

**FRIO COUNTY COMMISSIONERS COURT MINUTES FOR
April 13TH, 2020**

On the 13th day of April, 2020, at 3:00 p.m., the Commissioners Court of Frio County met in a regular meeting with the following members either absent or present, to-wit: Arnulfo C. Luna, Frio County Judge was present; Vicki Camacho, Commissioner Pct 1 present; Richard "Dicki" Graf, Commissioner Pct 2 Absent; Ruben Maldonado, Commissioner Pct 3 Absent; Jose Asuncion, Commissioner Pct 4 present; Joseph A. Sindon, Legal Counsel for Frio County Commissioners Court present; and Aaron Ibarra, Frio County Clerk present when the following meeting was held, to-wit:

- I. Invocation and Pledge of Allegiance
- II. Adopt Agenda
Motion by: Commissioner Camacho
Seconded by: Commissioner Asuncion
Voted Aye: All Motion Carried
- III. Old Business: **None**

PRESENTATION

ACTION AGENDA ITEMS

- IV. General Discussion: **None**
- V. Citizens To Be Heard: **None**
- VI. New Business

PRESENTATION

ACTION AGENDA ITEMS

- (1) Frio County Commissioners Court, requests:

Consider/take action on an order authorizing a tax abatement agreement with Elara Energy Project, LLC (Pursuant to Texas Tax Code, Chapter 312) as posted on March 12, 2020 below:

**FRIO COUNTY, TEXAS
NOTICE OF PUBLIC MEETING**

On Monday, April 13, 2020 at 3:00 pm, the Commissioners Court of Frio County (the "County") shall hold its regular public meeting in the Frio County Courtroom, Frio County Courthouse, 500 East San Antonio Street, Pearsall, Texas 78061. The agenda for this meeting will include discussion and consideration of approval of a tax abatement agreement pursuant to Chapter 312, Texas Tax Code and other authority.

This proposed tax abatement agreement involves the following:

Applicant	Elara Energy Project, LLC
Property Owner	Halff Brothers Ranch Ltd
Reinvestment Zone	Burnt Hollow Creek Reinvestment Zone* <i>*pending consideration by the Frio County Commissioners Court on March 23, 2020</i>
Location of Zone	1,744 acre parcel located approximately 5 miles west of Pearsall, Texas <i>(See legal description posted at the end of this notice.)</i>
Description of Project and Improvements	A utility-scale, grid connected solar photovoltaic energy (PV) plant; the Project will include the following: (i) planned up to 130 MW-AC in size, (ii) Photovoltaic (PV) modules; (iii) DC to AC inverters and transformers; (iv) medium and high voltage electric cabling; (v) single access tracker racking system (mounting structures); (vi) Project substation which will include high voltage transformer, switchgear, transmission equipment, telecommunications and SCADA control equipment, circuit breakers, switches, and control room; (vi) Operations and Maintenance facility which shall house four permanent storage containers (two of which shall be insulated and temperature controlled), an HVAC-equipped office building featuring an ADA-compliant restroom and kitchen area, an underground septic and leeching system, computer equipment associated with operation of the project SCADA system, and a parking area for a minimum of ten vehicles; (vii) meteorological equipment to measure solar irradiance and other weather conditions; and (viii) Associated equipment to operate, maintain, and deliver electricity to the grid. The type of improvements installed for the Project will include: solar modules/panels, mounting systems, transformers, meters, and other equipment associated with a utility scale renewable energy project.
Estimated Cost of Improvements	\$151,032,000

Zone Location:

ALL that real property situated in Frio County, Texas, described as follows:

BEING A 1,744.26 ACRE TRACT OF LAND LOCATED IN THE BS&F RR SURVEY NO. 8, ABSTRACT NO. 870; THE BS&F RR SURVEY NO 7, ABSTRACT NO. 90; THE MARTINEZ, J SURVEY 917, ABSTRACT NO. 494; THE HOFFMAN, C SURVEY NO. 919, ABSTRACT NO. 383; THE BS&F SURVEY NO. 9, ABSTRACT NO. 97; THE GIBSON, J H SURVEY NO. 12, ABSTRACT NO. 875; THE CARRANZA, M L SURVEY NO. 918, ABSTRACT NO. 164; GIBSON, J H SURVEY NO. 14, ABSTRACT NO. 871, AND BEING A PORTION OF A CALLED 19,530.854 ACRE TRACT OF LAND CONVEYED FROM HERBERT M. OPPENHEIMER, ET AL TO HOWARD A. HALFF, THOMAS A. HALFF, AND ALEXANDER H. HALFF, AND RECORDED IN VOLUME 311, PAGE 217, FRIO COUNTY, DEED RECORDS, TOGETHER WITH THE MINERAL INTEREST ACQUIRED THEREIN; AND THE 30,295.002 ACRES OF LAND, MORE OR LESS, DESCRIBED IN DEED DATED MARCH 19, 1974, FROM RAE O. BURNHAM, ET AL TO HOWARD A. HALFF, THOMAS A. HALFF, AND ALEXANDER H. HALFF, RECORDED IN VOLUME 311, PAGE 229, FRIO COUNTY, DEED RECORDS, TOGETHER WITH THE MINERAL

INTEREST ACQUIRED THEREIN; SAID 1,744.26 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN 4" X 4" CONCRETE MONUMENT FOUND, BEING IN THE SOUTHWEST RIGHT-OF-WAY LINE WEST FARM TO MARKET ROAD 140 AND THE NORTHEAST LINE OF SAID 19,530.854 ACRE TRACT, SAID POINT BEING THE MOST EASTERLY POINT OF A CALLED 114.64 ACRE TRACT OF LAND CONVEYED FROM ALMA O. HALFF, ET AL, TO THOMAS A. HALFF, ET UX, AND RECORDED IN VOLUME 199, PAGE 460, DEED RECORDS, FRIO COUNTY, AND ALSO BEING THE NORTHERN MOST POINT OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 51 DEGREES 31 MINUTES 30 SECONDS EAST, WITH THE COMMON LINE OF SAID SOUTHWEST RIGHT-OF-WAY LINE AND THE NORTHEAST LINE OF SAID 19,530.854 ACRE TRACT, A DISTANCE OF 4,366.69 FEET TO A 5/8-INCH IRON ROD WITH CAP "SAM" SET;

THENCE OVER AND ACROSS SAID 11,884.60 ACRE TRACT THE FOLLOWING FOUR (4) COURSES AND DISTANCES:

- 1) SOUTH 42 DEGREES 37 MINUTES 12 SECONDS WEST, A DISTANCE OF 8,444.77 FEET TO A 5/8-INCH IRON ROD WITH CAP "SAM" SET FOR AN ANGLE CORNER OF THE HEREIN DESCRIBED TRACT,
- 2) SOUTH 30 DEGREES 14 MINUTES 00 SECONDS EAST, A DISTANCE OF 1,815.89 FEET TO A 5/8-INCH IRON ROD WITH CAP "SAM" SET FOR AN ANGLE CORNER OF THE HEREIN DESCRIBED TRACT,
- 3) SOUTH 44 DEGREES 39 MINUTES 56 SECONDS WEST, A DISTANCE OF 7,820.13 FEET TO A 8-INCH POST FOUND, AND
- 4) SOUTH 44 DEGREES 03 MINUTES 14 SECONDS WEST, A DISTANCE OF 777.90 FEET TO A 2-INCH POST FOUND AT THE COMMON CORNER OF SAID 11,884.60 ACRE TRACT AND A CALLED 6,373.38 ACRE TRACT KNOWN AS THE JESSE OPENHEIMER FRIO TRACT, FOR AN ANGLE CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 88 DEGREES 15 MINUTES 00 SECONDS WEST, WITH THE COMMON LINE OF SAID 19,530.854 ACRE TRACT AND SAID 6,373.38 ACRE TRACT, A DISTANCE OF 2,229.95 FEET TO A 5/8-INCH IRON ROD WITH CAP "SAM" SET FOR AN ANGLE CORNER OF THE HEREIN DESCRIBED EASEMENT;

THENCE OVER AND ACROSS SAID 11,884.60 ACRE TRACT THE FOLLOWING TWELVE (12) COURSES AND DISTANCES:

1. NORTH 02 DEGREES 15 MINUTES 05 SECONDS WEST, A DISTANCE OF 72.18 FEET TO A 5/8-INCH IRON ROD WITH CAP "SAM" SET FOR AN ANGLE CORNER OF THE HEREIN DESCRIBED TRACT,
2. NORTH 66 DEGREES 09 MINUTES 23 SECONDS WEST, A DISTANCE OF 53.90 FEET TO A 5/8-INCH IRON ROD WITH CAP "SAM" SET FOR AN ANGLE CORNER OF THE HEREIN DESCRIBED TRACT,

3. NORTH 10 DEGREES 06 MINUTES 17 SECONDS EAST, A DISTANCE OF 2,904.90 FEET TO A 5/8-INCH IRON ROD WITH CAP "SAM" SET FOR AN ANGLE CORNER OF THE HEREIN DESCRIBED TRACT,
4. NORTH 40 DEGREES 43 MINUTES 38 SECONDS EAST, A DISTANCE OF 6,346.00 FEET TO A 5/8-INCH IRON ROD WITH CAP "SAM" SET FOR AN ANGLE CORNER OF THE HEREIN DESCRIBED TRACT,
5. NORTH 27 DEGREES 01 MINUTES 12 SECONDS EAST, A DISTANCE OF 172.05 FEET TO A 5/8-INCH IRON ROD WITH CAP "SAM" SET FOR AN ANGLE CORNER OF THE HEREIN DESCRIBED TRACT,
6. NORTH 23 DEGREES 00 MINUTES 18 SECONDS WEST, A DISTANCE OF 552.57 FEET TO A 5/8-INCH IRON ROD WITH CAP "SAM" SET FOR AN ANGLE CORNER OF THE HEREIN DESCRIBED TRACT,
7. NORTH 18 DEGREES 59 MINUTES 46 SECONDS EAST, A DISTANCE OF 4,611.80 FEET TO A 5/8-INCH IRON ROD WITH CAP "SAM" SET FOR AN ANGLE CORNER OF THE HEREIN DESCRIBED TRACT,
8. NORTH 52 DEGREES 02 MINUTES 33 SECONDS WEST, A DISTANCE OF 1,748.86 FEET TO A 5/8-INCH IRON ROD WITH CAP "SAM" SET FOR AN ANGLE CORNER OF THE HEREIN DESCRIBED TRACT,
9. NORTH 24 DEGREES 58 MINUTES 45 SECONDS EAST, A DISTANCE OF 2,519.71 FEET TO A 5/8-INCH IRON ROD WITH CAP "SAM" SET FOR AN ANGLE CORNER OF THE HEREIN DESCRIBED TRACT,
10. SOUTH 63 DEGREES 21 MINUTES 52 SECONDS EAST, A DISTANCE OF 291.82 FEET TO A 4" X 4" CONCRETE MONUMENT, SAME POINT BEING THE WEST CORNER OF SAID 114.64 ACRE TRACT,
11. SOUTH 62 DEGREES 31 MINUTES 36 SECONDS EAST, ALONG THE SOUTHWEST LINE OF SAID 114.64 ACRE TRACT, A DISTANCE OF 2,096.43 FEET TO A 4" X 4" CONCRETE MONUMENT FOUND AT THE SOUTHERN MOST CORNER OF SAID 114.64 ACRE TRACT FOR AN ANGLE CORNER OF THE HEREIN DESCRIBED TRACT, AND
12. NORTH 48 DEGREES 56 MINUTES 45 SECONDS EAST; A DISTANCE OF 2,499.75 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 1,744.26 ACRES (MORE OR LESS).

(2) Kirk Swinney, Low Swinney Evans & James, PLLC, requests:

Discuss regarding the current status of suit by Frio County Appraisal District, Pearsall ISD, City of Pearsall, and Frio County Hospital District regarding South Texas Electric Coop., Inc. v. Frio County Appraisal Dist., no. 18-09-00349CVF.

Motion by: Commissioner Vicki Camacho to enter executive session,

Seconded by: Commissioner Jose Asuncion

Voted Aye: All Motion Carried

Returned at 4:27 p.m. to the same vote.

