only State with a coastline that does not permit Oyster Aquaculture. They have been doing this in the Northwest and the Northeast for the last 100 years and it has really gotten popular in the South in particular Gulf States. There is customer demand for this farm raised, cultivated product, and I would describe it to you as, "This is the craft beer of oysters". We are not doing anything to affect the baseline oyster business before adding a product, so cultivated oysters are very popular and it's going to create

an opportunity for entrepreneurs, enterprises up and down the coast, small farms, larger operations, and distributing land holders, so that is the economic side of it. There are also significant environmental benefits to oysters, each oyster filters 40 to 50 gallons of water a day, oyster reefs provide a great habitat for marine and recreational species that people come to Aransas County to fish for. There is a shoreline erosion component to oyster reefs and we believe this bill will help to take pressure off of the existing wild reefs and continue to perform all of those positive functions. Lastly, there is consumer demand for this product and I want to sell this product, speaking selfishly and as a capitalist pig, I will just tell you there is a demand for it. There is a product similar to this now, when I can get it, but I'm getting it from Alabama, Florida, and South Carolina and I don't want to do that, I want to sell Texas products. We pride ourselves on buying from boats right here in Aransas County and selling Aransas Bay oysters and Copano Bay oysters. This product will provide the consumer with an opportunity for a different product and it will satisfy me and the end user Restaurants and retailers. That's really my pitch and I'm the spokes model for this thing, but Dr. Fox has been working on this, coming up on a decade, and Joe here, is with the Harte Research Institute, so questions? **Commissioner Casterline:** Brad, clarify one thing for the audience, that the average person I don't think knows when you talk about Maricultuture or farming of oysters, generally people think that you are going to do it in a pond somewhere, but it's actually done in the bay where you lease a section of the bay where normally there aren't any oysters and create a reef or habitat, so they are actually grown in the bay, and I'm

assuming the bill, it's all native stock that's going to be utilized? **Joe Fox, Harte Research Institute TAMUCC:** We won't be allowed to use oysters from other bays, for example, if you want to grow oysters in Copano Bay you could not use them from San Antonio Bay or anything like that because of the genetics we are working, that's one of the things I'm working on right now, and yes, you would have to have a surface lease, and you have to have to go through a permitting process, all of that.

**Commissioner Chaney:** How big of an operation are you looking at?

**Joe Fox:** We're looking at two sizes really, we are looking at a small holder size, something a Mom & Pop could get involved in and make a living off of it as a family, then we're looking at a larger, perhaps bundled group of producers. We've got a lot of shoreline in the State of Texas that we don't get into issues like they had up in the Northeast about, you know, here I have property and here you are doing something right in front of it, we don't have that issue here. But, we do have guys that own two or three miles of shoreline that might be interested in doing this also, and if we have a larger opportunity then the industry might get started a little bit quicker. **Commissioner**

**Chaney:** What, under optimal circumstances, what would be the economic impact for Aransas County? **Joe Fox:** Aransas County, I

think if we can go by acres, and this would have to be done in approved waters, typically we could do it in restricted waters relaying the oysters to approved waters, but you're looking at a benefit to, just from the people who produce it, anywhere from \$50,000 to \$70,000 an acre. **Commissioner Chaney:** Oh, really?

**Joe Fox:** Yes, because you're actually growing these oysters at much higher density than you have on the reef and so it's not uncommon to stock an operation like this at a level of about 300

to 400,000 oysters per acre. **Commissioner Casterline:** Now you might kind of go into, because the Legislature we're talking about is not to create a reef, it's to raise them in cages? **Joe Fox:** We would propose, what we are looking at right now at Harte Research Institute, is to advise the State as to how to proceed with this, what's the environmental impact, what's the economic impact, but you can do it, as in many cases you have oysters growing off bottom in cages or you have them in the middle of the water column. So you have the cages under water all of the time and they will bio foul, so just like a boat, you'd want to take them out of the water to dry them out or you could have what is popular off of the East Coast, a floating type cage arrangement. What we are trying to do is apprise the State and Counties like this is, as to what is the best way to proceed, so we are doing that work on water quality, production, and economics right now. We have a large Federal Fisheries Disaster Relief Funding opportunity up in Matagorda County by the Perry R. Bass Facility so we will be putting a large number of cages out there, we have cages out in Copano Bay on a Scientific Permit right now and that's what we are also doing. What we want to do is say: What's going to be most profitable? What is going to avoid issues like "Not in my Back Yard"? Something where we are doing all of this in approved waters: What would be the economic benefit to individuals who want to get involved in this? **Commissioner Casterline:** In the Legislation, again I'm trying to think of things that we would want to inform the audience here, your just seeking to enable the legislation to individuals but the Parks and Wildlife would promulgate the rules to do it and individuals, it could be anybody, could apply for a permit to get a couple of acres or

