

Item #19
3-28-22

Transcription for Agenda Item 19 Commissioner's Court Meeting March 14, 2022

Agenda Item:

Subject:

Discussion and possible action to approve projects to be funded by the American Rescue Plan Act State and Local Fiscal Recovery Funds as presented, ranked by the Webb County ARPA Review Committee, or modified by the Court; authorizing the County Judge to sign all relevant documents; and any other matters incident thereto.

Issue: Projects need to be approved by Commissioners Court.

Solution: Obtain Commissioners Court approval for projects, allowing implementation to begin.

Result: Webb County may begin implementing approved projects.

Background:

On March 10, 2021 the U.S. Senate passed The American Rescue Plan Act of 2021 and obtained the President's signature. Webb County has been award \$53,600,000.00 from the US Department of Treasury for The American Rescue Plan Act of 2021 and sub awards are eligible.

Previous Court Action:

On July 12, 2021 Commissioner's Court accepted and entered into an agreement with the US Department of Treasury for The American Rescue Plan Act of 2021 in an amount of \$53,600,000.00 Dollars. All required documents were sent for review through the Economic Development Department and the solicitation is compliant with the Webb County Single Point of Contact (SPOC) procedures; and authorizing the County Judge to sign all relevant documents; and any other matters incident thereto.

Mr. James Flores: Good morning Honorable judge, honorable commissioners, for the record, my name is James Flores and I am the Director for Economic Development and I'm also here representing the Webb County American Rescue Plan Act Committee. Our responsibility as a committee was to look at the funding and determine what was possible as far as funding, eligibility, what projects that we could identify. This process started back in October and our plan was to be able to approach the court in late January, but they released the Final Rule at that time, which put us into a position in which we needed to reevaluate and once we completed that we are now, at this point ready to present what the project list is based on the ranking. Now, we used a program called SurveyMonkey in which to do the ranking, which is anonymous and this is how it materialized. One thing about the American Rescue Plan Act money is that it has a timeline, it has a very strict timeline and it has two major thresholds that we have to adhere to. One of them is in December 2024 we must have committed all the funds and in December 2026 we must have expended all the funds. So, it is a rather short timeline for so many projects and so much money. So I didn't want to waste more time and I wanted to bring it to the court as soon as possible.

Judge: James, I'd like to thank you so much. I know you worked really hard, you and your staff on this particular, um there's been a lot of them, obviously the monies and working with each commissioner's court member we appreciate that as well. We all have different opinions at times, but ultimately, it's the same goal its just a matter of how we get there. I'm very appreciative of everything that is going on so thank you to your staff and to yourself

Mr. Flores: We worked very hard to..

Commissioner Wawi: and thank you for everything you do

Judge: With that said, does anyone have any questions? There is one thing I want to say, that I know right now with the Rio Bravo Wastewater Treatment Plant upgrades, is there any way we can just move on that right now? I'd like to move a motion on that. (Commissioner Gonzalez: I second that) We're in a big pickle, or a situation that I don't want to get in to with TCEQ, and I think its important that we move on this project immediately. So, if I could just move on that action number one, so that would be my motion, anybody second? Commissioner Gonzalez and Galo Second

Lalo (off screen) – That project actually ranked number 1

Judge: Ok, yeah well, I just definitely want to bring that one out right away, because that one needs to be moved on today, so I think Joe Lopez you do what you got to do, I guess

Joe Lopez: We've already been moving on

Lalo: I was gonna say (Incomprehensible)

Judge: Ok, so we just needed the monies

Commissioner Gonzalez: So now we move into the design

Judge: So, this was gonna give you all access or grant you all access because commissioners court were gonna motion. So, motion to second for the Rio Bravo Waste Treatment Plant upgrades, anyone oppose
** Silence** Motion carries Ok.

Commissioner Galo: Judge, (Judge: Yes?) You know I wanted to make some comments actually about the wastewater treatment plant I know I've been here you know 11, 10, 12 years and we've already had two rate studies and I believe we are conducting our third now but we still don't have anything and we continue to lose money at the plant and we continue to pump in money I think this is over 20m since I've been here and we haven't upped the price so, I know there's some other very good projects in here that are gonna cause demand on that plant so we're gonna have to make a decision. If we approve those projects we're gonna have to make the decision to upgrade the plant and I don't see how we can make that decision unless we actually do that, adjust the rates gradually to at least break even because what's gonna happen and just so the public knows if they don't get enough money if they don't pay it back into the system that's how it gets neglected and that's how it got neglected because the commissioners court says well there's no money... you know and they push it off and say well its not a priority, well, when they have the money in there, they're paying it on time it should always be done and that's what I'm afraid of you know not with this court but there's gonna be a future court and who

knows they're gonna go through the same thing to say well that's not a priority and then the plant goes down again and so it's not fair to the citizens, and it's not fair to the taxpayers

Commissioner Gonzalez: Judge if I may. I totally agree with Commissioner Galo and his comments and yes we've talked about it several times in the past. I've been here five years already and uh we've never actually initiated a plan of action to be able to adjust these rates now we have a master plan or a plat that's been approved at the city level and they're gonna depend on, it's just north of Rio Bravo and they're gonna depend on our water plant and its gonna service over 100 taps now and some of these projects that you see here its also to bring water to mangana-hein and that's also gonna service more taps so, I'd rather be proactive than reactive and we see our neighbors down the street and they're having a lot of issues, obviously we're all affected over there with those water issues and now they're gonna feel it, now the customers are gonna feel it in their pocket whenever they have to adjust the rates they're gonna say we're not getting good water, plus we have to pay more and I wanna try to avoid that judge right now we have really good water in Rio Bravo water plant because obviously the court and judge you've been here since 2015 and you've been commissioner gallo, commissioner wawi you've been fighting this water plant and its been up to par for the longest time so commissioner I do agree I think we need to sit down with Tomas and make a plan of action to be able to adjust these rates at a gradual pace to where the customers don't really feel it at the first time but it'll get there to where it needs to be so we can at least break even

Comm. Galo: Its gonna have to be a consistent, every year type of thing because we're also in the same boat as across the street where all those main lines down the streets are gonna have to be redone you know how old is Rio Bravo and El Cenizo now and when you do that you have to do ,the streets too and so like I said there's a lot of good projects on here , but its very hard to push those forward right now without all that other stuff in place. So, I know there's a subdivision trying to go on and I think that pushes up to the 70% and so that automatically triggers new design plans and so you have to do it and then the other thing we found out is you need water rights we hadn't even thought about that for a while and then there needs to be a fee schedule so, all these new connections and things, water availability fees and whatever the usage is, whatever the city has we probably should (incomprehensible) I know the other question I had, I spoke to James I think by law he is allowed 10% and he only took 4, for administration and he only took 4.7% I think we ought to change that back to the 10% we can always reclassify but there's no way his office can handle, how many staff do you have? (Mr. Flores: I have 7) 7, and we figure its going to be like 45 ongoing major projects at the same time basically because all this money has to be spent in how many years? (Mr. Flores: 4 years) and that's finished, not started to be spent

Judge: I'm kind of against that Commissioner, I'm not gonna lie to you. I'm kind of against adding 26 part-timers or 13 full timers, but I am for a consultant a lot of counties what they're doing is a consultant.

Commissioner Galo: No, I have no problem with it, I'm just saying by having the administration you can pay the consultant or whoever we hire. I kind of like the idea the way we put it up with the life downs, fair grounds you know something like that. I know there's, we have some difference of opinion but theres, put it in administration if we don't need it we can always reassign it. Well, that would be my

motion, to reassign to the 10% (Judge: 10%?) (Commissioner Gonzalez: I'll second that) (Judge: Anyone oppose? *Silence* Motion carries) Incomprehensible*

Comm. Galo: So now we're down to like 25m left? For these projects? (Judge: Well look here, you're saying here that it's a total of 38m, total funds that we received was 53.6m, is that correct James? (Mr. Flores: on the list the cutoff point would be at ranking 13) (Comm. Galo to Judge: if we just did 8 or 9 ** Incomprehensible** ... about another 25m worth of project that you can approve today (Judge: 53.6 I believe, its on the front page 53.6 and then it looks like all of these if you add them up it's a total of 38.1

Mr. Uribe off camera: Judge and then there's also in your areas a quote for some financial software that is allowable its \$34,000 and it is an allowable expense, I'd ask the court to consider that there's a packet (Judge: So you ask, would you want us to consider it and make a motion on that?) Yeah just so its (Judge: Where is that) this packet here was left in your areas there it's a quote from *incomprehensible* it's a budget software, it's a quote for licenses and (Judge: what does it look like? The front page?) \$34,500, cleargun?? (Commissioner Gonzalez: and this will come out of?) Right, its an allowable expense under the ARPA so its not included in the (Comm Galo: but itll come out of the administration, no?) Yes, I'm not sure where we qualify for but its an allowable expense for the treasurer under technology (Comm. Galo: but this would be in James' offices, no?) Um, no that'll be for the budget book, it'll comprise the budget book it'll upload it onto the website, its budgetary software (Comm Galo: Our stuff doesn't do that already?) It does it through an excel version which is where we print the book from but everything in the book commissioner today, is done manually by two individuals (comm Gonzales: is there a procurement process for this?) that will be integrated with our new world system and it will produce the graphs and scenarios and if the commissioner wants to consider a scenario in which we have 15 deputies to the sheriff's department, we can do that on the fly here we don't have to (comm. Gonzalez: My question is can we approve the vendor already or is there a procurement process?) Yes, **incomprehensible (comm. Gonzalez: you'd like to make a motion?) (unknown: you'd like to do it under this?) (unknown: under ARPA? (Lalo: Yes the ARPA monies because it's software.) (Judge: because it is software, it does allow it right? The ARPA monies?) (Lalo: Yes.) (Judge: 34k? Does anyone want to motion?) (comm. Gonzalez: I'll motion.) second motion by commissioner Wawi. Comm. Gonzalez: pending procurement laws. Judge: ok, motion pending procurement laws. Second? **silence, motion carries.

Commissioner Galo: Judge, I'm looking at item 7, if that's something that we can approve today. (back and forth between commissioners locating item 7.) I know we started a while back, I don't know if we got an engineer.

Judge: I have a motion second for item number 7, which is the Colorado acres microfiltration system. Motion second, any opposed? *Silence* motion carries.

Commissioner Gonzalez: Judge I just want to make a motion, and these are for priority right? (Judge: correct.) I just want to make a motion to approve the rankings that they were in by the survey for the total packet of projects. (judge seconds, but is interrupted at 13:30.) Galo: I have a problem, I agree with all the projects I just think that we need more information on the extension.

Judge: are you talking about the water line extension? Yeah, I do too. I have a lot of, yeah James just as long as we tap into our water lines our water plant whatever you want to call it, we don't want to do what we were thinking of trying to do. We don't want to tap into the city we just want to go another

route and then another thing too and then how feasible is it? Its going to jump from 7 point whatever to what, you know?

Galo: yeah, and that's what triggers the expansion of the plant.

Mr. Flores: We actually adjusted the price and changed course completely towards Rio Bravo, and we saw some plans that were done back in 2012 that shows how we can extend the line from the back side of Rio Bravo using a 16" line going up highway 83 and once it hits mangana-hein for about a mile it'll be a 12" line, so we have some plans for that. That was done by URS Engineering back in 2012.

Judge: Hey James, how did you get some of these numbers? I haven't asked you that, I'm sorry.

