THE STATE OF TEXAS \* COMMISSIONERS COURT

COUNTY OF KENEDY \* OF KENEDY COUNTY, TEXAS

On the 8th day of May, 2023, at 9:00 o'clock a.m., a regular meeting of the Commissioners Court of Kenedy County, Texas, was held in the Kenedy County Courthouse.

**Commissioners present:**

Charles E. Burns, County Judge

Joe Recio, Commissioner, Precinct No. 1

Israel Vela, Jr., Commissioner, Precinct No. 2

Sarita Armstrong-Hixon, Commissioner, Precinct No. 3

**Also present:**

Veronica Vela, County & District Clerk

Leo Villarreal, Administrative Assistant

Irma Longoria, County Tax Assessor/Collector

Grace Salinas, Administrative Secretary

Allison Strauss, County Attorney

Stephanie Garza, Elections Administrator

Jose E. Mendietta, Fire Chief

Capt. Eddie Cruz, Sheriff’s Dept.

Tom Denney, Chief Appraiser

Anita Garza, Appraisal District

JP Patti Fain

JP Cecilia Schulz

JP Jana Norrell

Caleb Maltby, Maltby Builders, Inc.

Sandra Maltby, Maltby Builders, Inc.

Javier Zambrano, GrantWorks

Sandra Guzman, Sheriff’s Office

Andy Garza, Kenedy County GCD

Nelda Barrera, GrantWorks

Oralia Cardenas, GrantWorks

James Carr

Billy Colston

Tim Douglas

Kirsten Tinsley

Victor Quiroga

**Absent**:

Jose Salazar, Commissioner, Precinct No. 4

Ramon Salinas, III, County Sheriff

Cynthia Salinas, County Treasurer

JP Jerry Miller

**1.** **Call Meeting to Order at 9:00 a.m**.

Judge Charles E. Burns called the meeting to order at 9:00 a.m.

**2.** **Pledge of Allegiance.**

Judge Charles E. Burns led the Commissioners Court in the Pledge of Allegiance.

**3.** **Receive Public Comments**.

No public comments were made.

**4.** **Receive Abdul Kamar with the Texas Department of State Health Services to Address Emergency Preparedness and Program Specific Regional Updates**.

Abdul Kamar with the Texas Department of State Health Services was not present.

Commissioner Sarita Armstrong-Hixon moved and Commissioner Israel Vela, Jr. seconded the motion; the motion was unanimously passed that this item be tabled.

**5.** **Discuss & Act on an Order Authorizing the Issuance of Kenedy County -Wide Common School District Unlimited Tax School Building Bonds, Series 2023; Establishing Procedures for the Sale and Delivery of the Bonds; levying an Annual Ad Valorem Tax for the Payment of Said Bonds; and Enacting Other Matters Related to the Subject**.

Victor Quiroga addressed the Commissioners Court regarding the need to pass an Order authorizing the issuance of Kenedy County-Wide Common School District unlimited tax school building bonds, Series 2023, to establish procedures for the sale and delivery of the bonds, to levy an annual ad valorem tax for the payment of said bonds; and to enact other matters related to the subject.

Victor Quiroga further informed the Commissioners Court that the bond interest rate would be locked at 2.99% for a $1.5 million to be repaid over ten years and that the County Judge and County Clerk would need to sign the Order and other documents.

Commissioners Sarita Armstrong-Hixon moved and Commissioner Joe Recio seconded the motion; the motion was unanimously passed that the Order Authorizing the Issuance of Kenedy County-Wide Common School District Unlimited Tax School Building Bonds, Series 2023 be passed as requested and provided and Judge Burns and Veronica Vela, County Clerk, signed the Order and the additional documents requiring their signatures.

**6.** **Receive Billy Colston with Riviera Telephone Company to Report on the Fiber Optic Upgrade in Kenedy County**.

Billy Colston with Riviera Telephone Company presented the Commissioners Court with Riviera Telephone Company’s fiber optic upgrade in Kenedy County; will start the fiber optic installation in 45 days; the red on the draft map is the existing fiber optic installed in 2002; the green on the draft map is the new fiber optic that will be installed in 2023; and pricing is still pending. He will keep Judge Burns informed as progress is made.

This being a report only, no vote was needed and none was taken.

**7.** **Discuss & Act on the Regular Minutes of April 11th, 2023 and the Special Meeting Minutes of April 28th, 2023**.

Judge Charles E. Burns presented the Commissioners Court Minutes of the regular April 11, 2023, and special April 28, 2023 meetings.

Commissioner Sarita Armstrong-Hixon moved and Commissioner Israel Vela, Jr. seconded the motion; the motion was unanimously passed that the minutes of the Minutes of the regular April 11, 2023, meeting be accepted as presented and that the special April 28, 2023 minutes be accepted subject to the correction that Allison Strauss was present in person, not by phone.

**8.** **Discuss & Act on Treasurer’s Monthly Report and Transfers**.

Cynthia Salinas, County Treasurer, was not present.

Commissioner Sarita Armstrong-Hixon moved and Commissioner Israel Vela, Jr. seconded the motion; the motion was unanimously passed this item be tabled.

**9.** **Discuss & Act on the Sheriff’s Monthly Report**.

Capt. Eddie Cruz presented the Sheriff’s monthly report to the Commissioners Court for the month ending April 30, 2023. Capt. Cruz informed the Commissioners Court that there has been a steady increase in human smuggling in Kenedy County and that the radio system will cost $300,000.00 for equipment only.

Commissioner Sarita Armstrong-Hixon moved and Commissioner Israel Vela, Jr. seconded the motion; the motion was unanimously passed that the Sheriff’s monthly report be accepted as presented.

**10.** **Discuss & Act on Fire Chief’s Monthly Report**.

Jose E. Mendietta, Fire Chief, presented the Commissioners Court with the Fire District report. He presented a list of equipment that the County could possibly assist the Kenedy County Fire & Emergency Services District by purchasing the equipment with SLFR and Covid funds that are available to the County. Judge Burns stated that the County has approximately $190,000.00 from the SFLR and Covid programs.

Jose E. Mendietta, Fire Chief, further informed the Commissioners Court that Maltby Builders, Inc. has almost completed the repairs to the Fire Station; that forms are still being distributed to complete the call list in the event of emergencies in the County; and that a presentation will be held at the Fire Station on how to properly install car seats and 4 to 6 car seats will be passed out to those in need of a car seat.

Commissioner Sarita Armstrong-Hixon moved and Commissioner Israel Vela, Jr. seconded the motion; the motion was unanimously passed that the first five items (plow, six fire hoses, generator, truck water pump and utility trailer) on the Fire Chief’s list of equipment be purchased by the County from the SLFR and Covid monies, provided they meet the requirements of the programs; and that the Fire Chief’s monthly report be accepted as presented.

**11.** **Discuss & Act on Approving the New Emergency Operating Plan for Kenedy County**.

Judge Charles E. Burns informed the Commissioners Court of the need to approve the new Emergency Operating Plan for Kenedy County. Jose E. Mendietta, Fire Chief, reported that the County’s Emergency Operating Plan expired on May 1, 2023, and that the new plan could be viewed online.

Commissioner Sarita Armstrong-Hixon moved and Commissioner Joe Recio seconded the motion; the motion was unanimously passed that the new Emergency Operating Plan be approved as presented.

**12.** **Discuss & Act on the Maintenance Department Monthly Report**.

Commissioner Joe Recio presented the Maintenance Department’s monthly report to the Commissioners Court for the month ending April 30, 2023.

Commissioner Sarita Armstrong-Hixon moved and Commissioner Israel Vela, Jr. seconded the motion; the motion was unanimously passed that Commissioner Joe Recio’s monthly report be accepted as presented.

**13.** **Receive Daniel Almeida and Act on the Sewer & Water System Monthly Report**.

Daniel Almeida was not present.