more. **Joe Fox:** Right. **Commissioner Casterline:** I tried to get someone from the Parks and Wildlife to come but they said they were actually forbidden by law to come and testify in favor of legislation. But what they did tell me was the places that they would actually, probably allow, it wouldn't necessarily be everywhere, it's not where there's a live reef, and it's not in coastal waters, which in this County is probably anywhere where there is a septic tank on a shoreline or closed 500 to 600 feet off shore, it wouldn't be in any of those. **Joe Fox:** No, and what we will be looking at is multiple use conflicts and developing a GIS sort of situation where we can completely avoid any kind of issue like that. We have a million and one-half acres of submerged land in the State of Texas and for us to double the production with Oyster Aquaculture we would need maybe a total of 2,000 acres total. So, there is no reason in the world that we would have to interfere with anybody's livelihood, navigation, oil & gas, anything like that.

**Commissioner Casterline:** The only opposition that I could see is that maybe it would be in someone's way to run their boat. **Joe Fox:** Right, one of the things that we are required to do, with Army Corp of Engineers and also with TGLO, is provide appropriate signage and if the operation were big enough you would have to insure navigation lanes through there.

**Commissioner Laubach:** One of the concerns that I heard was feeding the oysters, but I understand that live on the natural nutrients in the water so you don't have to worry about what the oysters are going to taste like and you don't have to worry about the food going in the water. **Commissioner Casterline:** That comment was from someone that thought they raised them in a pond, I saw that. **Joe Fox:** No we're not doing that, the only

thing that we might have on land is a hatchery, so that we could produce seed oysters.

10. Motion was made by Commissioner Casterline and seconded by Commissioner Laubach to approve and endorse the Resolution #R-11-2019, a Resolution in Support of Legislation for Enhancing Oyster Mariculture in Texas Coastal Waters. Question.

Motion carried unanimously.

It is so ordered.

**CONSENT ITEMS**

Motion was made by Commissioner Olsen and seconded by Commissioner Chaney to approve:

2. Minutes from the Regular Meeting of March 11, 2019 Regular Meeting Agenda.
3. Proclamation #P-03-2019, a Proclamation recognizing April 2, 2019 as National Service Recognition Day.
4. Official Public Bond Continuation Certificate for Linda Garcia Haynes, Executive Assistant to the County Judge.
5. Official Public Bond Continuation Certificate for Collin Jackson, Aransas County IT Director.
6. Official Public Blanket Surety Bonds for employees of the Aransas County Treasurer's Office to include new employee Meagan Brown, Deputy Treasurer.
7. Acknowledge receipt of and record in the minutes of Commissioners Court, Commissioners Education Certificate of Completion for Lendon J. Chaney from the County Judges & Commissioners Association of Texas for successfully

(Inserts)



completing the continuing education provisions of Article 81.0025 of the Texas Local Government Code for 2018.

8. Acknowledge receipt of and record in the minutes of Commissioners Court, a 2018 Certificate of Membership County Investment Academy to Alma Cartwright, Aransas County Treasurer, from Texas Association of Counties, Emmett & Miriam McCoy College of Business Administration, for successfully completing investment education that satisfies Section 2256.008 of the Texas Public Funds Investment Act. This ongoing commitment to continuing education provides maximum benefit to Aransas County and was issued on December 31, 2018.
9. Acknowledge receipt of and record in the minutes of Commissioners Court, a Certificate of Participation to Wendy Laubach, County Commissioner, from the V.G. Young Institute of County Government for successfully completing 20.00 (Twenty) hours of educational training during the 2019 School for County Commissioners Court on February 19-21, 2019 in College Station, Texas.
11. Resolution #R-12-2019, a Resolution of Aransas County Commissioners Court in support of State Representative Geanie Morrison and the 86<sup>th</sup> Legislative Session for the concepts outlined and proposed in House Bills 6 & 7.
12. Resolution #R-13-2019, a Resolution of Aransas County approving and adopting a Citizen Participation Plan for use of CDBG-DR (Community Development Block Grant-Disaster Relief) funding at the request of the TX GLO (Texas General Land Office).

(Inserts)

Question. Motion carried unanimously.

It is so ordered.

**COUNTY ROADS**

13. Motion was made by Commissioner Chaney and seconded by Commissioner Laubach to approve Distributing Ballots to Banty Road residents for a vote on proposed road improvements and assessment of cost.

Question. Motion carried unanimously.

It is so ordered.

**COUNTY POLICY & PROCEDURES**

14. Motion was made by Commissioner Olsen and seconded by Commissioner Casterline to approve and authorize the County Judge to sign the Sheriff's Office Excessive Force Policy in accordance with 24 CFR 91.325(b)(6) and enumerated in Aransas County Sheriff's Office Policies and Procedures Section II Article 12.3.

Question. Motion carried unanimously.

It is so ordered.

**PLANNING & BUDGET OFFICE**

15. Motion was made by Commissioner Chaney and seconded by Commissioner Olsen to approve February 2019 Treasurer's Report.

Question. Motion carried unanimously.

It is so ordered.

(Inserts)

16. Motion was made by Commissioner Chaney and seconded by Commissioner Olsen to approve replacing the Road & Bridge "Engineer in Training" position with a "Development Services Coordinator" position at a Pay Group 23 (job description attached). No new monies.

Question. Motion carried unanimously.

It is so ordered.

17. Motion was made by Commissioner Olsen and seconded by Commissioner Casterline to approve new job description for Jail Administrator (attached). No new monies.

Question. Motion carried unanimously.

It is so ordered.

18. Motion was made by Commissioner Olsen and seconded by Commissioner Casterline to approve allowing the Healthy County Coordinator (HR Director) to spend up to \$2,500 of the Healthy County & Fair Funds on incentives and other expenditures incurred for the Annual Aransas County Employee Health Fair in anticipation of receiving funds back from TAC Healthy County Program.

Question. Motion carried unanimously.

It is so ordered.

19. Motion was made by Commissioner Olsen and seconded by Commissioner Casterline to approve Budget Line Item Transfers of which there were none.

Question. Motion carried unanimously.

It is so ordered.

20. Motion was made by Commissioner Casterline and seconded by Commissioner Chaney to approve Accounts Payable and

(Inserts)

Payroll/Payroll Liabilities.

Question. Motion carried unanimously.

It is so ordered.

**REPORTS FROM COMMISSIONERS, ELECTED OFFICIALS &**

**DEPARTMENT HEADS WHEREIN NO ACTION WILL BE TAKEN**

**Suzy Wallace:** Read the Fee Report. Announced: The external auditors are here this week, Monday through Thursday, and if any special requests are made of any department heads or officials please make these recommendations available as soon as possible so as not to delay their stay with us.

**David Reid:** As you know Ramey Ramos retired last December, after 40 years with the County, and I am going to replace him by promoting Lionel Vargas to his position and that will go into effect as soon as the paperwork is done.

**Judge Mills:** I received this letter to inform us that Brian Olsen will be resigning his elected position as Aransas County Commissioner, Precinct 3, in the very near future. The exact date has not been set, it's for personal and business related reasons, he and his wife will be moving to Leander, Texas, so Brian, we are sorry to see this letter and it's been a pleasure working with you.

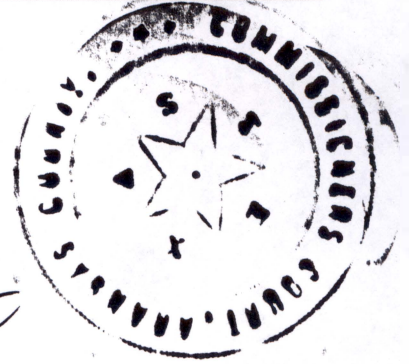
**Commissioner Olsen:** Thank you.

(Insert)

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*No further business presenting, the Court adjourned at 9:29 a.m. on a motion made by Commissioner Olsen and seconded by Commissioner Casterline.*

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



VALERIE K. AMASON,  
EX-OFFICIO CLERK OF THE  
COMMISSIONERS' COURT