

MINUTES – Regular Meeting

Aransas County Commissioners Court



9:00 AM – Monday, October 14, 2024

The Aransas County Commissioners Court met on **Monday, October 14, 2024, at 9:00 AM, IN THE COUNTY COURT AT LAW COURTROOM IN THE ARANSAS COUNTY COURTHOUSE, 2718 HWY. 35 N., ROCKPORT, TEXAS, 78382.** The meeting video recordings are available by following this link: [Commissioners Court Minutes and Agendas \(aransascourttx.gov\)](https://aransascourttx.gov), then scroll to the bottom of the page and select the date you wish to view.

Present: **Ray A. Garza**, County Judge
Jack Chaney, Commissioner Precinct 1-1A
Leslie Casterline, Commissioner, Precinct 2
Pat Rousseau, Commissioner, Precinct 3
Robert Dupnik, Commissioner, Precinct 4-4A

I. CALL TO ORDER

Video Time before video started

II. INVOCATION

Video Time 0:03

III. PLEDGES

Video Time 1:04

IV. ROLL CALL AND CONFIRMATION OF QUORUM

Video Time 1:35

V. CITIZENS TO BE HEARD

Video Time 1:49

★ Melissa Esquivel, For Animal Control to be First Responders

VI. PRESENTATIONS AND PROCLAMATIONS

1. Issuance of Proclamation P-19-2024 – National 4-H Week – Megan Glidden/Virginia Easton-Smith
Video Time 5:30
2. Issuance of Proclamation P-20-2024 – Declaring October 2024 as Archeology Month – Judge Garza
Video Time 10:27
3. Issuance of Proclamation P-21-2024 – Declaring October 2024 as National Breast Cancer Month – Judge Garza
Video Time 13:31
4. Presentation by the Texas Maritime Museum announcing new expansion project - Executive Director Michael Ables/Board of Trustees Capt. Tom Rodino/Judge Garza
Video Time 14:50

VII. CONSENT AGENDA

5. Discuss, approve or disapprove the Minutes from the September 23, 2024 Amended Regular Meeting – Misty Kimbrough/Judge Garza
6. Discuss, approve or disapprove the Minutes from the September 23, 2024 Special Meeting – Misty Kimbrough/Judge Garza

7. Discuss, approve or disapprove the Minutes from the October 3, 2024 Special Meeting – Misty Kimbrough/Judge Garza
8. Discuss, approve or disapprove the Minutes from the October 7, 2024 Workshop Meeting – Misty Kimbrough/Judge Garza
9. Discuss, approve or disapprove the Minutes from the October 8, 2024 Special Meeting – Misty Kimbrough/Judge Garza
10. Acknowledge and accept the following donations:
 - a. Gary Sanders - \$50.00
 - b. Sandy Oaks kennels adoption swag bags. Estimated amount of \$300.00
 - c. Rabies Clinic Donations - \$40.00

Caitlan Frazier/Judge Garza

Video Time 29:34

- ★ **Motion to accept the consent agenda:** by Commissioner Rousseau, motion was seconded by Commissioner Casterline
- ★ **Vote:** Motion carried 5-0: it was so ordered

VIII. COUNTY REPORTS AND RESOLUTIONS

11. Discuss, approve or disapprove the Rockport Center for the Arts Report for 3rd Quarter 2024 – Luis Purón/Judge Garza

Video Time 30:28

- ★ **Motion to approve report:** by Commissioner Rousseau, motion was seconded by Commissioner Chaney

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

12. Discuss, approve or disapprove Resolution R-24-2024 for the Indigent Defense Grant Program – Jacky Cockerham/Judge Garza

Video Time 38:21

- ★ **Motion to approve:** by Commissioner Casterline, motion was seconded by Commissioner Chaney

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

13. Discuss, approve or disapprove request for Animal Control Officers to be recognized as First Responders – Caitlan Frazier/Judge Garza

Video Time 39:26

- ★ **Motion to approve:** by Commissioner Casterline, motion was seconded by Commissioner Chaney

