

Kleberg County Commissioners' Court Minutes



Special Session April 4, 2011 @ 9:30 A.M.

BE IT REMEMBERED, that on this the 4th day of April, 2011, the Commissioners' Court of Kleberg County, Texas, met in Special Session in the Courthouse Annex, of the Law Enforcement Center, 1500 E. King, Kingsville, Texas with the following present:

Kleberg County Commissioners Court:

Hon. Juan M. Escobar, County Judge
David Rosse, Commissioner Pct. #1
Chuck Schultz, Commissioner Pct. #2
Roy Cantu, Commissioner Pct. #3
Romeo Lomas, Commissioner Pct. #4
Leo H. Alarcon, County Clerk

Also present were:

Melissa Munoz, County Auditor
Priscilla A. Cantu, County Treasurer
Delma Rios-Salazar, County Attorney
Sonja D. Reyna, Deputy Clerk
Jose Betancourt, Chief Deputy

COURT WAS OPENED and called to order by Judge Escobar to consider the following agenda items, County Clerk Leo Alarcon gave the invocation and the Judge led the Court in the Pledge of Allegiance of the United States and Texas.

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AGENDA ITEM #1 (Rec.781-891)

Public Comments On Agenda Items

Tony Kallas and Marty Sepulveda, with the South Texas Council Boy Scouts of America, made comments on Agenda Item # 9.

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AGENDA ITEM #2 (Rec.107-365)

In The Matter Of Discussing And Acting On Payment Of Bills

The above matter coming on for consideration, a motion was made by Commissioner Rosse and seconded by Commissioner Cantu to pay the bills and purchase orders as presented with the exception of the purchase order from Jerry's Heating & Air Conditioning in the amount of \$1,507. Upon vote, the motion carried unanimously and so ordered.

BILLS

Ramos Refrigeration and A/C Services

P.O.'S OVER \$250

Quill.Com
Eddie Yaklin Ford Lincoln Mercury, LTD
County Judges & Commissioners' Assoc. of Texas
Lowe's
AC Lawn & Garden Service

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AGENDA ITEM #3 (Rec.366-380)

In The Matter Of Discussing And Acting On Budget Line-Item Transfers

The above matter coming on for consideration, a motion was made by Commissioner Lomas and seconded by Commissioner Cantu to approve the budget line-item transfer as presented. Upon vote, the motion carried unanimously and so ordered.

BUDGET LINE-ITEM

Sheriff (KSO) – 010-560-497 to 010-560-435 -- \$1,085

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AGENDA ITEM #4 (Rec.381-398)

In The Matter Of Discussing And Acting On Budget Amendments

The above matter coming on for consideration, a motion was made by Commissioner Cantu and seconded by Commissioner Lomas to approve the budget amendments as presented. Upon vote, the motion carried unanimously and so ordered.

BUDGET AMENDMENTS

2009 JAG Grant -- \$4,800
Human Services -- \$598.42
2009 StoneGarden Grant -- \$6,123.60
Grant #729095 -- \$104,640
Golf Course -- \$4,416.31

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AGENDA ITEM #5 (Rec.399-421)

In The Matter Of Discussing And Acting On Authorizing County Judge To Appoint A Selection Committee To Evaluate Engineering Proposals For The 2008-2011 Coastal Impact Assistance Program

The above matter coming on for consideration, a motion was made by Commissioner Lomas and seconded by Commissioner Schultz to authorize the County Judge to appoint a Selection Committee to evaluate Engineering Proposals for the 2008-2011 Coastal Impact Assistance Program. Upon vote, the motion carried unanimously and so ordered.

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AGENDA ITEM #6 (Rec.422-780)

Presentation By Assistant District Attorney Omar Collin On The Purchase Of Case Management Software For The District Attorney's Office To Be Paid From The D.A.'s Asset Forfeiture Fund

A presentation was made by District Attorney John Hubert and Assistant DA Omar Collin to explain the software utilized in the DA's office which was not up to date and the need to purchase one of two systems. A new Case Management Software, Perfect Practice, was one that was presented which offered more capabilities.

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AGENDA ITEM #9 (Rec.781-891)

In The Matter Of Discussing And Acting On Authorizing D.A. John Hubert To Donate \$10,000.00 to South Texas Council Boy Scouts Of America From The Asset Forfeiture Fund For Drug Prevention, Awareness And Education

The above matter coming on for consideration, a motion was made by Commissioner Lomas and seconded by Commissioner Cantu to authorize District Attorney John Hubert, to donate \$10,000 to the South Texas Council Boy Scouts of America from the Asset Forfeiture Fund for Drug Prevention, Awareness and Education. Upon vote, the motion carried unanimously and so ordered.

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AGENDA ITEM #7 (Rec.892-1062)

In The Matter Of Discussing And Acting On Authorizing The Hiring Of An Electrician/Outside Maintenance Worker, A Critical Position Needed To Do Electrical Work And Other Maintenance As Assigned Under The Direction Of The County Courthouse Maintenance Supervisor

The above matter coming on for consideration, a motion was made by Commissioner Cantu and seconded by Commissioner Lomas to authorize the hiring of an electrician/outside maintenance worker. Upon vote, Judge Escobar voted aye, Commissioner Rosse voted nay, Commissioner Schultz voted aye, Commissioner Cantu voted aye and Commissioner Lomas voted aye. The motion passes and so ordered.

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AGENDA ITEM #8 (Rec.1063-1096)

In The Matter Of Discussing And Acting On Allowing The County Clerk To Attend The University Of Texas School Of Law Continuing Legal Education Conference In Round Rock From April 27-29, 2011 And Have The Texas Center For The Judiciary Reimburse Kleberg County For Mileage And Lodging Expenses

The above matter coming on for consideration, a motion was made by Commissioner Rosse and seconded by Commissioner Schultz to allow County Clerk Leo Alarcon to attend The University of Texas School of Law Continuing Legal Education Conference in Round Rock from April 27-29, 2011 and have the Texas Center for Judiciary reimburse Kleberg County for mileage and lodging expenses. Upon vote, the motion carried unanimously and so ordered.

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AGENDA ITEM #10 (Rec.1097-1160)

In The Matter Of Discussing And Acting On Authorizing The Use Of The “Old Runway” Located Behind The Kleberg County Golf Course For Students Enrolled In The Coastal Bend College Texas Peace Officer Skills Course on April 20 & 27, 2011 From 8:00 A.M. To Noon, And May 2 & 4, 2011 From 8:00 A.M. To Noon

The above matter coming on for consideration, a motion was made by Commissioner Cantu and seconded by Commissioner Lomas to authorize Coastal Bend College to utilize the “Old Runway” located behind the L.E. Ramey Golf Course for students enrolled in the Coastal Bend College Texas Peace Officer Skills Course on April 20 & 27, 2011 and May 2 & 4, 2011 from 8 a.m. till noon. Upon vote, the motion carried unanimously and so ordered.

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AGENDA ITEM #11 (Rec.1161-2132)

Presentation By Bill Rusteberg On Preliminary Review Of The Kleberg County Medical And Dental Plan For FY 2010-2011

Insurance Consultant Bill Rusteberg (Risk Manager) presented and reviewed findings and recommendations from the Preliminary Report he prepared for the Kleberg County Employee Medical and Dental Plan for FY 2010-2011.

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AGENDA ITEM #12 (Rec.2133-2547)

In The Matter Of Discussing And Acting On Preliminary Review Of Kleberg County Medical And Dental Plan For FY 2010-2011 Presented By Bill Rusteberg

The above matter coming on for consideration, a motion was made by Commissioner Rosse and seconded by Commissioner Cantu to authorize the County Judge to send a letter and forward the Preliminary Report Information to Entrust and Christus Spohn and to request a response for each of the recommendations. Upon vote, Judge Escobar voted nay, Commissioner Rosse voted aye, Commissioner Schultz voted nay, Commissioner Cantu voted aye and Commissioner Lomas voted nay. The motion failed.

A second motion was made by Commissioner Lomas and seconded by Commissioner Schultz to authorize the County Judge to send a letter to Entrust and Christus Spohn in regards to recommendations #'s 7, 8, 9, 10, 11, 12 & 13 in the Preliminary Report made by Bill Rusteberg and request them to provide Kleberg County with the information. Upon vote, Judge Escobar voted aye, Commissioner Rosse voted nay, Commissioner Schultz voted aye Commissioner Cantu voted aye and Commissioner Lomas voted aye. The motion passes and so ordered.

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AGENDA ITEM #13 (Rec.2548-2727)

In The Matter Of Discussing And Acting On Authorizing Melissa T. De La Garza And Evelinda Avelar To Attend The 72nd Annual State Conference For The Texas Association Of Assessing Officers In Corpus Christi, Texas On August 28-30, 2011 For Continuing Education

The above matter coming on for consideration, a motion was made by Commissioner Rosse and seconded by Commissioner Cantu to allow Melissa T. De La Garza and Evelinda Avelar to attend the 72nd Annual State Conference for the Texas Association of Assessing Officers in Corpus Christi, Texas on August 28-30, 2011 and follow the travel policy. Upon vote, the motion carried unanimously and so ordered.

