

# Official Minutes for Webb County Commissioners Court Meeting

Monday, February 25, 2008 at 9:00 AM  
(approved March 10, 2008)

Call to order by Judge Danny Valdez

Let it be remembered that a regular meeting of the Webb County Commissioners Court was held at 9:00 a.m. at the regular meeting place with the following members present to wit:

Danny Valdez	County Judge
Frank Sciaraffa	Commissioner, Pct. 1
Rosaura "Wawi" Tijerina	Commissioner, Pct. 2
Jerry Garza	Commissioner, Pct. 3
Sergio "Keko" Martinez	Commissioner, Pct. 4

Thus constituting a quorum, the Commissioners Court proceeded to act upon the Agenda as posted in the meeting notice of the 22<sup>nd</sup> of February 2008. Present also were Mrs. Imelda Diaz, Deputy County Clerk representing Mrs. Margie Ramirez Ibarra, Ex-officio Clerk of the Commissioners Court, various officers and others interested in the business of the Court.

**Item No. 1. Roll Call by Honorable Margie Ramirez-Ibarra, Webb County Clerk**

Cmr. Sciaraffa was absent when Mrs. Margie Ramirez Ibarra, Webb County Clerk called roll.

**Item No. 2. Pledge of Allegiance**

**Item No. 3. Approval of Minutes for February 11, 2008**

Cmr. Garza motioned to approve item as submitted. Cmr. Martinez seconded the motion.

Motion carried 4-0 by unanimous consent.

**Item No. 4. Approval of Bills, Payroll, and Monthly Report**

Ms. Delia Perales, County Treasurer, explained her January 2008 monthly report.

Cmr. Martinez motioned to approve item as submitted. Cmr. Tijerina seconded the motion.

Motion carried 4-0 by unanimous consent.

**Item No. 5. Communications**

Cmr. Tijerina congratulated WBCA (Washington's Birthday Celebration Association), Ms. Minita Ramirez, and all Board members for all the successful events. She congratulated Senator Judith Zaffirini, Veronica Castro, Ramon Garza Barrios, and Neo Gutierrez.

Cmr. Garza congratulated WBCA for a successful turnout. He advised everyone that the launching of the 311 non emergency program would be this afternoon at 3:00 p.m. at the Tex Mex Building and invited everyone to attend.

Cmr. Martinez congratulated WBCA and all the honorees. He sent his condolences to the Landin Family and stated that Mr. Melecio Landin had served 25 years as part of the Sheriff's Department and participated in both the Korea and Vietnam War.

Judge Valdez sent his condolences to the Carlos and Luis Farias Family, Family of Oscar Villarreal, Family of Mr. Melecio Landin, and Family of Mr. George Andrews. He also congratulated the WBCA and Ms. Minita Ramirez, Senator Judith Zaffirini, Neo Gutierrez, Ramon Garza Barrios, Veronica Castro, and Rancher of the Year Judge Oscar Martinez. Judge welcomed Mr. Fitzgerald Sanchez, the new Webb County Engineer. He encouraged everyone to go out and vote and thanked everyone for working together in the 311 program.

**Item No. 6. Public Comment - This section provides the public the opportunity to address the Commissioners Court on any items on the Agenda. Members of the public wishing to participate must complete a Witness Card specifying which agenda item they wish to comment on. Each public member will be allowed a total of three (3) minutes within which to make any/all public comments.**

No one signed up for Public Comment.

**Honorable Danny Valdez, Webb County Judge**

**Item No. 7. Discussion and possible action to disburse funds to Laredo Independent School District, United Independent School District, and Webb Consolidated Independent School District from the Permanent School Land Fund (with the exception of one million dollars to be retained in the permanent school land fund) held in trust by Webb County in the following amounts as recommended and agreed upon by the superintendents of each school district in Webb County as follows:**

United Independent School District:	34,845.208	60.43%
Laredo Independent School District:	22,473.475	38.97%
Webb Consolidated ISD	343.099	. 60%

**and any other matters incident thereto.**

Cmr. Martinez motioned to approve item as submitted. Cmr. Garza seconded the motion.

