

# Official Minutes for Webb County Commissioners Court Meeting

Monday, October 14, 2008 at 9:00 AM  
(approved on October 27, 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 9<sup>th</sup> of October 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. Jerry Garza absent when Mrs. Margie Ramirez Ibarra called role.

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

**Item No. 3. Approval of Minutes for September 22, 2008, October 1, 2008, October 7, 2008**

Cmr. Sciaraffa 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**

Mr. Leo Flores, County Auditor, explained the monthly report which detailed the completion of FY 2008.

**Cmr. Jerry Garza walked in at 9:13 a.m.**

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

Motion carried 5-0 by unanimous consent.

**Item No. 5. Communications**

Judge Valdez sent his condolences to Mr. Larry Sanchez and Mr. Rudy Lerma on the loss of their loved ones.

Cmr. Sciaraffa had no items under communications.

Cmr. Tijerina sent her condolences to Mr. Larry Sanchez and Mr. Rudy Lerma on the loss of their loved ones. She welcomed Dr. David Jones and Mr. Manti Cummins.

Cmr. Garza welcomed everyone present and sent his condolences to Mr. Larry Sanchez.

Cmr. Martinez sent his condolences to Mr. Larry Sanchez and Rodolfo Lerma Family. He welcomed everyone including Webb County retirees.

Cmr. Garza thanked all individual that attended the town hall meeting hosted by Councilman Juan Narvaez.

**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 – Alice Garcia, Larga Vista Community Center Director & Elizabeth Rodriguez, Buenos Aires Community Center Director

Ms. Garcia advised the Court that they both were for item #16 on allowing each center to fall under each respective commissioner. Ms. Rodriguez stated that the response time for each center would be less if each center fell under each commissioner.

**Honorable Danny Valdez, Webb County Judge**

**Item No. 7. Presentation by Mrs. Melisa D. Montemayor from the Texas Department of Transportation on the status of the Cuatro Vientos and Outer Loop Projects, and any other matters incident thereto.**

Project status report presentation by Melissa D. Montemayor, TXDOT, on file at the Webb County Clerks Office under the October 14<sup>th</sup> Commissioner's Court dvd.

**Item No. 8. Discussion and possible action to increase the payment to the Webb County Medical Examiner for each out of county autopsy performed from \$300.00 to \$525.00, and any other matters incident thereto.**

Judge Valdez motioned to increase only out of town case autopsies from \$300.00 to \$525.00. Cmr. Tijerina seconded the motion.

Motion carried 5-0 by unanimous consent.

**Item No. 9. Discussion and possible action to authorize the purchasing agent to obtain a cell phone for Mr. Paul Martinez, communications officer, Webb County Judge's Office. [Account #001-0109-6004-2 Cell Phones]**

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

Motion carried 5-0 by unanimous consent.

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

**Item No. 10. Presentation by Mr. Manti Cummins, wind project manager of Amshore Wind, L.L.C., on a potential wind energy project for Webb County; with discussion and possible action.**

Presentation on file by Manti Cummins at the Webb County Clerks Office under the October 14<sup>th</sup> Commissioner's Court dvd.

Cmr. Garza motioned to authorize the County Attorney to begin negotiation with Amshore Wind, LLC on the tax abatement. Cmr. Tijerina seconded the motion.

Mr. Homero Ramirez, County Attorney, asked that he be given authority to meet with the individuals and bring back a report to the Court and include Ms. Patricia Barrera, Webb County Tax Assessor Collector, Mr. Leo Flores, County Auditor, and Ms. Delia Perales, County Treasurer in his meeting.

Cmr. Garza amended his motion to include that a report be brought back to the Court by the County Attorney. Cmr. Tijerina seconded the motion.

Motion carried 5-0 by unanimous consent.

**Item No. 11. Discussion and possible action to create and appoint members to the Communications & Public Safety Committee; and any other matters incident thereto. [Co-Sponsored by Honorable Jerry Garza, Commissioner Pct. 3]**

Cmr. Tijerina motioned to appoint Constable Rudy Rodriguez or a representative, Officer Tony Winteroth, Mario Cavazos, Eloy Ramirez, Cynthia Mares, Ruben Martinez from the Sheriff's Department, Joe Martinez from NovaStar, and Claude Copeland. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

**Item No. 12. Presentation from staff with discussion and possible action to adopt recommendations for a Cost of Living Adjustment (COLA) for Webb County retirees and to authorize the Webb County Judge to sign all relevant documents.**

Cmr. Tijerina motioned to give a 4% increase across the board for all Webb County retirees. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

**Item No. 13. Discussion and possible action regarding the presentation by AFW Investments II, Ltd. on its proposal for Tanquesitos II road improvements and any matters incident thereto.**

Presentation given by Mr. Danny Wyers, AFW Investments II and Mr. Edward Garza, Crane Engineering Corporation on file at the Webb County Clerks Office.

