

MINUTES OF THE

COMMISSIONERS' COURT

REGULAR MEETING - OCTOBER 14, 2019

On the 14th day of October, 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; **Charles Smith**, Commissioner, Precinct 3; **Wendy Laubach**, Commissioner, Precinct 4; and **Valerie K. Amason**, County Clerk.

Other County Officers present were **Jerry Brundrett**, County Surveyor; **Kristen Barnebey**, County District Attorney; **Alma Cartwright**, Treasurer; **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; **Elizabeth Guerra**, Human Resources Assistant; **Michael Geer**, Airport Manager; **Valerie Gonzalez**, Environmental Health Director; **John Strothman**, Pathways Project Manager; **Michele Bennett**, Elections Administrator; **Carrie Arrington**, Office & Contracts Manager, County District Attorney's Office; **Jacky Cockerham**, First Assistant County Auditor; **Lois White**, Chief Deputy Treasurer; **Peggy Schaefer**, Court Clerk, JP #1; **John Gutierrez**, Chief Deputy Sheriff; **Richard P. Bianchi**, County Court at Law Judge;

Long-Term Recovery Specialists: **Kim Foutz**, **Randall Freeze**, **Vicki Foley**, Executive Secretary;

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

October 14, 2019

Aransas County Appraisal District: De McLallen, Board Chairman;

City of Rockport Council Members: Bob Cunningham, Ward 3; Barbara Gurtner, Ward 4;

Aransas County Citizens: Megan Glidden; Monica Morris; Zach Wright; Bryan Russell; James Ward; Micah Hale; Gillian Hale; Megan Uhr; David Rodriguez; Conner Hale; Luis Hernandez; Micki Moats; Kayla Ramos; Sara Larimore; Debbie Dwiggin

Rockport Center for the Arts: Luis Puron, Executive Director;

Aransas County Historical Commission: Betty Stiles, Chair; Mike Geer, Vice Chair; Collin Jackson, Secretary; Other members: Jerry Brundrett; Barbara Gurtner; Wendy Laubach, Court Appointed Liaison; Non-Voting Advisors: Linda Garcia Haynes, (2018 Secretary);

Mike Probst, Editor and Publisher of the Rockport Pilot Newspaper;

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

Bryan Russell: I'm here mainly on safety concerns on Mundine Road with the fire that we had yesterday. I live at 2342 Mundine, a few years back we had a fire that jumped Hwy. 35, with the Fire Department on it, and it burned the back part of my property, this property that burned yesterday has burned previously in the last few years and depending on the wind direction we are all subject out there if there is a fire hazard.

that's going on. I kept a two inch pump at my property for safety reasons because of the response time that we are at out there. Mundine is a little bit unique because it only runs from 35 to 1069, the amount of traffic on there could also hurt our response time for somebody to see a fire. I realized yesterday after the fire somebody has decided that they want my pump, so I'm sitting out there now without anything to hold off until the fire department can respond. So, I'm asking you to consider, when you're looking at everything, the safety issues that we have out there and our unique situation on where we sit. Thank you very much.

Monica Morris: I too live on Mundine Road and I think this gentleman just said everything, but I just wanted to add, this property has a history of being a drug area, it's been on Channel 3 News in the past, this is the third time we have had a fire there, again, as he iterated, depending on the wind direction this could impact an awful lot of property around there and it is just an unsafe area. Now there are two RV's parked right off the road which I'm not sure is legal and that makes access to the property for anything like fighting a fire really hazardous and I just hope there is some kind of resolution that can take place with this property because it's been a blight and a real safety hazard for all of us on Mundine Road. Thank you very much.

Debbie Dwiggens: Yesterday the fire was right next to my property, I have lived on Mundine for a very long time so I'm very familiar with the people next door, Charles Hall, which lives there now, he's the one that set the fire yesterday. Last week he tore down an old feed store, that is right up against my property, to sell the tin and instead of doing the work to lift up the wood from the

floor he decided that he was just going to burn it. There is no water on the property, no electricity, no septic, they all live in travel trailers, whatever they pull in, some people live in tents, and there's always somebody different there. Years ago he broke into my property and stole a lot of things out of my house and from the time he's been a juvenile until now he's been in and out of jail, in and out of prison, there is a lot of drugs next door. I have grandkids that see the things that go on next door, the yelling, the screaming, the fighting, cops showing up, you can ask the Rockport Police Department and the Sheriff's Department, the property next door is known as Shanty Town. It's a very bad neighborhood, as far as the people who live there, I've had to deal with them for years and my house was real close to being on fire yesterday. My new home has only been built for three years and this is the third time that there has been a fire and it has been in jeopardy, I want something done, these people need to clean up the property or do something, it's just getting worse.

