

ORIGINAL

MINUTES OF THE  
COMMISSIONERS' COURT  
REGULAR MEETING - MARCH 23, 2015

On the 23rd day of March, 2015, there was a Regular Meeting of the Commissioners' Court in the Courthouse, 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; Betty Stiles, Commissioner, Precinct 4; and Valerie K. Amason, County Clerk.

Other County Officers present were Kristen Blanford, County Attorney; Bill Mills, Sheriff; Lezlie Kirk, County Auditor;; Alma Cartwright, County Treasurer; Timilu Latham, Chief Deputy County Treasurer; Pam Heard, District Clerk; Lynn Doane, Administrative Assistant, County Judge's Office; David Reid, Drainage Engineer; Pat Rousseau, Human Resources Director; Jerry Brundrett, County Surveyor; Collin Jackson, IT Director; David Vyoral, Road Administrator; Gene Johnson and Michael Geer, Airport Managers; James Jackson, Environmental Health Director; and C. J. Wax, Mayor.

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

CITIZENS TO BE HEARD

There were none.

PRESENTATIONS

**Revised Master Development Plan for the Reserve at St. Charles Bay**  
Representatives present: Hal Jones, President - Hal Jones

Development, LLC; Donnie Garcia, Director of Sales; Nathan Olson, Director of Oes Inc., Surveyor; Buck Nunley- Double Diamond Resorts, Field Manager; Harry Adams, Vice President - Coastal St. Charles Bay, LLC; Paul Lippke, President - Lippke, Cartwright & Roberts, Inc., Consulting Engineers;

**Mr. Lippke:** Sales are going well and the developer is ready to take it to the next phase. The Master Plan was first introduced to the court in 2007, since then we have developed what is called The Boardwalk. We went into the U. S. Army Corps of Engineers permitting process and finances in May of 2013 were down and we also experienced a huge recession at that time so things have been slow for a number of years. Any good developer knows if your product is not moving fast enough you have to come up with Plan B. Several years ago we did a PUD #1 taking lots ranging from 60 feet to 80 feet and turned them to 45 foot lots developing what is call the Cottage Program producing better sales. Last year we developed another PUD in another section and we believe we are on the verge of moving in and having both cottage lot sales and large lot sales. We have developed plans for roads, multifamily dwelling sites, boat barns, canal dredging and bridges in Phase IV to connect roads over canals and eventually extending the North Channel to the St. Charles Bay, which will create a better water circulation.

**Commissioner Stiles:** Is it possible to go forward with Phase IV and get the water circulating to prevent water quality issues.

**Mr. Lippke:** Talked about ideas for possible pump systems being installed to ensure aeration and circulation, but pointed out that he did not believe there would be issues with water quality problems.

**Commissioner Smith:** Will you be phasing out sales in the next five years? The deadline is May 2018 and that is actually three years. He raised concerns involving Corps permits, subdivision

requirements, Surety Bonds on some of the improvements to insure the credibility of the canal dependent on the Corps permit. He also asked, since the Corps permit encompasses the water quality, when it comes to the North section being opened up, will any of these infrastructure amenities be dedicated to the homeowner's association prior to sending the final plat for approval and will a surety be provided in this case.

**Mr. Lippke:** A surety was provided when we did the Boardwalk, so that we could record the plat. We provided a surety for all of those improvements. Would we do a surety for the balance of this project? No, because it doesn't really fall along the same line of thinking as the sureties for the Boardwalk and this project. That is, they are stand-alone projects from the County's stand point. The road we are putting in there is a stand-alone deal, once we do that, it doesn't need any more roads to make it work.

**Commissioner Smith:** It is my understanding that when we pulled the permit, it required that the North end be opened to insure water quality and alleviate any other environmental type issues and that is the last structure to be completed to do what you said, insure the credibility of the canal projects. So I'm having trouble understanding why a surety shouldn't or wouldn't be required in that case.

**Mr. Lippke:** I don't know that it is correct for the County to take the position that we provide a surety for all accounts. The Developer is not going to own the canals, the Lamar Improvement District will own all of the canals. The District is the taxing authority, just like the court. You are dealing with the District and not the Developer.

**Commissioner Smith:** I'm just concerned about the terms of the permit being fulfilled by 2018.

**Mr. Lippke:** We are only asking the court to approve the Preliminary Plat for Phase 1.

**Commissioner Chaney:** One of the things when considering tying into the waste water treatment plant for all of this facility is to make sure everything is put into the plan specifications, which you have had engineers and inspectors on site that have done that. The purpose is getting quality water enrichment test per visit. At this particular point you all have done everything to spec. One of the concerns that I have, one from the District manager is where we are going to put our additional lift stations.

**Mr. Lippke:** The key lift station ties in with the Parks and Wildlife and Goose Island State Park and there would be other lift stations throughout different sections and phases.

**Commissioner Smith:** Do you plan on putting bulkheads where all of the blue (water) areas touch the land.

**Mr. Lippke:** Yes, the property lines for the lots are behind the bulkhead, so the District owns from the back side of the bulkhead across the canal to the backside of the other bulkhead.

**Commissioner Smith:** The District is a public entity, right?

**Mr. Lippke:** Yes, they are voters just like yourself.

**Commissioner Casterline:** Do you have the easements for the tie backs.

**Mr. Lippke:** Yes, we run central easements behind that property line to cover the tie backs.

**Mr. Lippke:** We are going to comply with the tree ordinance. We are going to be very careful about the trees we cut down.