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

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

**Item No. 14. Discussion and possible action to authorize the Road & Bridge Superintendent to issue additional garbage cans to the Webb Consolidated Independent School District, Bruni and Oilton campuses.**

Discussion on file at the Webb County Clerks Office under the October 14<sup>th</sup> Commissioner's Court meeting dvd

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

Motion carried 5-0 by unanimous consent.

Dr. David Jones, Webb Consolidated Independent School District, requested that he be granted a total of 8 garbage cans.

Mr. Homero Ramirez, County Attorney, recommended that the Court meet with him in executive session before entering into item #15.

Comr. Garza motioned to go into executive session as per request from the County Attorney to secure legal advice. Comr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

### **(Executive Session 10:35 a.m. – 10:45 a.m.)**

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

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

**Item No. 15. Discussion and possible action to consider the purchase of the Hall, Quintanilla, Alarcon building located at 1302 Washington St., Laredo, Webb County, Texas and more particularly described as Lot 1 and parts of Lots 2, 3 and 4, Block 198, Western Division, Laredo, Webb County, Texas; and any other matters incident thereto.**

Mr. Homero Ramirez, County Attorney, recommended that no action be taken at this time.

Comr. Garza motioned to table the item. Judge Valdez seconded the motion.

Motion carried 5-0 by unanimous consent.

**Item No. 16. Discussion and possible action to ask the County Attorney for clarification on the relationship between Community Center Directors and the respective Commissioners.**

Discussion on file at the Webb County Clerks Office under the October 14<sup>th</sup> Commissioner's Court meeting dvd.

Comr. Garza motioned to request for the County Attorney to obtain clarification and identify legal authority that would allow Commissioners to have authority over center directors. Comr. Tijerina seconded the motion.

Motion carried 5-0 by unanimous consent.

**Item No. 17. Discussion and possible action to select an evaluation instrument submitted by Administrative Services for Department Head Evaluations with discussion on setting a date for evaluations, and any other matters incident thereto.**

Discussion on file at the Webb County Clerks Office under the October 14<sup>th</sup> Commissioner's Court meeting dvd.

Comr. Garza motioned to adopt instrument # 4 and have Administrative Services get together with the Administrative Assistants to the Commissioners to set a date for the next three weeks to conduct the evaluations for department heads. Comr. Martinez seconded the motion.

Motion carried 5-0 by unanimous consent.

Comr. Martinez motioned to give notice to the public and allow them to come before Commissioner's Court to state their input on what type of services are being offered by the departments during a special meeting before evaluations commence.

Comr. Garza asked to be included in the motion to have Administrative Services develop a public opinion posting for those departments who service the public and those not utilized by the public, to which, Comr. Martinez agreed. Comr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

**Item No. 18. Status report from the Webb County Attorney on the opinion requested by the Commissioners Court regarding the Webb County Delinquent Tax Contract with discussion and possible action, and any other matters incident thereto. [Closed Session may be requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)]**

Comr. Garza requested to defer the item until Court went into executive session.

Comr. Garza motioned to go into executive session. Comr. Martinez seconded the motion.

After discussion, Comr. Garza and Comr. Martinez withdrew their motions.

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

**Addendum Item No. 1. Discussion and possible action to relocate the office of Commissioner Pct. 1 to the South wing of the Commissioners Courthouse; and any matters incident thereto.**

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

Comr. Garza stated that if in the future there was to be any available space that he would like to be considered first.

Motion carried 5-0 by unanimous consent.

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

**Addendum Item No. 2. Discussion and possible action to approve a resolution supporting Webb County's third party funding to the Border Area Nutrition Council; and authorizing the County Judge to sign all relevant documents.**

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

Motion carried 5-0 by unanimous consent.

**Commissioners Court**

**Item No. 19. Discussion and possible action to name the new Webb County Juvenile Detention Center located on Hwy 359; and any other matters incident thereto.**

Judge Valdez recommended naming detention center after Honorable Judge Salomon Casseb.

Comr. Tijerina motioned to approve recommendation. Comr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Cmr. Garza motioned to go into executive session. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

## **(Closed Session/Executive Session 11:34 a.m. - 12:43 p.m.)**

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

**Item No. 18. Status report from the Webb County Attorney on the opinion requested by the Commissioners Court regarding the Webb County Delinquent Tax Contract with discussion and possible action, and any other matters incident thereto. [Closed Session may be requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)]**

Mr. Homero Ramirez, County Attorney, stated that the two attorneys were present and would like to make a statement before the Court taking any action.

**Item No. 68. Status report with discussion and possible action concerning Civil Action No. L-05-CV-191 Maricela Arredondo, et al. vs. Rick Flores, Sheriff of Webb County, Texas and Webb County; In the United States District Court for the Southern District of Texas, Laredo Division. [Closed Session is requested pursuant to Texas Government Code, Title 5, Subchapter D, Sections 551.071 (Consultation with Attorney) and 551.074 (Personnel Matters)]**

Mr. Homero Ramirez explained that no action was required under this item.

**Item No. 69. Discussion and possible action regarding the use or sale of the Webb County Courthouse Annex building. [Closed Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)]**

Cmr. Martinez motioned to authorize the Engineering Department to look into a feasibility study to demolish the building and construct a paved parking lot. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

**Item No. 70. Status report with discussion and possible action concerning negotiations with Southern Golf Properties for the Webb County Golf Course agreement. [Closed Session is requested pursuant to Texas Government Code, Title 5, Subchapter D, Sections 551.071 (Consultation with Attorney)]**

Mr. Homero Ramirez explained that no action was required under this item.

**Item No. 71. Discussion and possible action for Members of Commissioners Court to appoint members of the Webb County Employee Grievance Committee pursuant to §14.04 of the Webb County Personnel Policies Manual, and any matters related thereto. [Closed Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071(Consultation with Attorney)]**

Cmr. Martinez motioned to authorize each member to submit their designees no later than Friday, October 17, 2008 to the County Attorney's Office. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

**Item No. 72. Status report with discussion and possible action concerning Texas Commission on Environmental Quality/State Office of Administrative Hearings regarding landfill proposed by Regional Land Management, Ltd., including, but not limited to, payment of attorney fees, expert witness fees, and case expenses of Webb County's attorneys. [Closed Session is requested pursuant to Texas Government Code, Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)]**

Mr. Homero Ramirez explained that no action was required under this item.

**Addendum Item No. 5. Consultation with County Attorney regarding proposed use of LIFE Downs property or other available County property by Laredo Race Park, LLC. [Executive Session is requested pursuant to Texas Government Code, Title 5, Subchapter D, Sections 551.071 (Consultation with Attorney) and 551.072 (Deliberation Regarding Real Property)]**

Cmr. Martinez motioned to authorize the County Attorney to undertake any necessary steps to start negotiations with Laredo Race Park LLC and take any action including if deemed necessary to file a declaratory judgment and restart negotiations with Laredo Race Park LLC. Cmr. Garza seconded the motion.

Cmr. Garza requested if there could be a committee established to be part of the negotiations; to which, Cmr. Martinez stated to include the request as part of his motion. Judge Valdez appointed Cmr. Tijerina, Cmr. Garza, Mr. Leo Flores, Mr. Homero Ramirez, and Mr. Leroy Medford to the committee.

Motion carried 5-0 by unanimous consent.

**Addendum Item No. 6. Status report on negotiations with the Law Firm of Linebarger, Googan, Blair & Sampson, LLP concerning Justice of the Peace fees and fines collection services agreement, with possible action. [Executive Session is requested pursuant to Texas Government Code, Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)]**

Discussion on file at the Webb County Clerks Office under the October 14<sup>th</sup> Commissioner's Court meeting dvd.

**Item No. 18. Status report from the Webb County Attorney on the opinion requested by the Commissioners Court regarding the Webb County Delinquent Tax Contract with discussion and possible action, and any other matters incident thereto. [Closed Session may be requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)]**

Discussion on file at the Webb County Clerks Office under the October 14<sup>th</sup> Commissioner's Court meeting dvd.

Cmr. Garza motioned to table the item. Judge Valdez seconded the motion.

Motion carried 5-0 by unanimous consent.

Cmr. Martinez motioned to recess. Judge Valdez seconded the motion.

Motion carried 5-0 by unanimous consent.

(RECESS 1:25 p.m. – 2:40 p.m.)

County Attorney

- Item No. 20. Discussion and possible action to enter into a One (1) year (October 14, 2008 through October 13, 2009) maintenance agreement (Contract Number 211180-KIP) with Toshiba Business Solutions of Texas concerning a Toshiba Copier (KIP 3100CPS) located in the office of the Webb County Clerk with copy overages being quarterly billed at .035 cents a square foot per excess black copy and authorizing the Webb County Judge to execute all relevant documents. [Requested by Margie Ramirez Ibarra, Webb County Clerk; Account #001-1120-6402 (Repairs & Maintenance of Equipment)]
- Item No. 21. Discussion and possible action to enter into a One (1) year (October 14, 2008 through October 13, 2009) maintenance agreement (Contract Number 211180-ES853) with Toshiba Business Solutions of Texas concerning Two (2) Toshiba Copiers (ES853 & ES603) located in the office of the Webb County Clerk at a cost of THREE HUNDRED SIXTY DOLLARS (\$360.00) over the term of the agreement and with copy overages being quarterly billed at .007700 cents per copy and authorizing the Webb County Judge to execute all relevant documents. [Requested by Margie Ramirez Ibarra, Webb County Clerk; Account #001-1120-6402 (Repairs & Maintenance of Equipment)]
- Item No. 22. Discussion and possible action to enter into a Thirty-Nine (39) month (October 14, 2008 through January 13, 2012) lease agreement (Agreement Number 7407153-006) with Office Communications Systems, Inc. concerning the lease of Three (3) Toshiba copiers (ES853, ES603 & KIP 3100) to be located in the office of the Webb County Clerk at a monthly cost of ONE THOUSAND SIXTY-FOUR DOLLARS AND NINETY-NINE CENTS (\$1,064.99) for a TOTAL COST of FORTY-ONE THOUSAND FIVE HUNDRED THIRTYFOUR DOLLARS AND SIXTY-ONE CENTS (\$41,534.61) over the term of the agreement and with a one time document fee of SEVENTY-FIVE DOLLARS (\$75.00) and authorizing the Webb County Judge to execute all relevant documents. [Requested by Margie Ramirez Ibarra, Webb County Clerk; Account #600-9101-9811 (Debt Service Fund)]
- Item No. 23. Discussion and possible action to enter into a Thirty-Nine (39) month (October 14, 2008 through January 13, 2012) lease agreement (Agreement No. 7207499-020) with Office Communications Systems, Inc. concerning the lease of a Toshiba copier (ES853) to be located in the office of the Webb County Public Defender at a quarterly cost of ONE THOUSAND THIRTY-FIVE DOLLARS AND EIGHTY-SEVEN CENTS (\$1,035.87) for a total cost of THIRTEEN THOUSAND FOUR HUNDRED SIXTY-SIX DOLLARS AND THIRTY-ONE CENTS (\$13,466.31) over the term of the agreement and with a one time document fee of SEVENTY-FIVE DOLLARS (\$75.00) and authorizing the County Judge to execute all relevant documents. [Requested by Hugo Martinez, Webb County Public Defender; Account #001-1102-6402 (Repairs & Maintenance)]
- Item No. 24. Discussion and possible action to enter into a One (1) year (October 14, 2008 through October 13, 2009) maintenance agreement (Contract Number 211177-

ES8530) with Toshiba Business Solutions of Texas concerning a Toshiba ES-853 Copier located in the office of the Webb County Public Defender at a cost of THREE HUNDRED DOLLARS (\$300.00) over the term of the agreement and with copy overages being quarterly billed at .007700 cents per copy and authorizing the Webb County Judge to execute all relevant documents. [Requested by Hugo Martinez, Webb County Public Defender; Account #001-1102-6014 (Equipment Rental)]

Cmr. Martinez motioned to approve items 20, 21, 22, 23, and 24 as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

**Item No. 25.** Discussion and possible action to rescind the Court's action of August 25, 2008, approving a One (1) year dental service contract with Dr. Jose M. Gonzalez, D.D.S. [Requested by Sheriff Rick Flores, Webb County Sheriff]

**Item No. 26.** Discussion and possible action to Order an exemption to competitive bidding and enter into a Twelve (12) month (October 14, 2008 thru October 13, 2009) professional service agreement with Dr. Rolando Salazar to provide dental services to inmates for THREE THOUSAND DOLLARS (\$3,000.00) per month being an annual amount of THIRTY- SIX THOUSAND DOLLARS (\$36,000.00) or by fee schedule and authorizing the County Judge to execute all relevant documents. [Requested by Rick Flores, Webb County Sheriff; Account #001-2062-6022 (Professional Services)]

Cmr. Martinez motioned to approve items 25 and 26 as submitted. Judge Valdez seconded the motion.

After discussion, Cmr. Martinez and Judge Valdez withdrew their motions.

Cmr. Sciaraffa motioned to table items 25 and 26 as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

**Item No. 27.** Discussion and possible action to enter into an Annual Managed Service Agreement in the amount of FOURTEEN THOUSAND THREE HUNDRED FIVE DOLLARS AND TWENTY CENTS (\$14,305.20) with Avotus for the continued maintenance of the County's PBX system and authorizing the County Judge to sign all relevant documents [Requested by Jaime Alvarado, M.I.S. Director; Account #001-0500-6402]

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

Motion carried 5-0 by unanimous consent.

**Item No. 28.** Discussion and possible action to enter into a Two (2) year lease agreement (September 18, 2008 through September 17, 2010) with MODSPACE involving a modular building located at 2518 Cedar, Laredo, Texas (Jesus Garcia Head Start Center) at a monthly rate of ONE THOUSAND FOUR HUNDRED SEVENTY DOLLARS (\$1,470.00) for a TOTAL COST OF THIRTY-FIVE THOUSAND TWO HUNDRED EIGHTY DOLLARS (\$35,280.00) over the lease term, and authorizing the Webb County Judge to execute all relevant documents. [Requested by Aliza Oliveros, Director, Webb County Head Start; Account #903-3208-8801 (Grant Funds-Capital Outlay)]

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

Motion carried 5-0 by unanimous consent.

**Item No. 29.** Discussion and possible action to enter into a service agreement with Johnson Controls, Inc. involving software and hardware upgrades to existing air conditioning Energy Management Computer Workstation for the Facilities Department at a cost not to exceed TWELVE THOUSAND ONE HUNDRED NINETY DOLLARS AND SIX CENTS (\$12,190.06), and authorizing the Webb County Judge to execute all relevant documents. [Requested by Raul Elizondo, Director, Facilities Department; Account #001-0106-6402 (Repairs & Maintenance Equipment)]

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

Motion carried 5-0 by unanimous consent.

**Item No. 30.** Discussion and possible action to enter into an "Application Software User-Based Annual Renewal Support Services Agreement with Hamer Enterprises and the Webb County Tax Office for a period of Twelve (12) months (September 9, 2008 thru September 8, 2009) for an annual fee of ELEVEN THOUSAND ONE HUNDRED FORTY-TWO DOLLARS (\$11,142.00) and authorizing the Webb County Judge to execute all relevant documents. [Requested by Patricia Barrera, Webb County Tax Assessor-Collector; Account #001-0500-6402]

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

Motion carried 5-0 by unanimous consent.

#### **Constable Ruben Reyes, Pct. 2**

**Item No. 31.** Discussion and possible action to approve transfer of Unit 15-17 Ford E-250 Van from Dept. 2503 Constable, Pct. 2 to Dept. 2005, Mental Health Unit.

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

Motion carried 5-0 by unanimous consent.

#### **Sheriff's Department**

**Item No. 32.** Discussion and possible action to accept a grant from the Office of the Governor Division of Emergency in the amount of THREE HUNDRED FIFTY-EIGHT THOUSAND ONE HUNDRED THIRTY-FIVE DOLLARS \$358,135 for law enforcement equipment and training and designating the Webb County Judge as the authorized official in all grant related matters. NO COUNTY MATCH REQUIRED.

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

Motion carried 5-0 by unanimous consent.

**Item No. 33.** Discussion and possible action to continue paying the grant-funded Deputy Sheriffs under the Border Star grant until notified about grant continuation award by the Criminal Justice Division of the Governor's Office.

Cmr. Garza motioned to table the item. Judge Valdez seconded the motion.

Motion carried 5-0 by unanimous consent.

#### **Administrative Services**

**Item No. 34.** Discussion and possible action to determine if Webb County wishes to exercise the right to be exempt from sections of the Health Insurance Portability and Accountability Act (HIPAA) to become effective November 1, 2008 and authorizing the County Judge to execute all relevant documents.

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

Motion carried 5-0 by unanimous consent .

**Item No. 35.** Discussion and possible action to accept partial proceeds from Insurance Carrier (Travelers) for the May 5th Storm Claim for a total of ONE HUNDRED NINETY-EIGHT THOUSAND SEVEN HUNDRED FORTY-THREE DOLLARS AND FORTY-TWO CENTS \$198,743.42 and to reserve those funds for expenses of same. [Requested by Cynthia Mares, Administrative Services Director; Account #001-2984]

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

Motion carried 5-0 by unanimous consent.

**Item No. 36.** Discussion and possible action to accept a proposal from Professional Actuarial Services, Inc. for the Actuarial Report of Webb County's Self-funded Worker's Compensation Program as of September 30, 2008 at a cost not to exceed \$5,000.00. Requesting an exemption from Section 262.023 of the Local Government Code (Competitive Proposal Requirements) and authorizing the County Judge to execute all relevant documents. [Requested by Cynthia Mares, Administrative Services Director; Account #817-0105-6022]

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

Motion carried 5-0 by unanimous consent.

#### **Auditor**

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

From: 001-6000-5001	Purchasing - Payroll	5,141
001-0600-5301	Purchasing - FICA	393
001-0600-5303	Purchasing - Retirement	452
001-0600-5305	Purchasing - Workers Comp	34
001-0600-5306	Purchasing - Unemployment	85
001-1044-6005	JP Martinez - Postage	1,698
001-1044-6205	JP Martinez - Materials & Supplies	1,698

To:	001-1044-5001	JP Martinez – Payroll	8,000
	001-1044-5301	JP Martinez - FICA	612
	001-1044-5303	JP Martinez - Retirement	703
	001-1044-5305	JP Martinez - Workers Comp	54
	001-1044-5306	JP Martinez - Unemployment	132

Item No. 38. Discussion and possible action to accept the Certificate of Obligation Series 2008A funds and to allocate them in the following manner:

Fund #731	Purchase Land & Bldg.	\$2,000,000
Fund #733	Capital Outlay All Departments	1,700,000
Fund #684	Juvenile Youth Village	1,100,000
Fund #732	Quad City Bldg Improvements	600,000
Fund #659	Tex-Mex Building Study	100,000
	<b>Total</b>	<b>\$5,500,000</b>

Cmr. Garza motioned to approve items 37 and 38 as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

#### Community Action Agency

Item No. 39. Discussion and possible action to approve conducting Category “B” Elections to fill a current vacancy due to an expired term as per the Governing Regulations of the Advisory Board of the Webb County Community Action Agency. (The Advisory Board shall be composed of membership that complies with the Community Services Block Grant Issuance #2002-2.3). Election will be held on Wednesday, October 22, 2008 for Area X- El Cenizo in the Community Center from 10:00 a.m. to 11:00 a.m.

Item No. 40. Discussion and possible action to approve conducting Category “B” Elections to fill a current vacancy due to an expired term as per the Governing Regulations of the Advisory Board of the Webb County Community Action Agency. (The Advisory Board shall be composed of membership that complies with the Community Services Block Grant Issuance #2002-2.3). Election will be held on Thursday, October 16, 2008 for Area III- El Cuatro in the Senior Citizen Home from 10:00 a.m. to 11:00 a.m.

Item No. 41. Discussion and possible action to approve conducting Category “B” Elections to fill a current vacancy due to an expired term as per the Governing Regulations of the Advisory Board of the Webb County Community Action Agency. (The Advisory Board shall be composed of membership that complies with the Community Services Block Grant Issuance #2002-2.3). Election will be held on Tuesday, October 21, 2008 for Area IX- Rio Bravo in the Community Center from 10:00 a.m. to 11:00 a.m.

Cmr. Garza motioned to approve items 39, 40, and 41 as submitted. Cmr. Martinez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 42. Discussion and possible action to accept additional monies from Direct Energy/CPL Retail Energy/WTU Retail Energy's Neighbor to Neighbor Program for PY-2008 in the amount of \$10,514.21. Webb County Community Action Agency will utilize these funds to help qualifying families that are in financial distress to meet energy related costs essential to their health and welfare. [Requested by Mike Kazen, Community Action Agency Director; Account #907-4202-620]

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

Motion carried 5-0 by unanimous consent.