Commissioner Sarita Armstrong-Hixon moved and Commissioner Israel Vela, Jr. seconded the motion; the motion was unanimously passed that this item be tabled.

**14.** **Receive Javier Zambrano with GrantWorks Monthly Reports Regarding Compliance with Colonia Grant #7219075 and Community Development Grant #7219220 and Act if Necessary**.

Javier Zambrano with GrantWorks presented the GrantWorks monthly report to the Commissioners Court regarding the Kenedy County 7219220 and 7219075 as follows:

Grant No. 7219220 (CD):

Contractor; Southern Trenchless Solutions. Sub; Donald Hubert Construction

1. Project Completion Report submitted in TDA-Go on March 31, 2023
2. Request for Payment five funds were released on the week of April 3, 2023
3. This includes the retainage for the prime contractor (Southern Trenchless Solutions)

Grant No. 7219075 (Colonia):

Contractor: Donald Hubert Construction Sub: Southern Trenchless Solutions

Phase 1:

1. The generator for the lift station was delivered end of March, and it was installed in mid-April. The sub-contractor, Campbell Electric, performed the installation.
2. This generator was ordered on August 2021 and was one of the reasons that we received a state contract extension due to frequent delays in delivery. The second reason for the extension was to utilized the remaining grant funds through small purchase procurement.
3. The inspector from Ardurra will work with the engineer and Daniel Almeida to schedule a Final Inspection with the County. Once this occurs and everything goes well, the contractor can submit their retainage payment to us for review.
4. Donald Hubert submitted their eighth (second to last) pay application on April 26 for review, but there were some incomplete numbers in the table and they labeled it as nine (not eight). Revisions were requested and we have the correct payment request. The request for certifications email will be sent to the County the week of May 8.

Phase 2:

1. The County received four quotes on the small purchase procurement deadline of April 28, 2023. The lowest quote received was from Daniel Almeida’s company (Process Control Services) in the amount of $20,156.00. Daniel is contract out by the County as the Water Department Contractor whose primary duties are to provide water and sewer maintenance for Sarita Township in Kenedy County. He is not a county employee. He still has knowledge of the project and it might give him a competitive advantage. Additionally, he cosigns the committed beneficiaries’ letters that were sent to TDA for this and the 7219220 grants. I presented this as a personal conflict-of-interest to the county and Daniel is pushing back. It is ultimately up to the county to proceed with Daniel’s company or the next lowest quote. If they decide to award Process Control Services, it is recommended that the county (with the assistance of GrantWorks) submit a Conflict of Interest waiver to TDA. This process will take more time and it isn’t certain how TDA will respond.
2. The second lowest quote received was from Donald Hubert Construction in the amount of $21,958.00. If the county proceeds with Donald Hubert, our next steps will be to award them in the next Commissioners Court meeting and schedule a pre-con meeting.
3. If we award Donald Hubert in early June, the engineer says it will take about two weeks to perform the first-time connections. It will take 3-4 weeks to receive the lift station pump. Installation should be within a few days. With all this laid out, construction for Phase II should be completed by the end of July/early August.

This being a report only, no vote was needed and none was taken.

**15.** **Receive Report on the Construction Progress of the Justice of the Peace Building/Hurricane Shelter**.

Caleb Maltby with Maltby Builders, Inc. informed the Commissioners Court that taping and floating was going on now; that inside painting will follow; that tile and cast stone will start on Wednesday; porches are in progress; that the Judge’s bench was finished and will check with Nueces Electric when the power will be in.

This being a report only, no vote was needed and none was taken.

**16.** **Consent Agenda:**

**(A) Approve Travel Expenses for Cynthia Salinas to Attend the County Investment Conference in Georgetown, Tx on June 11-14th, 2023. ($1,364.11 within budget)**

**(B) Approve Travel Expenses for Ramon Salinas to Attend the TAC County Technology Conference in Round Rock, Tx on May 16th-19th, 2023. ($1104.00 within budget)**

**(C) Approve Registration & Travel Expenses for Charles Burns to Attend the South Texas County Judges & Commissioners Association Conference in San Antonio, Tx on June 25th– 29th, 2023. ($1,735.16 within budget)**

**(D) Approve Registration & Travel Expenses for Joe Recio to Attend the South Texas County Judges & Commissioners Association Conference in San Antonio, Tx on June 25th- 29th, 2023. ($1,735.16 within budget)**

**(E) Approve Registration & Travel Expenses for Israel Vela, Jr. to Attend the South Texas County Judges & Commissioners Association Conference in San Antonio, Tx on June 25th – 29th, 2023. ($1,735.16 within budget)**

**(F) Approve Registration & Travel Expenses for Jose Salazar to Attend the South Texas County Judges & Commissioners Association Conference in San Antonio, Tx on June 25th – 29th, 2023. ($1,744.37 within budget)**

**(G) Approve Registration & Travel Expenses for Sarita Hixon to Attend the South Texas County Judges & Commissioners Association Conference in San Antonio, Tx on June 25th – 29th, 2023. ($1,735.16 within budget)**

Judge Charles E. Burns informed the Commissioners Court that the following employees and public officials needed to attend the below seminars/conferences and be advance/reimbursed their expenses provided that proper receipts are given:

Name: Cynthia Salinas

Seminar: County Investment Conference

Date: June 11-14, 2023

Place: Georgetown, Texas

Amount: $1,364.11

Name: Ramon Salinas

Seminar: TAC County Technology Conference

Date: May 16-19, 2023

Place: Round Rock, Texas

Amount: $1,104.00

Name: Charles Burns

Seminar: South Texas County Judges & Commissioners Association Conference

Date: May 16-19, 2023

Place: San Antonio, Texas

Amount: $1,735.16

Name: Joe Recio

Seminar: South Texas County Judges & Commissioners Association Conference

Date: May 16-19, 2023

Place: San Antonio, Texas

Amount: $1,735.16

Name: Israel Vela, Jr.

Seminar: South Texas County Judges & Commissioners Association Conference

Date: May 16-19, 2023

Place: San Antonio, Texas

Amount: $1,735.16

Name: Sarita Hixon

Seminar: South Texas County Judges & Commissioners Association Conference

Date: May 16-19, 2023

Place: San Antonio, Texas

Amount: $1,735.16

Name: Jose Salazar

Seminar: South Texas County Judges & Commissioners Association Conference

Date: May 16-19, 2023

Place: San Antonio, Texas

Amount: $1,735.37

Commissioner Sarita Armstrong-Hixon moved and Commissioner Israel Vela, Jr. seconded the motion; the motion was unanimously passed that the following public officials attend the below conferences and be advanced the costs thereof provided proper receipts are given:

Name: Cynthia Salinas

Seminar: County Investment Conference

Date: June 11-14, 2023

Place: Georgetown, Texas

Amount: $1,364.11

Name: Ramon Salinas

Seminar: TAC County Technology Conference

Date: May 16-19, 2023

Place: Round Rock, Texas

Amount: $1,104.00

Name: Charles Burns

Seminar: South Texas County Judges & Commissioners Association Conference

Date: May 16-19, 2023

Place: San Antonio, Texas

Amount: $1,735.16

Name: Joe Recio

Seminar: South Texas County Judges & Commissioners Association Conference

Date: May 16-19, 2023

Place: San Antonio, Texas

Amount: $1,735.16

Name: Israel Vela, Jr.

Seminar: South Texas County Judges & Commissioners Association Conference

Date: May 16-19, 2023

Place: San Antonio, Texas

Amount: $1,735.16

Name: Sarita Hixon

Seminar: South Texas County Judges & Commissioners Association Conference

Date: May 16-19, 2023

Place: San Antonio, Texas

Amount: $1,735.16

Name: Jose Salazar

Seminar: South Texas County Judges & Commissioners Association Conference

Date: May 16-19, 2023

Place: San Antonio, Texas

Amount: $1,735.37

**17.** **Discuss & Act on Travel Advance for Meals for Gilbert San Miguel, Jr. to Attend the 2023 Coastal Bend Hurricane Conference in Robstown, Tx. ($86.00 within budget)**

Judge Charles E. Burns informed the Commissioners Court of the need to reimburse Gilbert San Miguel, Jr. $128.00 for his travel/meals for attending the 2023 Coastal Bend Hurricane Conference in Robstown, Texas on May 3 & 4, 2023.

Commissioner Sarita Armstrong-Hixon moved and Commissioner Joe Recio seconded the motion; the motion was unanimously passed that Gilbert San Miguel, Jr. be reimbursed $128.00 for his travel/meals for attending the 2023 Coastal Bend Hurricane Conference in Robstown, Texas on May 3 & 4, 2023.

**18.** **Discuss & Act on Amending the Amounts for Registration and Travel Expenses for Charles Burns, Joe Recio and Israel Vela to Attend the 2023 Hurricane Conference, from $112.75 to $128.50 and Leo Villarreal from $112.75 to $198.75. (within budget)**

Judge Charles E. Burns informed the Commissioners Court of the need to increase Charles Burns, Joe Recio and Israel Vela, Jr.’s registration and travel expenses from $112.75 to $128.50 and Leo Villarreal’s from $112.75 to $198.75 for attendance of the 2023 Hurricane Conference in Robstown, Texas on May 3-4, 2023.

Commissioner Sarita Armstrong-Hixon moved and Commissioner Israel Vela, Jr. seconded the motion; the motion was unanimously passed that Charles Burns, Joe Recio and Israel Vela, Jr.’s registration and travel expenses be increased from $112.75 to $128.50 and Leo Villarreal’s be increased from $112.75 to $198.75 for attendance of the 2023 Hurricane Conference in Robstown, Texas on May 3-4, 2023.

**19.** **Receive Report on the 2023 Hurricane Conference**.

Leo Villarreal reported to the Commissioners Court that the 2023 Hurricane conference was good and effective.

The pre-hurricane, during the hurricane, and post-hurricane issues were covered in detail.

THAT DTL.ORG is the hurricane email from where to order the documents addressing in detail the hurricane preparedness issues (pre-hurricane, during the hurricane and post-hurricane) including, but not limited to travel routes, flood insurance, medical lists, ADA supplies, the volunteer assistance program and a Hurricane Coordinator that must have the funds and materials ready for the hurricane volunteers to start working. If the materials are not ready, the volunteers will reschedule the County for later date.

Kenedy County will be ordering the hurricane documents and commence preparing for hurricane season.

This being a report only, no vote was needed and none was taken.

**20.** **Discuss & Act on Deputations for Deputies John Anthony Sandoval and Eddie Hinojosa**.

Judge Charles E. Burns informed the Commissioners Court of the need to deputize Deputies John Anthony Sandoval and Eddie Hinojosa.

Commissioner Joe Recio moved and Commissioner Israel Vela, Jr. seconded the motion; the motion was unanimously passed that Deputies John Anthony Sandoval and Eddie Hinojosa be deputized.

**21.** **Discuss & Act on Resolution Regarding Operation StoneGarden Grant Program (OPSG) #3172008**.

Judge Charles E. Burns informed the Commissioners Court of the need to consider accepting the Resolution Regarding Operation StoneGarden Grant Program (OPSG) #3172008.

Commissioner Sarita Armstrong-Hixon moved and Commissioner Israel Vela, Jr. seconded the motion; the motion was unanimously passed that the Resolution Regarding Operation StoneGarden Grant Program (OPSG) #3172008 be accepted as presented.

**22.** **Receive Report on Soil & Water Stewardship Week Proclamation, April 30th to May 7th, 2023**.

Judge Charles E. Burns presented the Commissioners Court with the Soil & Water Stewardship Week Proclamation of April 30 to May 7, 2023.

This being a report only, no vote was needed and none was taken.

**23**. **Receive Report from Tom Denney of the Central Appraisal District on Kenedy County’s 2023 Preliminary Estimate of Taxable Value**.