James Ward: I live right across the street from Ms. Debbie there at 2452 Mundine Road and I'm concerned about the fires, the smell, and the junk that is piled up over there across the street. One of these days that fire is going to jump that road and hit mine, and that isn't going to be good, so that's what I'm concerned about. I don't know these people but I live right across the street and I'm concerned about what's going on over there, they have no facilities, nothing but junk piled up, that's what they live in. I've got a big investment in my home so that's why I'm concerned, that all I have to say.

PRESENTATIONS

1. Presentation to Commissioners' Court by AgriLife Texas 4-H of a round metal plaque to be hung in the Courthouse Lobby - Ginger Easton-Smith
2. Recognize and Present Proclamation #P-10-2019 to AgriLife designating October 06-12, 2019 as National 4-H Week in Texas and commend the 4-H Youth Development Program of the Texas A&M AgriLife Extension Service.
3. Recognize and Present Proclamation #P-11-2019, proclaiming the month of October as "Texas Archeology Month".

CONSENT ITEMS

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

4. Minutes from the Regular Meeting of September 23, 2019 and the Special Meeting of September 30, 2019.
5. Proclamation #P-10-2019 to AgriLife designating October 06-12, 2019 as National 4-H Week in Texas and commend the 4-H Youth Development Program of the Texas A&M AgriLife Extension Service.
6. Proclamation #P-11-2019, proclaiming the month of October as "Texas Archeology Month".
7. Declaring Auditor's list of vehicles as surplus to clear for sale by auction.
8. Declaring Auditor's list of Trailer Surplus items to clear for sale by auction.
9. Declaring Scrap metal removed from Sheriff's Office vehicles as surplus to be sold or salvaged as recyclable.

(Inserts)

10. Re-appointments of Travis McDavid and Larry Ward to the Aransas County Appraisal District Board for a two-year term.
11. Resolution #R-38-2019 - Joint Resolution for Joint Primary Election.
12. 2020 Schedule of Fees for Environmental Health.
13. Official Public Bond Continuation Certification Certificate for Latisha Murphy, Administrative Assistant to the County Judge.
14. Official Public Bond Continuation Certificate for Linda Doane, Human Resources Director.

Question. Motion carried unanimously.

It is so ordered.

COUNTY REPORTS

15. Motion was made by Commissioner Smith and seconded by Commissioner Casterline to approve the Quarterly 2019 Report for the Aransas County Historical Commission.

Question. Motion carried unanimously.

It is so ordered.

16. Motion was made by Commissioner Smith and seconded by Commissioner Chaney to approve the 3rd Quarterly 2019 Report for the Rockport Center for the Arts.

Question. Motion carried unanimously.

It is so ordered.

(Inserts)

17. Motion was made by Commissioner Smith and seconded by Commissioner Laubach to table the future and possible options of the DPS Administration (Department of Public Safety) position - currently a County Employee Position held by Sharon Loflin and her upcoming retirement at the end of November 2019.

Question. Motion carried unanimously.

It is so ordered.

COUNTY ROADS

18. Motion was made by Commissioner Chaney and seconded by Commissioner Smith to approve the preliminary alleyway closure of Block 267 in the Manning Addition.

Question. Motion carried unanimously.

It is so ordered.

19. Motion was made by Commissioner Chaney and seconded by Commissioner Smith to approve the preliminary alleyway closure of Block 191 in the Manning Addition.

Question. Motion carried unanimously.

It is so ordered.

CONTRACTS, AGREEMENTS, GRANTS & LEASES

20. Motion was made by Commissioner Smith and seconded by Commissioner Casterline to approve and authorize the County Judge to sign the TxDOT Routine Airport Maintenance Program (RAMP) Grant for fiscal year 2020 (through which the Aransas County Airport will receive a 50% reimbursement for up to \$100,000 spent of eligible airport maintenance) and designate Mike Geer as Sponsor.