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AGENDA ITEM #14 (Rec.2728-2758)

In The Matter Of Discussing And Acting On Authorizing Melissa T. De La Garza To Attend The 57th Annual Tax Assessor/Collector Association Of Texas State Conference In Corpus Christi, Texas On June 5-9, 2011 For Continuing Education

The above matter coming on for consideration, a motion was made by Commissioner Rosse and seconded by Commissioner Schultz to allow Melissa T. De La Garza to attend the 57th Annual Tax Assessor/Collector Association of Texas State

Conference in Corpus Christi, Texas on June 5-9, 2011 and follow the travel policy. Upon vote, the motion carried unanimously and so ordered.

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AGENDA ITEM #15 (Rec.2759-2804)

In The Matter Of Discussing And Acting On Authorizing The Tax Assessor/Collector To Sign As The Merchant Executive Officer On The Attestation Of Compliance For Self Assessment Questionnaire From Payment Card Industry Data Security Standard

The above matter coming on for consideration, a motion was made by Commissioner Lomas and seconded by Commissioner Cantu to authorize Tax Assessor/Collector Melissa T. De La Garza to sign as the Merchant Executive Officer on the Attestation of Compliance for Self Assessment Questionnaire from Payment Card Industry Data Security Standard. Upon vote, the motion carried unanimously and so ordered.

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AGENDA ITEM #16 (Rec.2805-3022)

In The Matter Of Discussing And Acting On Approving The Proclamation In Support Of "Enroll Kingsville" Campaign To Insure Uninsured Children Through CHIPS During The Months Of April And May

The above matter coming on for consideration, a motion was made by Commissioner Lomas and seconded by Commissioner Schultz to approve the Proclamation in Support of "Enroll Kingsville" Campaign to insure uninsured children through CHIPS during the months of April and May. Upon vote, the motion carried unanimously and so ordered.

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AGENDA ITEM #17 (Rec.3023-3544)

In The Matter Of Discussing And Acting On The Delay Of Verification For Medical Benefits Through Entrust Customer Service

No action was taken.

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AGENDA ITEM #18 (Rec.3545-3755)

In The Matter Of Discussing And Acting On Approval To Contract Building Contractor To Re-Roof Skeet Range Building

The above matter coming on for consideration, a motion was made by Commissioner Lomas and seconded by Commissioner Schultz to table the agenda item. Upon vote, the motion carried unanimously and so ordered.

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AGENDA ITEM #19 (Rec.3756-3882)

In The Matter Of Discussing And Acting On Approval To Hire An Electrician To Repair And/Or Replace Lights At Kaufer Hubert Park

The above matter coming on for consideration, a motion was made by Commissioner Lomas and seconded by Commissioner Cantu to hire Ruben Electric to repair and/or replace lights at Kaufer Hubert Park for \$1,300. Upon vote, the motion carried unanimously and so ordered.

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AGENDA ITEM #20 (Rec.3883-3963)

In The Matter Of Discussing And Acting On Awarding Engineering Contract For Riviera Pier Sanitary Drainage As Recommended By LNV Engineer

The above matter coming on for consideration, a motion was made by Commissioner Lomas and seconded by Commissioner Schultz to award the Riviera Pier Sanitary Drainage Contract to Hubert Construction Co. for \$8,618.50 as recommended by Juan Pimentel from LNV Engineering. Upon vote, the motion carried unanimously and so ordered.

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AGENDA ITEM #21 (Rec.3964-4182)

In The Matter Of Discussing And Acting On Authorizing Parks Director To Purchase Patching Materials For Dick Kleberg Park

The above matter coming on for consideration, a motion was made by Commissioner Lomas and seconded by Commissioner Schultz to table the agenda item. Upon vote, the motion carried unanimously and so ordered.

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AGENDA ITEM #22 (Rec.4183-4263)

In The Matter Of Discussing And Acting On Making A Formal Request To Kingsville Police Department To Patrol Parks On A Regular Basis

The above matter coming on for consideration, a motion was made by Commissioner Rosse and seconded by Commissioner Schultz to authorize the County Judge to make a formal request to the Kingsville Police Department Chief of Police to patrol the Parks on a regular basis. Upon vote, the motion carried unanimously and so ordered.