- (3) Hon. Jose Asuncion, Frio County Commissioner, Precinct No. 4, requests:

Order full or partial closing of Frio County Facilities, limit public access to Frio County Facilities, or offer directive for Frio County officials and administrators for the recommended operation of their respective offices for a specified time period due the COVID-19 virus pandemic.

It was discussed at length the scope, length, and instructions the Commissioners should impose on the County employees. Ultimately it was decided to leave it to the discretion of County Officials in regards to

Motion by: Commissioner Jose Asuncion

Seconded by: Commissioner Vicki Camacho

Voted Aye: All Motion Carried

- (4) Hon. Ruben Maldonado, Frio County Commissioner, Precinct No. 3, requests:

Consider/take action on placing speedbumps or speedhumps on County Road 1056 and CR 1000 if approved by the Texas Department of Transportation.

Motion by: Commissioner Jose Asuncion

Seconded by: Commissioner Vicki Camacho

Voted Aye: All Motion Carried

- (5) Hon. Joseph A. Sindon, Frio County Attorney and Legal advisor to the Frio County Commissioners Court, requests:

5.1 Discussion regarding current strategies regarding the release of public information to the public regarding the status of the COVID-19 Pandemic in Frio County.

5.2 Discussion and action regarding the creation or designation of an official Frio County Facebook account for the dissemination of information to the public.

5.3 Consider appointment of a physician to serve as local health authority in Frio County.

Motion by: Commissioner Jose Asuncion

Seconded by: Commissioner Vicki Camacho

Voted Aye: All Motion Carried

(6) Roxana Garcia, P.E., Frio County Engineer, requests:

6.1 Consider / take action on opening sealed requests for bids for the Building Improvements and ADA Accommodations of the Frio County Dilley Annex, located in Dilley, Texas that were received by the specified deadline.

6.2 Consider/take action on selecting a winning bid from the bids received.

Motion by: Commissioner Vicki Camacho

Seconded by: Commissioner Jose Asuncion

Voted Aye: All Motion Carried

(7) Roxana Garcia, P.E., Frio County Engineer, requests:

7.1 Consider/take action on approving and adopting a resolution granting a permit for a \$150.00 fee to Maria Espinosa, to lay, construct and maintain an 3/4" SCHD 40 PVC pipe in a 2" steel casing or SCHD 80 PVC in the CR 4670 Hugo Rd. right-of-way.

7.2 If the resolution is approved and adopted, then authorize Frio County Judge Arnulfo C. Luna to execute a Right of Way Agreement on behalf of Frio County, Texas to Maria Espinosa.

Motion by: Commissioner Jose Asuncion

Seconded by: Commissioner Vicki Camacho

Voted Aye: All Motion Carried

(8) Roxana Garcia, P.E., Frio County Engineer, requests:

8.1 Consider/take action on approving and adopting a resolution granting a permit for a \$150.00 fee to Pilot Water Solutions SWD, LLC, to lay, construct and maintain an 8" HDPE DR11 brine water pipeline installed in a 16" steel casing in CR 4885 Hurt Rd. right of way.

8.2 If the resolution is approved and adopted, then authorize Frio County Judge Arnulfo C. Luna to execute a Right of Way Agreement on behalf of Frio County, Texas to Pilot Water Solutions SWD, LLC.

Motion by: Commissioner Vicki Camacho

Seconded by: Commissioner Jose Asuncion

Voted Aye: All Motion Carried

(9) Roxana Garcia, P.E., Frio County Engineer, requests:

Consider/take action on approving a Memorandum of Donation with Texas Materials Group, Inc. to donate 5,000 SY of salvaged Reclaimed Asphalt Pavement (RAP). The County will use its forces to load and move materials from TxDOT's Routine Maintenance Project located on FM 1582 from SH 97 to SH 85.

Motion by: Commissioner Jose Asuncion

Seconded by: Commissioner Vicki Camacho

Voted Aye: All Motion Carried

(10) Roxana Garcia, P.E., Frio County Engineer, requests:

10.1 Consider/take action on approving Master Service Agreement between Frio County and S&B Infrastructure to perform engineering work for Frio County, whom was previously selected on April 6, 2020 by the Frio County Commissioners Court.