Tom Denney presented the Commissioners Court with the Central Appraisal District’s 2023 Preliminary Estimate of Taxable Value for Kenedy County and stated that the estimated value was $812,514,849 which is a 6.9% decrease from last year’s value.

This being a report only, no vote was needed and none was taken.

**24.** **Receive Report from the Kenedy County Tax Office on 2023 Preliminary Tax Rate Calculations Based on Preliminary Values for Kenedy County**.

Irma Longoria, Tax Assessor/Collector, presented the Commissioners Court with the 2023 Preliminary calculations based on the preliminary values for Kenedy County and stated that the taxable value had decreased from 2022 by $56,117,540.00.

This being a report only, no vote was needed and none was taken.

**25.** **Discuss & Act on TCDRS Plan Assessment Employer Contribution Rates for 2024**.

Judge Charles E. Burns presented the Commissioners Court with the TCDRS Plan Assessment Employer Contribution Rates for 2024.

Commissioner Sarita Armstrong-Hixon moved and Commissioner Joe Recio seconded the motion; the motion was unanimously passed that the 2024 TCDRD Plan Assessment Employer Contribution be accepted as presented.

**26.** **Discuss & Act on Convening Commissioners Court Twice a Month, the Second and Fourth Mondays**.

Judge Charles E. Burns informed the Commissioners Court of the need to consider convening the Commissioners Court twice a month on the second and fourth Mondays.

Commissioner Sarita Armstrong-Hixon moved and Commissioner Joe Recio seconded the motion; the motion was unanimously passed that the Commissioners Court meetings continue to be held on the second Monday of every month with special meetings held as needed.

**27.** **Discuss & Act on Securing a Location Near the Sheriff’s Office to Build a Concrete Pad to Include All Infrastructure Needed and an Awning Cover for the New Fuel Tank**.

Judge Charles E. Burns informed the Commissioners Court of the need to secure a location near the Sheriff’s Office to build a concrete pad and awning to include all the infrastructure needed for new fuel tank.

Commissioner Sarita Armstrong-Hixon moved and Commissioner Israel Vela, Jr. seconded the motion; the motion was unanimously passed that a location near the Sheriff’s office be determined to place a concrete pad for the 8000-gallon fuel tank and awning.

**28.** **Discuss & Act on Approval of the Revised Poll Pad Quote from Hart Intercivic, a $680.00 Increase from Prior Approval in Commissioners Court on April 11th, 2023**.

Judge Charles E. Burns informed the Commissioners Court of the need to revise the quote for the poll pad from Hart Intercivic which is a $680.00 increase from the prior approval in Commissioners Court held on April 11, 2023.

Commissioner Sarita Armstrong-Hixon moved and Commissioner Israel Vela, Jr. seconded the motion; the motion was unanimously passed that the quote for the poll pad from Hart Intercivic which is a $680.00 increase from the prior approval in Commissioners Court held on April 11, 2023, be approved as presented.

**29.** **Discuss & Act on Payment of Bills**.

Judge Charles E. Burns informed the Commissioners’ Court of the need to pay the bills for the month ending April 30, 2023.

Commissioner Sarita Armstrong-Hixon moved and Commissioner Joe Recio seconded the motion; the motion was unanimously passed that the bills be paid as presented.

**30.** **EXECUTIVE SESSION: TEXAS GOVERNMENT CODE, § 551.071, § 551.072, § 551.073, § 551.074**

An Executive Session was not required and none was held.

**31.** **Open Session: Discuss & Act on Items Addressed in Executive Session**.

An Open Session was not required and none was held.

**32.** **Adjournment**.

There being no further business at this time to come before the Commissioners Court, Commissioner Sarita Armstrong-Hixon moved and Commissioner Israel Vela, Jr. seconded the motion; the motion was unanimously passed that the Commissioners Court be adjourned at 11:12 a.m.

/s/ Charles E. Burns

Charles E. Burns, County Judge

ATTESTED BY:

/s/ Veronica Vela

Veronica Vela, Clerk of Commissioners Court