Motion carried 4-0 by unanimous consent.

**Honorable Rosaura "Wawi" Tijerina Webb County Commissioner Pct. 2**

Cmr. Frank Sciaraffa present at 9:20 a.m.

**Item No. 8. Presentation to Commissioners Court by the Civil Service Advisory Committee concerning the implementation of a civil service system for Webb County employees.**

Mr. Mike Buckiewicz, County Attorney's Office, made presentation to Commissioner's Court on the status of the implementation of the civil service system.

Presentation of file at the Webb County Clerks Office under the February 25<sup>th</sup> Commissioner's Court DVD.

**Item No. 9. Discussion and possible action to designate the following sites for a water well project subject to funding by the Office of Rural Community Affairs:**

**Lot 31, Block 9, Colorado Acres Subdivision  
Lot 8, Block 49, situated in the town of Bruni  
County owned 3.5 acre site 4.3 miles east of Oilton off State Highway 359**

Cmr. Tijerina motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

**Honorable Sergio “Keko” Martinez, Webb County Commissioner Pct. 4**

**Item No. 10. Discussion and Possible action to restrict the use of Webb County Public property including but not limited to Commissioners Courthouse, Court rooms and parking areas for Political purposes and propaganda.**

Cmr. Martinez motioned to table the item. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

**Commissioners Court**

**Item No. 11. Discussion and possible action to accept a donation from the Fernando A. Salinas Charitable Trust to be used exclusively for Change Order No. 4 to the Leyendecker Construction Contract for the construction of the Girl Scout Center.**

Cmr. Tijerina motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Judge Valdez recognized Mr. Javier Santos, representative for the Fernando A. Salinas Charitable Trust.

**Item No. 12. Discussion and possible action to adopt a Resolution in Support of the Loop 20 (Cuatro Vientos Road) Project.**

Mr. Homero Ramirez, County Attorney, stated that there were a couple of corrections which were that they should be only one bullet on the Resolution part and the Order and Decreed part should stand alone.

Cmr. Tijerina motioned to approve item as submitted. Cmr. Martinez seconded the motion.

Ms. Melissa Montemayor, Tex DOT, gave the Court a status report on the project.

Motion carried 5-0 by unanimous consent.

**Webb County Attorney**

**Item No. 13. Discussion and possible action to enter into an “Agreement to Contribute Funds-Local Governments” (ROW CSJ No. 0922-115) with the State of Texas acting by and through the Texas Department of Transportation to contribute ONE HUNDRED TWENTY-SEVEN THOUSAND FORTY-TWO DOLLARS (\$127,042.00) for right-of-way acquisition and utilities adjustments for the Cuatro Vientos Road and authorizing**

the County Judge to sign all relevant documents. [Requested by TX-Dot, Account Number 716-7102-6022]

Com. Martinez motioned to approve item as submitted. Com. Tijerina seconded the motion.

Motion carried 5-0 by unanimous consent.

**Item No. 14.** Discussion and possible action to enter into the following third party general fund contracts and authorizing the County Judge to sign all relevant documents:

Contractor Organization	Contract amount
Laredo Children's Museum d/b/a Imaginarium of South Texas	\$25,000.00
Laredo Philharmonic Chorale	\$8,000.00

Com. Sciaraffa motioned to approve item as submitted. Com. Tijerina seconded the motion.

Motion carried 5-0 by unanimous consent.

**Item No. 15.** Discussion and possible action to enter into a One (1) year (March 15, 2008 through March 14, 2009) maintenance agreement with Thyssen-Krupp Elevator Corporation for the maintenance of Five (5) elevators located at the Webb County Justice Center at a cost of FOURTEEN THOUSAND SEVEN HUNDRED FIFTY-SEVEN DOLLARS AND FORTY-SEVEN CENTS (\$14,757.47), and ordering an exemption from the competitive bidding statute (Local Government Code section 262.024(a)(7) (Sole Source), and authorizing the County Judge to execute all relevant documents. [Requested by Raul Elizondo, Director Webb County Facilities Department; Account Number 001-0106-6401 (Repairs & Maintenance)]

**Item No. 16.** Discussion and possible action to enter into a One (1) year (March 15, 2008 through March 14, 2009) maintenance agreement with Thyssen-Krupp Elevator Corporation for the maintenance of Two (2) elevators located at the Webb County Administration Building at a cost of FIVE THOUSAND EIGHT HUNDRED TWENTY-THREE DOLLARS AND THIRTY-THREE CENTS (\$5,823.33), and ordering an exemption from the competitive bidding statute (Local Government Code section 262.024(a)(7) (Sole Source), and authorizing the County Judge to execute all relevant documents. [Requested by Raul Elizondo, Director Webb County Facilities Department; Account Number 001-0106-6401 (Repairs & Maintenance)]

**Item No. 17.** Discussion and possible action to enter into a One (1) year (March 15, 2008 through March 14, 2009) maintenance agreement with Thyssen-Krupp Elevator Corporation for the maintenance of One (1) elevator located at the Webb County Courthouse at a cost of TWO THOUSAND THREE HUNDRED EIGHTY-SIX DOLLARS AND TWENTY-FIVE CENTS (\$2,386.25), and ordering an exemption from the competitive bidding statute (Local Government Code section 262.024(a)(7) (Sole Source), and authorizing the County Judge to execute all relevant documents. [Requested by Raul Elizondo, Director Webb County Facilities Department; Account Number 001-0106-6401 (Repairs & Maintenance)]

Item No. 18. Discussion and possible action to enter into a One (1) year (March 15, 2008 through March 14, 2009) maintenance agreement with Thyssen-Krupp Elevator Corporation for the maintenance of One (1) elevator located at the Webb County Justice of the Peace Precinct 2 Building at a cost of TWO THOUSAND THIRTY-TWO DOLLARS AND NINETY-SEVEN CENTS (\$2,032.97), and ordering an exemption from the competitive bidding statute (Local Government Code section 262.024(a)(7) (Sole Source), and authorizing the County Judge to execute all relevant documents. [Requested by Raul Elizondo, Director Webb County Facilities Department; Account Number 001-0106-6401 (Repairs & Maintenance)]

Item No. 19. Discussion and possible action to enter into a Five (5) year (March 1, 2008 through February 28, 2013) maintenance agreement with Thyssen-Krupp Elevator Corporation for the maintenance of One (1) elevator located at the Webb County Sheriff Administration Building at a monthly cost of TWO HUNDRED ELEVEN DOLLARS AND NINETY-THREE CENTS (\$211.93), and ordering an exemption from the competitive bidding statute (Local Government Code section 262.024(a)(7) (Sole Source), and authorizing the County Judge to execute all relevant documents. [Requested by Sheriff Rick Flores; Account Number (001-2001-6402) Repair & Maintenance]

Cmr. Garza motioned to approve items #15, 16, 17, 18, and 19 as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 20. Discussion and possible action to appoint Alberto Hernandez and Ana Cecilia Acosta to the Webb County Child Welfare Board, to fill vacancies in accordance with their nomination by the Board at its meeting of February 5, 2008. [Requested by Michael Bukiewicz, Chairman Webb County Welfare Board]

Cmr. Martinez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

#### Webb County Tax Attorney

Item No. 21. Discussion and possible action to accept the county's proportionate share of the proceeds in the sale of two properties that were being held in trust by the City of Laredo.

Property #1 Cause # 1994TXA000630D1 Account # 916-00015-040  
Property Description: LOT 4 BLK 15 MORENO City of Laredo, County of Webb.  
Amount Due: \$2,840.69

Property #2 Cause # 1994TXA000630D1 Account # 916-00015-050  
Property Description: LOT 5 BLK 15 MORENO City of Laredo, County of Webb.  
Amount Due: \$2,693.50 Amount paid at sale \$ 4867.42

Cmr. Sciaraffa motioned to approve item as submitted. Cmr. Martinez seconded the motion.

Motion carried 5-0 by unanimous consent.

#### Webb County Sheriff's Department

**Item No. 22.** Discussion and possible action to approve the submission of a grant application to the Office of the Governor Criminal Justice Division for a Fund 421 grant. This grant requires no match, and thus, is at no cost to the county.

**Item No. 23.** Discussion and possible action to approve the submission of a grant application to the Texas Department of Public Safety Division of Emergency Management (DEM) for a Local Border Security Program FY08 (LBSP-08) grant. This grant requires no match, and thus, is at no cost to the county.

Cmr. Martinez motioned to approve items 22 and 23 as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

### **Auditor**

**Item No. 24.** Discussion and possible action to designate specific allocation for the \$1,050,000 approved by Commissioners Court for capital outlay on December 30, 2007.

Discussion on file at the Webb County Clerks Office under the February 25<sup>th</sup> Commissioner's Court DVD.

Cmr. Martinez motioned to approve item subject to inspection by the MIS Department and Purchasing Department to see if equipment and furniture are really necessary and if no monies were to be used they are to be divided evenly among the Court. He also included appointing one member of the Commissioner Court to conduct the inspection and that a list be prepared and submitted to the Court for approval. Cmr. Garza seconded the motion.

Judge Valdez appointed Cmr. Tijerina and Mr. Leroy Medford.

Motion carried 5-0 by unanimous consent.

### **Community Action Agency**

**Item No. 25.** Discussion and possible action to accept the first installment of funding from CPL Retail Energy's Neighbor to Neighbor Program for PY-2008 in the amount of \$13,142.76.

**Item No. 26.** Discussion and possible action to accept the initial allocation from the Texas Department of Housing & Community Affairs (TDHCA), for the Community Services Block Grant (CSBG) for FY 2008, in the amount of \$100,622.00 and authorizing the County Judge to sign all relevant documents.

**Item No. 27.** Discussion and possible action to accept a grant award for the Comprehensive Energy Assistance Program (CEAP) from the Texas Department of Housing & Community Affairs (TDHCA), for FY-2008, in the amount of \$371,317.00 and authorizing the County Judge to sign all relevant documents.

Cmr. Sciaraffa motioned to approve items 25, 26, and 27 as submitted. Cmr. Tijerina seconded the motion.

Motion carried 5-0 by unanimous consent.

**Item No. 28.** Discussion and possible action to modify the following slot numbers:

From: slot #2054      Lead Driver @ \$9.00 per hour – full time with benefits  
To: slot #2054      Driver @ \$9.00 per hour – part time no benefits

From: slot #1911      Driver I @\$9.00 per hour – full time with benefits  
To: slot #1911      Driver @\$9.00 per hour – part time no benefits

Com. Sciaraffa motioned to approve item as submitted. Com. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

**Item No. 29.      Discussion and possible action to fill the following slot:**

**slot #1911 @\$9.00 per hour (part time no benefits)**

Com. Martinez motioned to approve item as submitted. Com. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Com. Martinez recognized his niece Margaret who was visiting from New York.

**Item No. 14.      Discussion and possible action to enter into the following third party general fund contracts and authorizing the County Judge to sign all relevant documents:**

<b>Contractor Organization</b>	<b>Contract amount</b>
Laredo Children's Museum d/b/a Imaginarium of South Texas	\$25,000.00
Laredo Philharmonic Chorale	\$ 8,000.00

Mr. Leo Flores, County Auditor, stated that on Item #14 the Contract Amount for the Laredo Philharmonic should be \$5,000.00 not \$8,000.00.

**Head Start**

**Item No. 34.      Discussion and possible action to fill the following slot:**

**Slot #2060, Cook (Full-time 40 hrs/week) with an annual salary of \$13,961.00 for 21 pay periods effective February 25, 2008**

**Item No. 35.      Discussion and possible action to fill slot #1945, Substitute Teacher (Part-time 30 hrs/week for 10 months) with an annual salary of \$9,370.12, effective February 25, 2008.**

Com. Sciaraffa motioned to approve item 34 and 35 as submitted. Com. Martinez seconded the motion.

Motion carried 5-0 by unanimous consent.

Com. Martinez motioned to move up Item #43. Com. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

**Item No. 43. Discussion and possible action to authorize the Purchasing Agent to solicit bids to Lease/Purchase one Modular Building for Webb County Head Start. [Requested by Aliza Oliveros, Head Start Director; Account Number 903-4208-8801 Capital Outlay]**

Cmr. Garza motioned to approve item as submitted. Cmr. Martinez seconded the motion.

Motion carried 5-0 by unanimous consent.

**(MEDIA BREAK 10:06 am – 10:29 a.m.)**

### **Engineer Department**

**Item No. 30. Discussion and possible action authorizing final acceptance of the Sheriff's Substation, and final payment to Rhino Builders in the amount of \$13,391.53.**

Cmr. Sciaraffa motioned to approve item as submitted. Cmr. Tijerina seconded the motion.

Motion carried 5-0 by unanimous consent.

**Item No. 31. Discussion and possible action authorizing the use of the Betterment Allowance for Change Order No. 3 in the amount of \$10,000.00 to Leyendecker Construction for the Girl Scout of Greater South Texas Service Center with no increase to the contract.**

Cmr. Garza motioned to approve item as submitted. Cmr. Tijerina seconded the motion.

Motion carried 4-0 with Cmr. Sciaraffa not present.

**Item No. 32. Discussion and possible action authorizing the use of the Betterment Allowance for Change Order No. 4 in the amount of \$57,400.00 to Leyendecker Construction for the Girl Scout Center increasing the contract to \$1,293,720.00.**

Mr. Fitzgerald Sanchez, County Engineer, explained that the amount of \$57,400.00 was the donation approved in item #7 not a betterment allowance.

Cmr. Garza motioned to approve item with clarification. Cmr. Tijerina seconded the motion.

Motion carried 4-0 with Cmr. Sciaraffa not present.

**Item No. 33. Discussion and possible action authorizing Amendment No. 2 to Foster Engineering Contract in the amount of \$1,850.00 increasing the contract from \$295,345.00 to \$297,195.00.**

Cmr. Sciaraffa motioned to approve item as submitted. Cmr. Martinez seconded the motion.

Motion carried 5-0 by unanimous consent.

### **Indigent Health Care**

**Item No. 36. Discussion and possible action to fill the following slot:**

**Slot #0927 (Claims Processor Worker I) up to \$14.00 per hour depending on**

experience effective February 25, 2008

Cmr. Sciaraffa motioned to approve item as submitted. Cmr. Tijerina seconded the motion.

Motion carried 5-0 by unanimous consent.

### Larga Vista Community Center

Item No. 37. Discussion and possible action to approve the following line item transfer:

From: Repair & Maintenance of Equipment	001-6103-6402	\$800.00
Janitorial Supplies	001-6103-6502	\$200.00
To: Fuel & Lubricants	001-6103-6204	\$ 1,000

Cmr. Garza motioned to approve item as submitted. Cmr. Tijerina seconded the motion.

Motion carried 5-0 by unanimous consent.

### Planning

Item No. 38. Discussion and possible action to approve the issuance of "Certificates of Compliance with Plat Requirements Regarding the Connection of Utilities" to authorize water and sewer service connections pursuant to the provisions of Section 232.028(b), Local Government Code and contingent upon the owner's execution of required affidavits regarding present and future dwellings/structures limitations, uses and sales for the following properties:

Los Altos Subdivision, Phase I  
1) Block 1, Lot 23 (2 dwellings only)

Staff recommends approval of the above-referenced property as submitted containing 2 dwellings on 1 Lot.

Item No. 39. Discussion and possible action to grant Preliminary Plat Approval of the Bonanza Hills Subdivision, Phase III and grant a waiver from Section IX.2. of the Subdivision Regulations allowing cross street spacing to exceed 1,500 feet. The Planning Advisory Board recommended approval of this item contingent upon compliance with staff comments at their meeting of February 14, 2008.

Cmr. Sciaraffa motioned to approve items 38 and 39 as submitted. Cmr. Tijerina seconded the motion.

Motion carried 5-0 by unanimous consent.

### Purchasing Department

Item No. 40. Discussion and possible action to authorize the Purchasing Agent to purchase Sixty (60) 28"x16" Veteran Markers for the City Cemetery in the amount of \$7,500 from Standard Granite Co., requested by the Veteran's Service Office. [Requested by Antonio Silva, Veterans Service Officer; Account Number 001-5050-7492-01 Veteran Cemetery Markers]

Cmr. Martinez motioned to approve item as submitted. Cmr. Tijerina seconded the motion.

Motion carried 5-0 by unanimous consent.

**Item No. 41.** Discussion and possible action to authorize the Purchasing Agent to purchase Two (2) Water Tanks from Rush Truck Center (HGAC No. HT11-07) in the amount of \$51,600.00 for the Road and Bridge Department. [Requested by Jose Luis Ramos, Road & Bridge Director; Account Number 010-7002-8001 Capital Outlay]

Cmr. Sciaraffa motioned to approve item as submitted. Cmr. Tijerina seconded the motion.

Motion carried 5-0 by unanimous consent.

**Item No. 42.** Discussion and possible action to award Bid 2008-68 "Annual Contract for Aggregate 0010 Blend 73/Bin 1 in." to Martin Marietta Materials. [Requested by Jose Luis Ramos, Road & Bridge Director]

Cmr. Martinez motioned to approve item as submitted. Cmr. Tijerina seconded the motion.

Motion carried 5-0 by unanimous consent.

**Item No. 44.** Discussion and possible action to authorize the Purchasing Agent to dispose of salvage and surplus property pursuant to Subchapter D, Disposition of Salvage or Surplus Property, Section 263.151 thru 263.157, Texas Local Government Code. [Requested by Eloy Ramirez, Jr., Webb County Purchasing Agent]

Cmr. Martinez motioned to approve item as submitted. Cmr. Tijerina seconded the motion.

Motion carried 5-0 by unanimous consent.

### Road and Bridge

**Item No. 45.** Discussion and possible action to approve the following line item transfer:

From: 010-7002-6205 Materials & Supplies	\$60,000.00
To: 010-7002-6402 Repairs & Maint. of Equipment	\$60,000.00

**Item No. 46.** Discussion and possible action to fill the following slots:

Slot #695	Motor grader Operator	\$13.31/hr.
Slot #2355	Maintenance Aide	\$ 9.15/hr.

Cmr. Tijerina motioned to approve items 45 and 46 as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Cmr. Sciaraffa motioned to go into executive Session. Cmr. Tijerina seconded the motion.

Motion carried 5-0 by unanimous consent.

**(Closed Session/Executive Session 10:39 am – 10:50 am)**

Judge Valdez stated that no action was taken in executive session.

Mr. Homero Ramirez, County Attorney, advised that Cmr. Sciaraffa excused himself and did not participate in executive session.

**Item No. 47.** Discussion and possible action as well as consultation with Attorney M'Liss Christian concerning Civil Action No. L-05-CV-00129; Gregorio Castañeda, Jr. d/b/a Castañeda Bail Bonds vs. Webb County, Texas Sheriff Rick Flores, Individually and in his Official Capacity as the Sheriff of Webb County, and Webb County; In the United States District Court for the Southern District of Texas, Laredo Division.[Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)]

Mr. Homero Ramirez stated that this item is strictly and information item and advised the Court that this case has been concluded in all matters. He explained that Federal Judge Arredondo submitted an Order clarifying dismissal and was clarified that all county parties were out of the lawsuit.

**Item No. 48.** Discussion and possible action as well as consultation with Attorney M'Liss Christian concerning Civil Action No. L-05-CV-191; Maricela Arredondo, et al. vs. Rick Flores, Sheriff of Webb County, Texas, and Webb County, Texas; In the United States District Court for the Southern District of Texas, Laredo Division. [Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)]

Mr. Homero Ramirez stated that no action was necessary in item 48.

**Item No. 49. Adjourn**

Cmr. Tijerina motioned to adjourn. Cmr. Garza seconded the motion.

Motion carried 4-0 with Cmr. Sciaraffa not present.