Mr. Flores: So calculating the cost of the line, and commissioner Galo and I actually went over that, and actually the engineering is built into it, as well as the right of ways surveying, all that that goes with it plus since we're going to be going uphill there will be other appurtenances that may be needed to have the line work efficiently.

Commissioner Gonzalez: I'll amend my motion to approve the project list but also have James and engineering work closely together to get these numbers and figures squared away especially on the line projects.

Mr. Flores: Once the projects are approved after we meet special conditions, we go right into professional services. A project engineer who will be working specifically on these projects and will provide a preliminary, intermediate, and final plan and also work along with county staff and the actual construction.

Commissioner Galo: So if we hire an engineer and they go in and they say this line is going to be X amount of dollars, which we have, but we find out that the capacity of the plan or whatever it may be is not, or we don't approve it at that time the upgrade or whatever, can we stop it there or do we have to complete the project?

Mr. Flores: No it can be stopped, and there is a process where we can reevaluate the project and we can do a project amendment, performance statement modification and we can change the activity of course we have to go through public hearings and all the necessary federal requirements, but yes it is possible

Commissioner Galo: That's the only concern I have commissioner, is what are we going to do with our water plan.

Commissioner Gonzalez: Right, and I thought about that as well, I mean the whole weekend I was thinking about these projects. It's a very big projects for mangana-hein area and now with the 4/5 bridge. They're in sync now but my thing would be once we get the numbers and everything is crunched in and we have the numbers and it seems a little bit out of reach. Not taking into consideration the capacity of the water plant. That 12" line will connect at least to a building, a dispenser and a fire station and we leave it there without the distribution lines to the community itself that may be step one, and we already have a line there or water there and there can be a future project to do the distribution lines.

Commissioner Galo: you're doing the exact same things the city is doing.

Commissioner Gonzalez: We're seeing if we have the capacity.

Commissioner Galo: You have to flush that 12" line or the water won't be any good.

Judge: The reason he is saying that is because it needs to be used, water needs to be used. You can't just leave it sitting there.

Commissioner Gonzalez: I'm not the engineer or anything.

Judge: yeah, we see what you're saying we just don't want anything to. We don't want to get into the situation where there is dead water and we have a 12" line that needs to be cleaned, you have to be flushing it. And then what happens is that water gets backed up and then you have bacteria situation. Yeah its coming out pure and clean from the water plant, but the water lines become stagnate.

Commissioner Galo: I don't know how we proceed then, any suggestions?

Mr. Flores: The issue here is timeline, that's the monkey wrench.

Judge: what was the motion, I'm sorry?

Commissioner Gonzalez: the motion was to approve the project list, and I amended it to include engineering work with James and make sure that we have everything squared away for these projects, the numbers for these projects, especially the line projects.

Judge: ok, do we have a second as well?

Commissioner Wawi: yes, I do, I second

Judge: ok, I have a second, does anyone oppose?

Commissioner Liendo: Actually judge I have a question on the administration fees, I know that you mentioned possibly hiring a consultant, under that line item. Would that come back to us before its done?

Judge: Can we even do that? We can approve this and then approve the consultant right now right? That way they can start working on it

Comm. Galo: Well they can't hire anyone without us

Judge: Lets go ahead and move this motion and then we can, it's still open (Comm. Liendo: Ok) So, motion is second any opposed? Motion carries

Judge: Now, commissioner Liendo, if you'd like to go out for consultants

Commissioner Liendo: No, I don't. I'm against consultants and that why ****incomprehensible****

Judge; Oh, you are against consultants? Ok

Lalo off camera: Well Judge, I think there may be a little bit of a, for projects like this they're probably more referred to as project managers instead of consultants. (Judge: Ok.) for a firm to oversee the daily progress on each construction project and to report back to the court on the progress, on the payments and what have you. A consultant is probably more someone to tell you useful projects, the committee has already done that what you probably want to consider more is to refer to them as (Judge: A project manager.) It's like the fairgrounds, they'll have somebody out there daily they'll have a software system

that we can log into with cameras on the projects. So something like that, it's more of a project manager.

Judge: Ok, I'm gonna go ahead and move the motion. & I'll move the motion to go out for a project manager for the ARPA funds, is that correct? (Comm. Galo: They're gonna use one?) Um, how will that work Joe? (Comm. Galo: Because I think you have different projects and you're gonna have different types of managers)

Nathan Bratton: I would suggest that you direct staff to develop a scope of services for the project administration of the ARPA funds. That way we can bring it all back and can see exactly what the services are and how it will work and we can see if yes or no. (Judge: That would be my motion)

Comm Liendo: And this person would be under Mr. Flores? (Nathan Bratton: He can be under this court, directly under this court.) (Judge: Yeah) (Comm. Galo: Um I think Mr. Flores needs to be involved because he's the one ultimately he's gonna be on the chopping block.) (Judge: I agree) (Comm. Wawi: and I have a question for Mr. Flores. Mr. Flores, do we need a consultant? I don't think we need one.) (Comm. Galo: Well, he can't handle the projects by himself, with the correct staff.) (Comm. Gonzalez: He needs help, he needs help. But James you would be ultimately the project manager, I guess? I mean that's the thing, I know Lalo was saying "project manager", but what is James now? What is he gonna be doing?) (Comm. Liendo: He's the director.)

Judge: I think he could, I Think, in my opinion I think we do need a project manager and I think with the help of Mr. Flores or working together I think they will be able to make it work. I think that it'll help relieve a little bit of his worries. So, I think it'll be good.

Commissioner Galo: But I don't think you're only gonna need like I said, one because ypu're gonna have someone that's an expert in utilities and then somebody if we do meals on wheels its just gonna be *incomprehensible**

Judge: Well, I've been studying some of these "project managers" for the ARPA funds and there are some out there that are pretty much dping it all. They kind of have a little bit of a team that kind of does engineering, they do this, they do that, but its one company. (Comm. Galo: We'll see what's out there) (Comm. Gonzalez: Explore the possibilities.) So, I'm sorry Nathan, I moved a motion. What exactly motion was it that you said?

Nathan Bratton: You instruct staff to come back to you with a scope of services for that.

Judge: Alright, that'd be my motion. Can I get a second?

Comm. Gonzalez: Yeah, I'll give a second.

Judge: Motion is second, any opposed? *Silence* Motion carries

Comm Galo: And then the only other thing I would like to add on the, Joe, ok well scope of services Mr. Flores, again on the water lines again to make sure that we don't have stagnant water so that has to be included in their study when they do the

Judge: Off of what he's saying, piggybacking off of what he is saying, I believe if Tomas Sanchez was here I think. Well, you know what, LPG I think you might know this. There is 120 feet that is not looped. Our waterlines, our water infrastructure, is there like 120 feet that needs to be added for it to be looped

completely? (Mr. Perez Garcia: I am not aware of that.) I am more than sure. (Mr. Perez Garcia: I know there are lines that go through El Cenizo and those lines *incomprehensible*) Alright, well we won't move anything. No action right now, but if we can just work on that with Tomas Sanchez if I'm not mistaken, if you could just get with him there is 120 feet that need to get done and this ARPA money will allow that. So we just need to loop everything, because I know right now that we don't have the complete loop. I think its missing 120 feet.

Comm Galo: and then I have two other things, the generators, we had what? I think 400k in here (Mr. Flores: Yes.) That's one big generator (Judge: yeah, that is one.) That's not near enough and then the other thing we need, if we do all the other projects we can't do it without water rights (Comm. Gonzalez: what was that?) Water rights. I think we're already at 65% on the water rights at our normal use. I don't know what that's gonna cost but

Judge: Ok, so we need to do anything else today? James, we're good? (Mr. Flores: We're good) Thank you sir, once again appreciate you.