Question. Motion carried unanimously.

It is so ordered.

21. Motion was made by Commissioner Chaney and seconded by Commissioner Smith to approve the Downtown Anchor Governmental Services Facilities Project Contract with the jointly selected architecture firm, PGAL, and the County.
[Tabled from 09/09/19 & 09/30/19]

Question. Motion carried unanimously.

It is so ordered.

22. Motion was made by Commissioner Smith and seconded by Commissioner Casterline to approve and authorize the County Judge to sign a new Agreement with Thomson Reuters for CLEAR PROFLEX software with real-time incarceration and arrest records to assist County Clerk, County district Attorney, and JP1 with identity verification fraud prevention, and investigations. This will replace the current agreement, which only covers County Clerk and County District Attorney.

Question. Motion carried unanimously.

It is so ordered.

23. Motion was made by Commissioner Casterline and seconded by Commissioner Chaney to approve and authorize the County Judge to sign a new Interlocal Agreement for Septic Service with the City of Aransas Pass, covering the Aransas County portions of the City.

Question. Motion carried unanimously.

It is so ordered.

(Inserts)

24. Motion was made by Commissioner Casterline and seconded by Commissioner Smith to approve and authorize the County Judge to sign a new Customer Service Agreement with UniFirst, covering uniform service for applicable employees in Road & Bridge, Fleet Maintenance, Transfer Station, and Animal Control.

Question. Motion carried unanimously.

It is so ordered.

25. Motion was made by Commissioner Chaney and seconded by Commissioner Smith to approve and authorize the County Judge to sign a new Confirmation Agreement with HALO-Flight, Inc. for Emergency 911 or Emergency Transfer Service for Aransas County.

Question. Motion carried unanimously.

It is so ordered.

26. Motion was made by Commissioner Smith and seconded by Commissioner Casterline to approve and authorize the County Judge to sign a new 2-year extension of Lease Agreement L2000-021-Rockport with Coastal Plains Community MHMR Center covering its space within the Adult Services Building.

Question. Motion carried unanimously.

It is so ordered.

27. Motion was made by Commissioner Casterline and seconded by Commissioner Chaney to approve and authorize the County Judge to sign a new 2-year Lease Agreement at 644 E. Market Street to house County and District Clerk restored records.

Question. Motion carried unanimously.

It is so ordered.

(Inserts)

PLANNING & BUDGET OFFICE

28. Motion was made by Commissioner Smith and seconded by Commissioner Casterline to approve September 2019 Indigent Health Care Report.

Question. Motion carried unanimously.

It is so ordered.

29. Motion was made by Commissioner Smith and seconded by Commissioner Laubach to approve allowing the County Treasurer to use funds from the Assistance Department to spend up to \$3,000 for blankets for Aransas County residents in need.

Question. Motion carried unanimously.

It is so ordered.

30. Motion was made by Commissioner Smith and seconded by Commissioner Casterline to approve accepting a Gift Certificate from HEB in the amount of \$200 to be used for the County Health Fair.

Question. Motion carried unanimously.

It is so ordered.

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

Question. Motion carried unanimously.

It is so ordered.

32. Motion was made by Commissioner Chaney and seconded by Commissioner Smith to approve Accounts Payable and Payroll/Payroll Liabilities.

Question. Motion carried unanimously.

It is so ordered.

(Inserts)

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

Michele Carew: Good morning, I just want to remind everybody that Early Voting starts on Monday, October 21st and goes through November 2nd. The schedule is online, as well as sample ballots.

Judge Mills: I'd like to bring up the fact that last week the Commissioner's Court, I think we all visited, at different times, the Port of Corpus Christi about the desalination plant they were talking about on Harbor Island, and in that discussion they raised some concerns, but we haven't done enough investigation into it to do any real action today, but inadvertently a letter that Commissioner Smith wrote, and I like a lot, was left off of the agenda, to send to Toby Baker, the Executive Director of TECQ, and Commissioner I'll turn it over to you.