Item No. 43. 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 \$53,833.00 for a total award of \$575,417.00. [Requested by Mike Kazen, Community Action Agency Director; Account #911-4200-3501]

Item No. 44. Discussion and possible action to fill slot #2422, Case Worker, full-time with benefits, at a salary rate of \$9.00 per hour, for the Community Social Services Program. No impact to the General Fund. [Requested by Mike Kazen, Community Action Agency Director; Account #920-4200-5001]

Item No. 45. Discussion and possible action to approve a renewal amendment with the Texas Department of Aging and Disability Services for the WCCAA Meals on Wheels Program for 18,000 Title 19 units and 77,200 Title 20 units for a total maximum award of \$506,464. There is a required minimum matching amount of \$36,284. No impact to the General Fund. [Requested by Mike Kazen, Community Action Agency Director; Account #952-4216-5001]

Cmr. Garza motioned to approve items 43, 44, and 45 as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

### Economic Development

Item No. 46. Discussion and possible action to approve the release of 10% retainage in the amount of \$2,190.00 to contractor MASTER CONSTRUCTION, for the housing rehab completion project of Abel Hernandez, located at 245 Amanecer Rd, Los Altos Subdivision. No impact to the General Fund.

Item No. 47. Discussion and possible action to approve the release of 10% retainage in the amount of \$2,490.00 to contractor MASTER CONSTRUCTION, for the housing rehab completion project of Jesus Contreras, located at 261 Los Altos Dr., Los Altos Subdivision. No impact to the General Fund

Item No. 48. Discussion and possible action to approve the release of 10% retainage in the amount of \$4,077.83 to contractor AA BUILDERS, for the new housing construction completion project of Jonas Gamez, located at Lot 76 of Colonia Tanquecitos I. No impact to the General Fund.

Cmr. Martinez motioned to approve items 46, 47, and 48 as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

**Item No. 49.** Discussion and possible action to authorize the submission of an 8 month contract time extension request to the Office of Rural Community Affairs for TCDP contract #724195 (Felix Vela Tract) or up to (August 31, 2009) to complete the project successfully. No impact to the General Fund.

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

Motion carried 5-0 by unanimous consent.

**Item No. 50.** Discussion and possible action to award Nutrition Health and Learning Center A/C installation to the lowest bidder, Master Construction (\$7,150), to perform the transportation and installation of a 15 ton A/C unit from the Webb County Detention Center to the Nutrition Health and Learning Center on HWY 359. And to authorize the solicitation of bids for the remaining items needed for construction completion of the Nutrition Health and Learning Center building. No impact to the General Fund.

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

Motion carried 5-0 by unanimous consent.

Cmr. Martinez motioned to go back to item 33. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

**Item No. 33.** Discussion and possible action to continue paying the grant-funded Deputy Sheriffs under the Border Star grant until notified about grant continuation award by the Criminal Justice Division of the Governor's Office.

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

Motion carried 5-0 by unanimous consent.

## **Engineer Department**

**Item No. 51.** Discussion and possible action to approve Ramos Inds. Change Order No. 3 to add a total of 89 rain and mud days to date to the Rio Grande Intake, Pump Station and Reservoir Improvements contract. This will increase the contract to 404 calendar days. Final approval is to be contingent on TWDB. [Requested by Antonio G. Alderete, Engineer Department; Account #648-8008-8801-11]

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

Motion carried 5-0 by unanimous consent.

**Item No. 52.** Discussion and possible action to approve the recommendation of the score/select committee to retain the services of engineering firms to complete the following engineering projects:

Project	Engineering Firm	Funding
Vela Tract	CEC Puig Engineering	ORCA Grant Fund 675
Tanquecitos II Platting	Mejia Engineering	XDOT BCAP Border Colonia Grant Fund 707
Tanquecitos I & II Roadway and drainage	Gilpin Engineering	TXDOT BCAP Border Colonia Grant Fund 707
Casa Blanca Lake Dam Project	ESPEY Consultants	Bond Series 06 Fund 717

[Requested by Fitzgerald G. Sanchez, P.E., County Engineer]

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

Motion carried 5-0 by unanimous consent.

**Item No. 53.** Discussion and possible action to accept the close out of the Sherfey Engineering contracts for the Bruni & Mirando TxDOT Border Access Colonias projects and the releasing of the retainage and final payment totaling \$20,127.50. [Requested by Fitzgerald G. Sanchez, P.E., County Engineer; Account #672-2311, #672-8001-6023-6, #672-7502-6023-6]

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

Motion carried 5-0 by unanimous consent.

Mr. Homero Ramirez, County Attorney, asked the Court if they could go back to items 25 and 26.