**Commissioner Stiles:** We appreciate your demonstration.

(Plans inserted)

**CONSENT ITEMS**

Motion was made by Commissioner Chaney to approve the all of the Consent Items excluding the second and third, leaving them for further discussion. This motion was seconded by Commissioner Smith to approve the following agenda items:

1. Planned Unit Development (PUD) for The Reserve at St. Charles Bay, Phase 1
4. Minutes from the Regular Commissioners' Court Meeting of March 9, 2015
5. Resolution R-06-2015 "Adopting Investment Policy as Amended"
6. Resolution R-07-2015 "Appointing Investment Officers"
7. Resolution R-08-2015 "Amending Authorized Representatives"
8. Public Official Bond on Lezlie M. Kirk, County Auditor
9. Bond Continuation Certificate on Johnny James, Maintenance Custodian
10. Blanket Surety Bonds on Deputy District Clerks, Deputy County Clerks and Deputy Treasurers

Question. Motion carried unanimously.

It is so ordered.

(Inserts)

**CONSENT ITEMS**

Motion was made by Commissioner Chaney to approve the following item with the assurances that we will have a document that will handle the surety issue brought up by Mr. Smith. Motion seconded by Commissioner Smith to approve the following consent item:

2. Preliminary Plat for The Reserve at St. Charles Bay, Phase 1
- Question. Motion carried unanimously.

It is so ordered.



Motion was made by Commissioner Chaney and seconded by Commissioner Stiles to approve the following consent item after assurance to the court by David Reid that the project requirements and permits are in order.

3. Final Development Plans for Coastal Paradise RV Resort,  
Phase 1

Question. Motion carried unanimously.

It is so ordered.

**CONTRACTS AND AGREEMENTS**

**SURFACE USE AGREEMENT - HURD ENTERPRISES, LTD.**

Motion was made by Commissioner Chaney and seconded by Commissioner Casterline authorizing the County Judge to sign a Surface Use Agreement with Hurd Enterprises, LTD to conduct oil and gas exploratory and production operations on airport property.

Question. Motion carried unanimously.

It is so ordered.

(Agreement inserted)

**DATA USE AGREEMENT - TEXAS HEALTH AND HUMAN SERVICES ENTERPRISE**

Motion was made by Commissioner Smith and seconded by Commissioner Chaney to approve the Data Use Agreement between The Texas Health and Human Services Enterprise and Aransas County Clerk's Office.

Question. Motion carried unanimously.

It is so ordered.

(Agreement inserted)

**CONTRACT - O'MALLY STRAND ASSOCIATES, INC.**

Motion was made by Commissioner Casterline to table this item and Commissioner Smith seconded the motion.  
Question. Motion carried unanimously.  
It is so ordered.

(Contract inserted)

**PLANNING & BUDGET OFFICE ITEMS**

14. There are no Line Item Transfers to Report.

Motion was made by Commissioner Smith and seconded by Commissioner Casterline to approve the following item.

15. Accounts Payable

Question. Motion carried unanimously.  
It is so ordered.

(Inserts)

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

Fee Report - Lezlie Kirk, County Auditor

**REPORTS ABOUT ITEMS OF COMMUNITY INTEREST**

None.

PRESS QUESTIONS

**Managing Editor for the Rockport Pilot, Norma Martinez:** Regarding the PUD for the Reserve, I just wanted to clarify a few things. At the last meeting the reason this item was tabled was because they would not come to a planned unit development before, but in Mr. Lippke's presentation I noticed he did use the words Planned Unit Development, that you had previously approved a PUD for a portion of it, can you clarify that?

**Commissioner Smith:** What he was asking for the last time he came in was to take some lots and cut them down in size. They brought up the specter of the PUD development. It's the rest of the project that's in question, that's what we asked for, was to move forward with what the entire project would look like and that's what they brought us this morning.

**Martinez:** I thought I asked you if this is the same previous portion, which had already been approved, which they have already worked on, which they have already completed and had been approved for the PUD.

**Commissioner Smith:** The Boardwalk is a separate project as you heard this morning. It is the rest of the Reserve lots that are now being targeted, in part. They were hung up on that because of the time it took to get the permit from the Corp, that's my understanding.

**Martinez:** Another question regarding the PUD, is it typical, normal, usual, to approve a PUD that is actually going to be constructed in this many phases?

**Commissioner Smith:** I've never seen one. I have only been on the court for ten years and we've had PUD's provided for and certainly for regulations, so I can't really weigh in on that, but maybe somebody else, I think David Reid might be able to.

**Aransas County Drainage Engineer, David Reid:** Yes, this came in originally before our subdivision regulations were done and so they



Didn't need a PUD, that's normally the time that they would do that. In this case, they had an approved Master Plan and then they were changing parts of it and we had new regulations.

**Martinez:** So now with these new regulations, the part they did prior to that, will that be grandfathered?

**Reid:** Anything that varies from the original Master Plan will need a PUD. Anything that is consistent with the original Master Plan is grandfathered.

**Coastal Bend Herald Newspaper, Dan Pugh:** Your honor, three questions, if I may, pertaining again just to the Master Plans and Plats description form. First, do I understand that all of the lots will be served by public water and sewer?

Second, are we setting a precedent when we have 45 foot lots in the Preserve, are 45 foot lots acceptable around the county?

**Commissioner Smith:** Yes, if they are part of a PUD.

**Dan Pugh:** Last, do we understand that all the canals shown in blue in Phase I are going to be dredged before lots are sold?

**Hal Jones:** In the existing community of The Boardwalk we are selling, contracting and closing on the lots right now, we will not be able to close any of the home sites in Phase I until after we gain our final approvals from the court. The homes on the backside of The Boardwalk, those will and can be sold once the dredging is done because that Plat has already been approved. It's just been difficult to sell the lots on the canal side because the canal has not been dredged.

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No closed session.

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No further business presenting, the Court adjourned at 9:55 a.m. on a motion made by Commissioner Smith duly seconded by Commissioner Stiles.

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

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