Commissioner Smith: Before I read the letter, I would like to point out that the discharge of brine solution on Harbor Island, in my opinion, is probably the worst possible place that they could be discharging the brine solution. Near the discharge area is a Redfish Bay State Scientific Area. This area is 32,000 acres which includes 14,000 acres of seagrass beds. This area is defined by the Texas Administrative Code, Title 31, Part 2, Section 57.921, and is protected by mandatory measures adopted in 2006. This area is also in the Mission-Aransas National Estuarine Research Reserve, a Federal and State partnership that conducts research, education, and stewardship programs. This program is funded by the National Oceanic and Atmospheric Administration and managed by the University of Texas Marine Science Institute. By any definition, this is an area of special biological significance. The reason why I say it's that area, the State of California which

has the only coastal desalination operations in the U.S. at this point and time, to my knowledge, there aren't any in Texas, defines or biological communities to the extent that alteration of natural water quality is undesirable. It is troubling that we have this. I think in 2015-2016 both the TCEQ and Parks and Wildlife, together, designated offshore locations for both diversion and discharge from seawater desalination plants; however this particular permit that is pending before the TCEQ is for discharge in an abatement situation, so accordingly, I am going to send my Congressman and Mr. Baker, the Executive Director of TCEQ, they are having their meeting on November 6th and possibly could approve this discharge permit, so I am responding to a request for comments on a pending permit #WQ00005253000, specifically a discharge permit for proposed desalination plant located on Harbor Island near Port Aransas, Texas. (Commissioner Smith read the letter he wrote.) I would invite my fellow Commissioners here to also weigh in with the TCEQ, the reading is on November 6th, as I pointed out, so we've got a short time.

Judge Mills: I read this letter, and there's a place for each of us to sign individually. (to Kristen Barnebey) How's that?

Kristen Barnebey: So I would rather have it come through Commissioner's Court as an Agenda Item.

Judge Mills: So we could have a Special Meeting.

Commissioner Chaney: Along with that, you know, by setting a Special Meeting with notice, TCEQ and anyone else that wants to come to us and put their thoughts in on it can. But this is a very, very, serious issue--you're talking about not hundreds of gallons, or thousands of gallons, you're talking about millions of gallons a day that are going to be concentrated salt in an area that is about the size of four football fields over 40 or 50 years.

If you take this bottle of water here and put salt in it to the degree that the Gulf is in and you keep putting it in and taking it out, putting it in, you're always putting in more than what you take out by concentration, you will never get this out of the bottom and it gets thicker and thicker, if they think there is any way in the world that they can put 40, 50, or 60 years of salt in there without affecting that area of about 4-5 football fields, it has five different ways in which to go and hurt us detrimentally and, as other people have said, red tide comes when salinity is high, we get red tide with the salinity as it is naturally, it's got to go to the Gulf.

Commissioner Laubach: This is really getting close to deliberating on an issue and it's making me extremely uncomfortable, I also know that the Port of Corpus Christi is extremely interested in addressing us, if and when we ever put this on the agenda and take official action, we are basically discussing it without them and without it being on the agenda. I don't think it's proper, I think we need to stop it.

Commissioner Chaney: Thank you very much.

Judge Mills: Alright, all that being said, would any other department head or elected official like to say anything.

Suzy Wallace: Jackie and I will be attending a conference the remainder of this week--we are leaving tomorrow.

Commissioner Chaney: Also, I want to say on the Murphy Road issue, the systems down there are encouraged and steps that have been taken with the Murphy Road issue, I think that between Commissioners' Court's, the County/District Attorney's, and the County Environmental concern, I think we are making some big progress there. We are kind of setting the example of what we don't have, similar to what we had addressed in this instance to

October 14, 2019

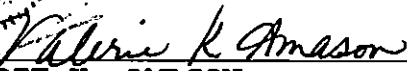
be heard, this is a small part of what's in m precinct I know and precinct 4 and others too. I just want to say we need to keep the faith and keep going on with this.

Commissioner Casterline: While we are on the subject, on Mundine, just to bring everybody up to speed, prior to us hearing about this, Valerie Gonzalez brought it to my attention with some other places that have high tax delinquencies and the Judge and I, in the last couple of weeks, have been on the phone about that property that was supposed to be in foreclosure process.

No further business presenting, the Court adjourned at 10:16 a.m. on a motion made by Commissioner Smith and seconded by Commissioner Casterline.


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




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