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AGENDA ITEM #30 (Rec.4264-4282)

Adjourn Into Executive Session Under Tx. Govt. Code Section 551.074 Regarding Personnel Matters Involving Emergency Management Director Salary

At this time, 11:42 a.m. Commissioners' Court adjourned into Executive Session.

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AGENDA ITEM #31 (Rec.4284-4360)

Return To Open Session And Take Such Action As Is Warranted Regarding Emergency Management Director Salary

The above matter coming on for consideration, a motion was made by Commissioner Rosse and seconded by Commissioner Lomas to return to Kenedy County the funds received for their share of the Supplement Salary of the Emergency Management Director in the amount of \$10,300 for fiscal year 2009-2010 and \$10,300 for fiscal year 2010-2011. Kenedy County is to directly pay the Emergency Management Director for his services. Upon vote, the motion carried unanimously and so ordered.

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** At this time, 12:00 p.m. Commissioners' Court Recessed **
** Commissioners' Court Reconvened at Approximately 1:30 p.m. with Comm. Rosse not returning**
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AGENDA ITEM #23 (Rec.4361-5241)

In The Matter Of Discussing And Acting On Paying All Outstanding Invoices And Pay Applications From CAS Companies For The Exxon Building, Parks/Coliseum And Human Services Projects That Have Been Submitted For Payment To The Auditor In A Timely Manner Or Presented To Commissioners' Court On April 4, 2011

No action was taken.

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AGENDA ITEM #24 (Rec.5242-5878)

In The Matter Of Discussing And Acting On Change Order Number 1 Allowing CAS To Perform Electrical Service Work In The Amount Of \$64,750.00 To Place Dip Pole And Transformer At Exxon Building

No action was taken, was previously approved.

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AGENDA ITEM #25 (Rec.5879-5324)

In The Matter Of Discussing And Acting On Change Order Number 2 On Revised Electrical Service For Exxon Building, Material Cost In The Amount Of \$10,580.29, Due To Increased Cost In Wiring In Order To Meet National Electrical Code Standards

The above matter coming on for consideration, a motion was made by Commissioner Lomas and seconded by Commissioner Cantu to accept change order number 2 on the revised electrical service for the Exxon Building, material cost in the amount of \$10,580.29, due to the increase cost in wiring in order to meet the National Electrical Code Standards and is to be paid from the remaining funds of Jail Certificate of Obligation. Upon vote, the motion carried unanimously and so ordered.

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AGENDA ITEM #26 (Rec.5325-5678)

In The Matter Of Discussing And Acting On Change Order Number 1 Regarding The Boring Across Santa Gertrudis Ave As Required By City Of Kingsville Engineering, The Current Drawing Specifies A 6 Inch Tap Across Santa Gertrudis Ave In A 16 Inch Steel Casing And The Change Requested Requires A 6 Inch Casing With A 2 Inch Water Line, The Cost For Change Order Is \$3,500.00

No action was taken.
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AGENDA ITEM #27 (Rec.5325-5678)

In The Matter Of Discussing And Acting On Change Order Number 1 Allowing Cost Increase In The Amount Of \$3,500.00 To Be Paid To Engineer Tomas Diaz For Services Related To Human Services Project For The Correction Of Waterline Specification Drawings

No action was taken.
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AGENDA ITEM #28 (Rec.5679-5699)

In The Matter Of Discussing And Acting On Change Order Number 2 On Human Services Project For A Hollow Metal Door And Frame In The Amount of \$975.00

No action was taken.
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AGENDA ITEM #29 (Rec.5699-5775)

In The Matter Of Discussing And Acting On Change Order Number 3 On Revised Electrical Service For Human Services Building, Material Cost And Labor In The Amount Of \$22,450.00, Due To Increased Cost In Wiring

No action was taken.
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AGENDA ITEM #32 (Rec.5776-5800)

In The Matter Of Discussing And Acting On Authorizing County Judge To Sign Memorandum Of Understanding With GovDeal For Online Auction Services For County Surplus Items

The above matter coming on for consideration, a motion was made by Commissioner Lomas and seconded by Commissioner Cantu to authorize the County Judge to sign Memorandum of Understanding with GovDeal for online auction services for County surplus items. Upon vote, the motion carried unanimously and so ordered.

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WITH NO FURTHER BUSINESS AT HAND TO BE CONSIDERED BY THE COURT AT THIS TIME, ADJOURNMENT WAS HAD.

Juan M. Escobar, County Judge

ATTEST:

Leo Alarcon
County Clerk and Ex-Officio Member
Of the Commissioners Court
Kleberg County, Texas