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

IX. COUNTY ROADS AND FLOODPLAIN

14. Discuss, approve or disapprove authorizing solicitation of Request for Proposals (RFP) for road materials for the County of Aransas and authorize the County Judge to sign all necessary documents – David Reid/Judge Garza

Video Time 45:13

- ★ **Motion to approve:** by Commissioner Casterline, motion was seconded by Commissioner Rousseau

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

X. CONTRACTS AND GRANTS

15. Discuss, approve or disapprove FEMA Disaster Recovery Project No. DR-4332-0015-TX, Hurricane Harvey Phase II, Texas Division of Emergency Management (TDEM) Sub-Grant Award for a Hazard Mitigation Grant Program (HMGP), for the Aransas County

Lamar Beach Road Flood Protection project authorizing the County Judge to sign and execute all necessary documents – Elle Moralez/David Reid/Judge Garza

Video Time 45:57

★ **Motion to approve:** by Commissioner Dupnik, motion was seconded by Commissioner Rousseau

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

16. Discuss, approve or disapprove accepting and approving as-built drawings for Linden Drainage Improvements, in the County's General Land Office Community Development Block Grant-Disaster Relief (CDBG-DR) Contract #20-065-098-C270 and authorize County Judge to sign a letter of as-built approval – David Reid/Judge Garza

Video Time 49:36

★ **Motion to approve:** by Commissioner Casterline, motion was seconded by Commissioner Rousseau

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

Judge Garza called for a 5 min. Break

Video Time 51:01

CITIZEN TO BE HEARD:

Video Time 58:22

★ George "Doug" Webb, Septic issues for a RV Park

17. Discuss, approve or disapprove Change Order No. 5 for construction contract for East Linden in the County's General Land Office Community Development Block Grant-Disaster Relief (CDBG-DR) Contract #20-065-098-C270, with Gerke Excavating Inc. The contractor requests an additional 24 days on the contract time – David Reid/Judge Garza

Video Time 1:00:43

★ **Motion to approve:** by Commissioner Casterline, motion was seconded by Commissioner Chaney

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

18. Discuss, approve or disapprove accepting Linden Drainage Improvements in the County's General Land Office Community Development Block Grant-Disaster Relief (CDBG-DR) Contract #20-065-098-C270 as complete and authorize County Judge to sign a Certification of Construction Completion – David Reid/Judge Garza

Video Time 1:01:45

★ **Motion to approve:** by Commissioner Casterline, motion was seconded by Commissioner Dupnik

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

19. Discuss, approve or disapprove Change Order No. 7 of construction contract for Southeast Aransas County Drainage Improvements in the County's General Land Office Community Development Block Grant – Disaster Relief (CDBG-DR) Contract #20-065-098-C270. Brizo Construction, LLC requests an increase in the contract amount by \$34,130.25 and an increase in time by an additional 30 days – David Reid/Judge Garza

Video Time 1:04:19

★ **Motion to approve:** by Commissioner Rousseau, motion was seconded by Commissioner Casterline

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

20. Discuss, approve or disapprove Change Order No. 4 for construction contract for Holiday Beach in the County's General Land Office Community Development Block Grant –

Disaster Relief (CDBG-DR) Contract #20-065-098-C270, to LCR Total Transport, LLC. This change order increases the contract time by thirty (30) days – David Reid/Judge Garza
Video Time 1:05:37

✧ **Motion to approve:** by Commissioner Dupnik, motion was seconded by Commissioner Rousseau

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

21. Discuss, approve or disapprove accepting and approving as-built drawings for Loop 1781 Road Improvements, in the County's General Land Office Community Development Block Grant – Disaster Relief (CDBG-DR) Contract #20-065-098-C270 and authorize County Judge to sign a letter as as-built approval – David Reid/Judge Garza
Video Time 1:07:30

✧ **Motion to approve:** by Commissioner Dupnik, motion was seconded by Commissioner Casterline