10.2 If the agreement is approved, consider/take action on signing resolution authorizing Judge Arnulfo C. Luna to enter into same on behalf of Frio County.

Motion by: Commissioner Vicki Camacho

Seconded by: Commissioner Jose Asuncion

Voted Aye: All Motion Carried

(11) Roxana Garcia, P.E., Frio County Engineer, requests:

11.1 Consider/take action on approving Master Service Agreement between Frio County and Gessner Engineering to perform engineering work for Frio County, whom was previously selected on April 6, 2020 by the Frio County Commissioners Court.

11.2 If the agreement is approved, consider/take action on signing resolution authorizing Judge Arnulfo C. Luna to enter into same on behalf of Frio County.

Motion by: Commissioner Jose Asuncion

Seconded by: Commissioner Vicki Camacho

Voted Aye: All Motion Carried

(12) Roxana Garcia, P.E., Frio County Engineer, requests:

12.1 Consider/take action on approving an Amendment No.2 to the existing Agreement for the Master Plan Update signed March 13, 2019 with Architexas to provide for the renovation of the Frio County Office Building Located at 1796 IH 35 E, Pearsall, Texas.

12.2 If the resolution is approved and adopted, then authorize Frio County Judge Arnulfo C. Luna to execute the same on behalf of Frio County, Texas.

Motion by: Commissioner Jose Asuncion

Seconded by: Commissioner Vicki Camacho

Voted Aye: All Motion Carried

(13) Hon. Aaron Ibarra, Frio County Clerk, requests:

13.1 Review Frio County Commissioners Court minutes for March 24 (x2), 27, and April 6, 2020.

13.2 Consider/Approve Frio County Commissioners Court minutes for March 24 (x2), 27, and April 6, 2020

Motion by: Commissioner Jose Asuncion

Seconded by: Commissioner Vicki Camacho

Voted Aye: All Motion Carried

- (14) Receive in person from the following county officials the following reports as mandated by law:
- 14.1 Presentation by Frio County Treasurer of detailed report as mandated by Section 114.026, Local Government (“Code”) (this report is to be presented at each **regular term of commissioners court**).
 - 14.2 Frio County Treasurer to exhibit the books and accounts of that office for the inspection of the commissioners court (**to be done at each regular term of commissioners court**).
 - 14.3 Consider/take action on authorizing the execution by Frio County Commissioners Court (the Judge and each commissioner) of an affidavit stating the requirements of the treasurer’s report have been met as mandated by section 114.026 of the Code.
 - 14.4 Consider/take action on execution of an order of the commissioners court approving the county treasurer’s report and order their publication in the Frio-Nueces Current as mandated by Section 114.026 of the Code or publication on the county’s website.
Motion by: Commissioner Vicki Camacho
Seconded by: Commissioner Jose Asuncion
Voted Aye: All Motion Carried

(15) Frio County Commissioners Court requests:

Presentation, pursuant to Section 114.044 of the Local Government Code, by:

- 1. Frio County District Clerk;
- 2. Frio County Clerk
- 3. Frio County Treasurer
- 4. Frio County Attorney
- 5. Frio County Judge
- 6. Frio County Sheriff
- 7. Frio County Auditor
- 8. Frio County Justice of the Peace
- 9. Frio County Constables

(who collects or handles any money for the use of the county) of all fines imposed, judgments rendered and collected, and all jury fees collected by the respected courts in favor of or for the use of the county and at that time when the reports are presented to present receipts vouchers that show disposition of the money, fines or judgments.

After examination by the commissioners court as to the correctness of the reports, consider/action on directing the county clerk to enter information in county finance records as mandated by Section 114.044 of the Code.

Motion by: Commissioner Vicki Camacho
Seconded by: Commissioner Jose Asuncion
Voted Aye: All Motion Carried

(16) Documents (resolutions, orders, contracts, etc.) to be signed.

(17) Allow bills payable

Motion by: Commissioner Vicki Camacho

Seconded by: Commissioner Jose Asuncion

Voted Aye: All Motion Carried

(18) Adjourn

Motion by: Commissioner Vicki Camacho

Seconded by: Commissioner Jose Asuncion

Voted Aye: All Motion Carried

Approved:

Attest:

