

# Official Minutes for Webb County Commissioners Court Meeting

Monday, June 9, 2008 at 9:00 AM  
(approved June 23, 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 6<sup>th</sup> of June 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**

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

## **Item No. 3. Approval of Minutes for May 27, 2008**

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

Motion carried 5-0 by unanimous consent.

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

Mr. Leo Flores, County Auditor, presented his monthly report. He issued two memos regarding Fuel consumption and financial credit information.

Judge Valdez motioned to approve the item as submitted. Comr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

## **Item No. 5. Communications**

Comr. Sciaraffa had no items under communications.

Comr. Tijerina commended her colleagues on a great softball game held and also the City of Laredo and Nuevo Laredo employees including Mr. Ramon Garza Barrios, Mayor Raul Salinas, Judge Valdez, Comr. Sciaraffa, and Comr. Garza. She announced that on June 16<sup>th</sup> from 9:00 a.m. – 2:00 p.m. the City of Laredo Health Department and SCAN will be at the Larga Vista Community Center providing information regarding HIV.

Cmr. Garza thanked everyone who made the softball event a success

Cmr. Martinez congratulated Cmr. Garza, Cmr. Sciaraffa, and the Webb County Bombers. He thanked the members of the Military Order of Purple Heart David Barley Cantu Chapter 766 for allowing him to be the Master of Ceremony and commended Mr. Tony Silva. Cmr. Martinez congratulated Councilman Johnny Rendon and Former Councilmember Juan Chavez who donated \$5,000.00 for the monument.

Judge Valdez congratulated the United Longhorns Baseball Team along with Mr. J.J. Gomez. He invited everyone to the ribbon cutting ceremony for the Medical Examiner's Office on Wednesday, June 11, 2008 at 10:00 a.m. Judge Valdez congratulated Mayor Raul Salinas and Ramon Garza Barrios for a great Founder's Day Celebration Ceremony. He stated that the baseball charity raised over two tons of food for the food.

**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.**

1<sup>st</sup> witness card – Roger Creery-Laredo Development Foundation

Mr. Creery invited the Court to a workshop that will be held June 26, 2008 from 8:30 a.m. to 1:30 p.m. at La Posada. He stated that there would be two speakers from the State.

**Honorable Danny Valdez, Webb County Judge**

**Item No. 7. Discussion and possible action to contribute \$10,000.00 to the City of Laredo Parks & Recreation Department for a summer basketball program benefiting the children of Laredo, Webb County, Texas. [\$5,000.00 From: Account No 605-0200-8801 Judge Danny Valdez, Allocated Funds & \$5,000.00 From: Account No. 605-0201-8801 Commissioner Frank Sciaraffa, Allocated Funds] [Co-Sponsored by Commissioner Frank Sciaraffa, Pct. 1]**

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

Motion carried 5-0 by unanimous consent.

**Honorable Frank Sciaraffa, Webb County Commissioner Pct. 1**

**Item No. 8. Discussion and possible action to transfer employee in Slot #2350 La Presa Community Center to Slot #1811 in Fund #920 Community Social Services Block Grant and transfer \$11,000.00 from 001-6115-5001 to 001-0112-7200-08 to pay the annual salary of \$22,000.00 for the remainder of the fiscal year.**

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

Motion carried 5-0 by unanimous consent.

**Honorable Jerry Garza, Webb County Commissioner Pct. 3**

**Item No. 9. Presentation of appreciation by Border Region MHMR to Constable Ruben Reyes and his staff. [Requested by Border Region MHMR – Dr. Jose G. Garcia]**

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

Motion carried 5-0 by unanimous consent.

**Commissioners Court**

**Item No. 10. Discussion and possible action to enter an Order prohibiting the sale and use of certain fireworks within the unincorporated areas of Webb County during the Forth of July fireworks season and establishing a criminal penalty for violation of the Order.**

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

Motion carried 5-0 by unanimous consent.

**Item No. 11. Discussion and possible action to enter an Order of the Commissioners Court to establish a ninety day burn ban for the unincorporated areas of Webb County.**

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

Motion carried 5-0 by unanimous consent.

**Webb County Attorney**

**Item No. 12. Discussion and possible action to approve the following line-item transfer:**

From:	001-1101-5601 Administrative Travel	1,500
	001-1101-6011 Training Education	500
	001-1101-6014 Equipment Rental	500
	001-1101-6022 Professional Service	500
To:	001-1101-6010 Books/Subscription	2,000
	001-1101-6402 Repairs/Maintenance Equip.	1,000

**Item No. 13. Discussion and possible action to accept the following rights of way, out of;**

Property	Grantors
Old Milwaukee	
D-2	San Juana Castillo
D-2	Antonio Torres
D-2	Noe M. Martinez and Maria Elena Martinez

D-2	Maria Cruz Elizardo
D-2	Elizabeth Benavides
E-3	Juan Manuel Molina, Jr
E-3	Gloria G. Tenorio
E-3	Felix Garcia and wife, Hilara Garcia
E-3	Armando Beltran Martinez and Maria Enedelia Valadez
E-3	Natividad Valadez and Enedelia Valadez
F-2A	Jose A. Lopez
F-2B	Manuel Gutierrez
F-1	Leticia Duran

**Ranchos Penitas West**

<b>Unit VI, Tract 129</b>	<b>George Murray, Trustee for Francis Grace Murray And Lydia Murray</b>
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Cmr. Sciaraffa motioned to approve items # 12 and #13 as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

**Item No. 14.** Discussion and possible action to enter into a Five (5) year (June 10, 2008 to June 9, 2013) contract with Pitney Bowes, Inc. for an upgraded Postage Meter (Model No. DM200L) to be located at the Webb County Head Start Program at a cost of ONE HUNDRED ONE DOLLARS (\$101.00) per month for a total cost of SIX THOUSAND SIXTY DOLLARS (\$6,060.00) over the term of the agreement and authorizing the Webb County Judge to execute all relevant documents. [Requested by Aliza Oliveros, Director; Webb County Head Start; Account 903-4208-6005]

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

Motion carried 5-0 by unanimous consent.

**Item No. 15.** Discussion and possible action to authorize the Webb County Head Start Director to exercise an option to extend a property lease agreement with United Independent School District for the Webb County Head Start Center located at Prada Elementary School situated in Laredo, Webb County, Texas. The renewal is for Five (5) years commencing on July, 31, 2008 and ending on July 31, 2013 at an annual rate of ONE DOLLAR (\$1.00) and authorizing the County Judge to sign all relevant documents. [Requested by Aliza Oliveros, Head Start Program Director; Account 903-4207-6012 (Rent)]

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

Motion carried 5-0 by unanimous consent.

**Item No. 16.** Discussion and possible action to enter into a One (1) year (October 1, 2007 through September 30, 2008) Preventive Maintenance & Labor Program

**Agreement with Southwest Solution Group to provide maintenance to the Lekriever (SN30414) located at the Webb County Auditor's office at an annual cost of NINE HUNDRED SEVENTYFIVE DOLLARS (\$975.00) and authorizing the Webb County Judge to execute all relevant documents. [Requested by Leo Flores, Auditor, Webb County Auditors Department; Account 001-0400-6402 Equipment Rental & Maintenance]**

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

Motion carried 5-0 by unanimous consent.

**Item No. 17. Discussion and possible action to enter into a construction contract with Closner Construction Co. L.C. in the amount of FOUR HUNDRED FORTY-FOUR THOUSAND FOUR HUNDRED FORTY-FOUR DOLLARS AND FORTY-FOUR CENTS (\$444,444.44) for the construction of El Camino Nuevo Road at the Juvenile Youth Village and authorizing the County Judge to sign all relevant documents. [Requested by Mr. Eloy Ramirez, Webb County Purchasing Agent]**

Discussion on file at the Webb County Clerks Office in the June 9, 2008 Commissioner's Court DVD.

Judge Valdez motioned to approve item and stated that it should take effect once money is received from Mr. Dickey Hanes. Cmr. Tijerina seconded the motion.

Motion carried 5-0 by unanimous consent.

**Item No. 18. Discussion and possible action to enter into a construction contract with SER Construction Partners, Ltd. in the amount of TWO HUNDRED SIXTEEN THOUSAND EIGHT HUNDRED SIXTY-SIX DOLLARS (\$216,866.00) for the construction of the "Vela Tract" water distribution system and authorizing the County Judge to sign all relevant documents. [Requested by Mr. Eloy Ramirez, Webb County Purchasing Agent]**

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

Motion carried 5-0 by unanimous consent.

### **County Clerk**

**Item No. 19. Discussion and possible action to approve the following line item transfer:**

<b>From:</b>	<b>001-1120-6011 Training &amp; Education</b>	<b>1,000</b>
	<b>001-1120-6010 Books &amp; Subscriptions</b>	<b>300</b>
	<b>001-1120-6014 Equipment Rental</b>	<b>350</b>
<b>To:</b>	<b>001-1120-6205 Materials &amp; Supplies</b>	<b>1,650</b>

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

Motion carried 5-0 by unanimous consent.

**District Clerk**

**Item No. 20. Discussion and possible action to approve the following line item transfer:**

<b>From:</b>	<b>001-1111-6724 Jury Payroll</b>	<b>10,000</b>
<b>To:</b>	<b>001-1111-6010 Jurors</b>	<b>10,000</b>

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

Mr. Leo Flores, County Auditor, explained that account #001-1111-6724 should read Central Jury Petit Juror and account #001-1111-6010 should be #001-1111-6727 Jurors Other expenses.

Motion carried 5-0 by unanimous consent.

**Judge Alvino "Ben" Morales County Court at Law 1**

**Item No. 21. Discussion and possible action to approve the following line item transfer:**

<b>From:</b>	<b>001-1010-5005 Temporary Part Time</b>	<b>508</b>
<b>To:</b>	<b>001-1010-5004 Longevity Pay</b>	<b>508</b>

**Constable Tino Juarez Pct. 4**

**Item No. 22. Discussion and possible action to approve the following line item transfer:**

<b>From:</b>	<b>001-2502-5601 Administrative Travel</b>	<b>1,500</b>
	<b>001-2502-6005 Postage &amp; Courier Svc.</b>	<b>500</b>
	<b>001-2502-6205 Materials &amp; Supplies</b>	<b>1,000</b>
	<b>001-2502-6403 Repairs &amp; Maint. Vehicles</b>	<b>5,000</b>
<b>To:</b>	<b>001-2502-6204 Fuel &amp; Lubricants</b>	<b>8,000</b>

**Sheriff's Department**

**Item No. 23. Discussion and possible action to apply to the U.S. Department of Justice, Office of Justice Programs, for an Edward Byrne Memorial Competitive Grant for a neighborhood watch and crime prevention program; and designating the Webb County Judge as the authorized official in all matters relating to this grant. No match required.**

Cmr. Garza motioned to approve items #21, 22, and 23 as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

**Tax Assessor Collector**

Item No. 24. Discussion and possible action to approve the following line item transfer:

From:	001-0700-5601 Administrative Travel	2,000
	001-0700-6205 Materials & Supplies	3,000
To:	001-0700-6402 Repairs & Maint. Equip.	5,000

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

Motion carried 5-0 by unanimous consent.

### Administrative Services

Item No. 25. Discussion and possible action to acknowledge receipt of Plan Year-End Forfeitures from National Plan Administrators, as per Internal Revenue Code Section 125 (Flexible Spending Plan), for year 2006, in the amount of \$7,120.36 and any other matters incident thereto. [Requested by Cynthia Mares, Administrative Services Director; Account Number 001-2100-30]

Ms. Cynthia Mares, Administrative Services, explained that these funds are currently being utilized for employee activities.

Item No. 26. Discussion and possible action for the approval of the following line item transfer:

From:	863-0105-9201	Claims Paid – Medical	14,000
To:	863-0105-6035-01	Premiums	14,000
From:	001-0114-5601	Administrative Travel	5,000
	001-0114-6032	Property Casualty Premium	105,000
To:	001-0114-9201	Claims Paid Property	110,000

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

Motion carried 5-0 by unanimous consent.

### Buenos Aires Community Center

Item No. 27. Discussion and possible action to approve the following line item transfer:

From:	001-6113-6201	Utilities	8,500
To:	001-0203-5005	Part Time	8,000
	001-0203-6205	Materials & Supplies	500

### Community Action Agency

Item No. 28. Discussion and possible action to fill the following slots effective June 10, 2008:

Slot #1154 Caseworker, full-time with benefits @ \$9.00/hr.  
Slot #1809 Program Support Specialist, full time with benefits @ \$8.25/hr.

[Requested by Mike Kazen, Community Action Agency Director; Account Number 920-4200-5001]

Cmr. Garza motioned to submit items #27 and #28 as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

**Item No. 29.** Discussion and possible action to accept additional monies for the Comprehensive Energy Assistance Program (CEAP) from the Texas Department of Housing & Community Affairs (TDHCA), for FY-2008, in the amount of \$150,267.00 for a total award of \$521,584.00.

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

Motion carried 5-0 by unanimous consent.

### Economic Development

**Item No. 30.** Discussion and possible action to appoint one Colonia Resident Advisory Committee (CRAC) Member and one Alternate Member as required by the Texas Department of Housing and Community Affairs Office of Colonia Initiatives to represent Webb County's Self-Help Center Program.

Committee Member:	Amelia R. Juarez	Colonia San Enrique
Alternate Member:	Amelia M. Rodriguez	Colonia San Enrique

**Item No. 31.** Discussion and possible action to approve the following line item transfer:

From:	001-0104-6010 Books & Subscriptions	184
	001-0104-6011 Training & Education	113
To:	001-0104-6204 Fuel & Lubricants	297
From:	001-0104-6402 Repairs & Maint. Equip	300
To:	001-0104-6205 Materials & Supplies	300

### Indigent Health Care Services

**Item No. 32.** Discussion and possible action to approve the following line item transfer:

From:	001-4101-7003 Indigent Burial	1,800
To:	001-4101-6205 Materials & Supplies	1,000
	001-4101-5601 Administrative Travel	800

### Management Information Systems

Item No. 33. Discussion and possible action to approve the following line item transfer:

From:	001-0500-6402 Repairs and Maintenance Equip	20,000
To:	001-0500-6224 Minor Tools and Apparatus	15,000
	001-0500-6205 Materials and Supplies	3,000
	001-0500-6011 Training and Education	2,000

Medical Examiner

Item No. 34. Discussion and possible action to approve the following line item transfer:

From:	001-2070-5602 Local Mileage	100
To:	001-2070-6403 Repair and Maintenance of Vehicle	100
From:	001-2070-6011 Training and Education	800
	001-2070-6402 Repair and Maintenance of Equipment	100
To:	001-2070-6204 Fuel and Lube	900

Cmr. Garza motioned to approve items #30, 31, 32, 33, and 34 as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

## Planning Department

Item No. 35. 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:

San Carlos Subdivision, Phase I (aka, San Enrique)

- 1) Block 5, Lot 5 (1 dwelling only)
- 2) Block 5, Lot 8 (1 dwelling only)
- 3) Block 5, Lot 13 (1 dwelling only)
- 4) Block 9, Lot 1 (1 dwelling only)
- 5) Block 9, Lot 3 (2 dwellings only)

Staff recommends approval of the above-referenced properties as submitted containing six (6) dwellings on five (5) lots.

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

Motion carried 5-0 by unanimous consent.

## Purchasing Department

**Item No. 36. Discussion and possible action to award the following bids and proposals for the Youth Village Project:**

(1) Telecommunication Distribution P-2008-04 Audio Dynamics	\$72,720.00
(2) Telecommunications Switch AT&T	\$95,061.14

**Item No. 37. Discussion and possible action to authorize the Purchasing Agent to purchase the following for the Youth Village:**

Qty.	Description	Vendor	Amount
51	PC's & Monitors	Dell (DIR-SDD-192)	\$39,678.00
13	Laptops	Dell (DIR-SDD-192)	14,490.32
64	Software	SHI (DIR-SDD-198)	22,592.00
1	File & Application file	IBM	14,386.41
9	Copiers & Printers	Toshiba	47,610.89
6	Analog Telephones	Office Max	150.00
		<b>TOTAL</b>	<b>\$138,907.62</b>

Discussion on file at the Webb County Clerks Office in the June 9, 2008 Commissioner's Court DVD.

Cmr. Sciaraffa motioned to approve items #36 and 37 as submitted. Judge Valdez seconded the motion.

Motion carried 5-0 by unanimous consent.

**Item No. 38. Discussion and possible action to approve the Service/Agreement and upgrades/Service Support from I-2-I Technologies, LC in the amount of \$5,025.00 for J.P. Oscar O. Martinez, Pct. 4. [Requested by Judge Oscar O. Martinez/Eliud Diaz Cortez; Account Number 016-1044-8801 Capital Outlay]**

**Item No. 39. Discussion and possible action to ratify the services of PCI Services in the amount of \$6,575.00 for the installation of power poles and communication lines at the Tax Assessor's Office. [Requested by Patricia Barrera, Tax Assessor Collector; Account Number 001-0700-6411]**

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

Motion carried 5-0 by unanimous consent.

**Item No. 40. Discussion and possible action to authorize the Texas Parks and Wildlife Department to place a portable building to be used as a temporary office building at the Casa Blanca State Park.**

Discussion on file at the Webb County Clerks Office in the June 9, 2008 Commissioner's Court DVD.

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

Motion carried 5-0 by unanimous consent.

**Item No. 41. Discussion and possible action to award proposal P-2008-05 for a "Service Provider for the Webb County Self Help Center Program".**

### Road and Bridge

**Item No. 42. Discussion and possible action to authorize Dept. 7002, Road & Bridge Dept. to set work summer hours for construction crews from 7:00 am to 3:30 pm with 1/2 hour lunch; starting June 10 through September 30, 2008.**

Cmr. Martinez motioned to approve items #41 and 42 as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Mr. Eloy Ramirez, Purchasing Agent, recommended the Webb County Community Action Agency headed by Mike Kazen.

Cmr. Sciaraffa motioned to go into Executive Session. Judge Valdez seconded the motion.

Motion carried 5-0 by unanimous consent.

**(Closed Session/Executive Session 9:50 a.m. – 10:03 a.m.)**

Judge Valdez stated that no action was taken in Executive Session.

**Item No. 43. Discussion and possible action to enter an order finding that the closure of the Department of Public Safety Building on May 22 and 23, 2008 because of the lack of air conditioning was for extenuating circumstances pursuant to §6.03 of the Webb County Policies Manual, and directing that the two Webb County employees assigned to work in that building be paid in accordance therewith. [Executive Session is requested pursuant to Texas Government Code, Title 5, Subchapter D, Sections 551.071 (Consultation with Attorney) and 551.074 (Personnel Matters)]**

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

Motion carried 5-0 by unanimous consent.

**Item No. 44. Discussion and possible action regarding Cause No. 2008-CVE-000697-D2; Manuel Ayala and Paula Ayala vs. Webb County; In the 111th Judicial District Court of Webb County, Texas. Action may include retaining counsel as requested by Sheriff Rick Flores. Executive Session is requested pursuant to Texas Government Code, Title 5, Subchapter D, Sections 551.071 (Consultation with Attorney) and 551.074 (Personnel Matters).**

Cmr. Martinez motioned to authorize the County Attorney and to engage into negotiation, bring back a recommendation, and retain the services of M'Liss Christian. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

**Item No. 45. Consultation with County Attorney, with discussion and possible action regarding proposed settlement between Texas Health and Human Services Commission and the federal Center for Medicare and Medicaid Services, [Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)]**

No action was required in this item.

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

Motion carried 5-0 by unanimous consent.

**Item No. 46. Adjourn**

Cmr. Martinez motioned to adjourn the meeting. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.