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

22. Discuss, approve or disapprove accepting Loop 1781 in the County's General Land Office Community Development Block Grant-Disaster Relief (CDBG-DR) Contract #20-065-098-C270, as complete and authorize County Judge to sign a Certificate of Construction Completion – David Reid/Judge Garza
Video Time 1:08:25

✧ **Motion to approve:** by Commissioner Rousseau, motion was seconded by Commissioner Dupnik

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

23. Discuss, approve or disapprove accepting and approving as-built drawings for Rattlesnake Point Road in the County's General Land Office Community Development Block Grant-Disaster Relief (CDBG-DR) Contract #20-065-098-C270 and authorize County Judge to sign a letter of as-built approval – David Reid/Judge Garza
Video Time 1:09:17

✧ **Motion to approve:** by Commissioner Casterline, motion was seconded by Commissioner Rousseau

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

24. Discuss, approve or disapprove accepting Rattlesnake Point Road in the County's General Land Office Community Development Block Grant – Disaster Relief (CDBG-DR) Contract #20-065-098-C270 as complete and authorize County Judge to sign a Certificate of Construction Completion – David Reid/Judge Garza
Video Time 1:10:36

✧ **Motion to approve:** by Commissioner Rousseau, motion was seconded by Commissioner Casterline

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

25. Discuss, approve or disapprove authorizing the County Judge to sign agreement with The Solco Group to Prepare a Disadvantaged Business Enterprise Plan and Triennial Goal Methodology for Aransas County at the cost of \$8,600.00, to be paid from the Airport Fund, and which is 90% reimbursable through the Routine Airport Maintenance Program (RAMP) Grant – Mike Geer/Judge Garza
Video Time 1:11:55

✧ **Motion to authorize:** by Commissioner Dupnik, motion was seconded by Commissioner Rousseau

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

XI. PLANNING AND BUDGET

26. Discuss, approve or disapprove the August 2024 Treasurer's Report – Alma Cartwright/Judge Garza
Video Time 1:14:10
✧ **Motion to approve:** by Commissioner Rousseau, motion was seconded by Commissioner Casterline
✧ **Vote:** Motion carried 5-0: it was so ordered
27. Discuss, approve or disapprove the Aransas County Indigent Health Care Report for September 2024 – Alma Cartwright/Judge Garza
Video Time 1:15:20
✧ **Motion to approve:** by Commissioner Casterline, motion was seconded by Commissioner Dupnik
✧ **Vote:** Motion carried 5-0: it was so ordered
28. Discuss, approve or disapprove adoption of the revised Aransas County Procurement Policy - Adela C. Martinez/Judge Garza
Video Time 1:16:42
✧ **Motion to TABLE:** by Commissioner Rousseau, motion was seconded by Commissioner Casterline
✧ **Vote:** Motion carried 5-0: it was so ordered
29. Discuss, approve or disapprove and authorize County Judge to sign the Texas Association of Counties' Workers Compensation Renewal Agreement and Questionnaire for Plan Year 2025 – Desiree Upton/Judge Garza
Video Time 1:19:05
✧ **Motion to authorize:** by Commissioner Rousseau, motion was seconded by Commissioner Casterline
✧ **Vote:** Motion carried 5-0: it was so ordered
30. Discuss, approve or disapprove the September 2024 Auditor's Monthly Report – Jacky Cockerham/Judge Garza
Video Time 1:22:30
✧ **Motion to approve:** by Commissioner Casterline, motion was seconded by Commissioner Chaney
✧ **Vote:** Motion carried 5-0: it was so ordered
31. Discuss, approve or disapprove the Budget Line Items - Jacky Cockerham/Judge Garza
Video Time 1:23:36
✧ **Motion to approve:** by Commissioner Chaney, motion was seconded by Commissioner Casterline
✧ **Vote:** Motion carried 5-0: it was so ordered
32. Discuss, approve or disapprove Accounts Payable and Payroll/Payroll Liabilities – Jacky Cockerham/Judge Garza
Video Time 1:23:54
✧ **Motion to approve:** by Commissioner Dupnik, motion was seconded by Commissioner Casterline
✧ **Vote:** Motion carried 5-0: it was so ordered

XII. REPORTS FROM COMMISSIONERS, ELECTED OFFICIALS, AND DEPARTMENT HEADS – NO ACTION WILL BE TAKEN

Video Time 1:27:12

- ✧ Misty Kimbrough
- ✧ Judge Garza
- ✧ Commissioner Dupnik

XIII. REPORTS ABOUT ITEMS OF COMMUNITY INTEREST – NO ACTION WILL BE TAKEN

[Video Time 1:28:45](#)

- ✧ There were none

XIV. CLOSED SESSION

33. Convene into a Closed Session to consult with counsel and receive legal advice about insurance matters related to Aransas County's projects and insurance claims from Hurricane Harvey, including the following pending litigation:

- i. *Aransas County Texas v. Endurance American Specialty Insurance Company, et al*, Aransas County District Court Cause No. 23-0021; and
- ii. *Northstar Recovery Service, Inc. v. Aransas County Independent School District and Aransas County*; Aransas County District Court Cause No. 23-0066 consolidated with *Northstar Recovery Services, Inc. v. HR&R, LLC, et al*, Aransas County District Court Cause No. 20-0159; and
- iii. *Western Steel Company v T2J Partners, LLC DIE/A FPS Recovery, LLC and Aransas County, Texas*; Aransas County Cause No. 24-0072, in the 36th district Court of Aransas County, Texas;
- iv. *Discuss the status of the formal alternative dispute resolution occurring between the County and Teal Construction Company for the Downtown Anchor Project and review of a proposed negotiated agreement regarding the various pending matters as noticed for the September 23, 2024, Regular Meeting Closed Session, including but not limited to, contemplated litigation, alternative dispute resolution, termination of the contract, changes to the scope of work, and various requested and proposed contract amendments to the Contract Sum and Contract Time,*

pursuant to Section 551.071 of the Texas Open Meetings Act, which authorizes closed sessions for a governmental body to consult with its attorney(s) regarding advice on legal matters pertaining to "Pending or Contemplated Litigation; or a Settlement Offer; or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with" the Open Meetings Act –Amanda Oster/Adela C. Martinez/Judge Garza

[Video Time 1:28:58](#)

- ✧ **Motion to move into closed session: 10:36 AM** by Commissioner Rousseau, motion was seconded by Commissioner Dupnik
- ✧ **Vote:** Motion carried 5-0: it was so ordered

Judge Garza called for a 5 min. Break at 10:31 AM

XV. OPEN SESSION

34. Reconvene into Open Session at 12:27 PM

[Video Time 3:26:40](#)

- ✧ **Motion to reconvene into open session:** by Commissioner Chaney, motion was seconded by Commissioner Rousseau
- ✧ **Vote:** Motion carried 5-0: it was so ordered

35. Discuss, approve or disapprove taking action or issuing instructions to the County Attorney's Office to act on the County's behalf regarding the pending matters between the County and Teal Construction Company for the Downtown Anchor Project and Authorizing the County Attorney's Office to act accordingly –

Amanda Oster/Adela C. Martinez/Judge Garza

Video Time 3:27:13

- ⊛ **Motion to approve authorizing the County Attorney to further engage in negotiations at the project level with Teal Construction Company, regarding all pending claims:** by Commissioner Rousseau, motion was seconded by Commissioner Dupnik

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

XVI. ADJOURNMENT

Video Time 3:27:38

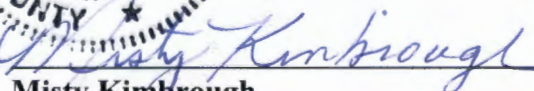
- ⊛ **Motion to adjourn:** by Commissioner Rousseau, motion was seconded by Commissioner Casterline

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

- ⊛ **Meeting adjourned at 12:28 PM**


ARANSAS COUNTY COMMISSIONERS' COURT




Misty Kimbrough,

Ex-Officio Clerk of the Commissioners Court

10-28-24
Date signed and attestation.


Ray A. Garza, County Judge

10/28/24
Date signed.