Cmr. Martinez motioned to go back to items 25 and 26. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

**Item No. 25.** Discussion and possible action to rescind the Court's action of August 25, 2008, approving a One (1) year dental service contract with Dr. Jose M. Gonzalez, D.D.S. [Requested by Sheriff Rick Flores, Webb County Sheriff]

**Item No. 26.** Discussion and possible action to Order an exemption to competitive bidding and enter into a Twelve (12) month (October 14, 2008 thru October 13, 2009) professional service agreement with Dr. Rolando Salazar to provide dental services to inmates for THREE THOUSAND DOLLARS (\$3,000.00) per month being an annual amount of THIRTY- SIX THOUSAND DOLLARS (\$36,000.00) or by fee schedule and authorizing the County Judge to execute all relevant documents. [Requested by Rick Flores, Webb County Sheriff; Account #001-2062-6022 (Professional Services)]

Cmr. Martinez motioned to approve items 25 and 26 as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

### Planning Department

**Item No. 54.** 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:

**Ranchitos 359 East Subdivision**

**1) Lot 35 (1 dwelling only)**

**San Carlos Subdivision Phase II**

**2) Block 9, Lot 5 (1 dwelling only)**

**Staff recommends approval of the above-referenced properties as submitted containing Two (2) dwellings on Two (2) lots.**

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

Mr. Rafael Vidaurri, Planning Department, stated that on #2 it should read Block 5 Lot 9.

Motion carried 5-0 by unanimous consent.

### Purchasing Department

**Item No. 55.** Discussion and possible action to authorize the Purchasing Agent to retain the services of Martinez Auto South in the amount of \$8,950.00 for the repair of Unit #3104 (bus) from El Aguila Transportation. [Requested by Robert Martinez, Jr., Transportation; Account #980-4205-6403 (Repairs & Maint.Vehicles)]

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

Motion carried 5-0 by unanimous consent.

**Item No. 56.** Discussion and possible action to authorize the Purchasing Agent to purchase Vote by Mail and Early Voting Ballots from Hart Inter Civic in the amount of \$3,017.10 for the Elections Administration Department. [Requested by Oscar Villarreal, Elections; Account #001-0107-6705]

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

Motion carried 5-0 by unanimous consent.

Cmr. Martinez motioned to have the proper inventory by the Purchasing Agent of the ballots upon arrival. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 57. Discussion and possible action to authorize the Purchase of the following for Indigent HealthCare Services, Treasurers Office and Purchasing Department:

QTY	DESCRIPTION	VENDOR	AMOUNT
3	Computers	DELL (DIR-SDD-192)	\$3,384.75
3	Software	SHI (DIR-SDD-198)	1,059.00
1	Printer (Indigent HealthCare)	CDW-G	253.99

Total \$4,697.74

[Requested by Frank Salinas, Delia Perales & Eloy Ramirez, Jr., Account #605-4101-8801 (Capital Outlay)]

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

Motion carried 5-0 by unanimous consent.

Item No. 58. Discussion and possible action to authorize the Purchasing Agent to purchase a Magistrate Video Conferencing System from VSGL in the amount of \$22,259.70 for County Court at Law No. 2. [Requested by Major J.J. Gonzalez, Sheriff's Department; Account #168-2001-8801 Capital Outlay (Forfeiture Funds)]

Cmr. Martinez motioned to approve item as submitted.

Motion died for lack of second.

Item No. 59. Discussion and possible action to enter into a Classified Advertising Agreement with Laredo Morning Times for Legal and Public Notices only at a cost of \$11.60 per column inch space with a guaranteed minimum of 1000 inches per year for F.Y. 2008-2009 and authorizing the County Judge to execute said agreement. [Requested by Eloy Ramirez, Jr., Purchasing Agent; Account #001-0600-6006]

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

Motion carried 5-0 by unanimous consent.

Item No. 60. Discussion and possible action to authorize the Purchasing Agent to purchase a Net1Q Security Solution from SHI (DIR-SDD-198) in the amount of \$7,081.00 for the Auditor's Office. [Requested by Leo Flores, County Auditor; Account #001-0400-6205 (Materials & Supplies)]

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

Motion carried 5-0 by unanimous consent.

Item No. 61. Discussion and possible action to ratify the purchase the following vehicles for the Juvenile Department:

QTY.	DESCRIPTION	VENDOR	AMOUNT
1	Ford Sedan	Philpott Motors (BUYBOARD 281-07)	\$15,504.00
1	Dodge Grand Caravan	Dallas Dodge (HGAC VE03-06)	20,369.00
			Total \$35,873.00

[Requested by Melissa Mojica, Juvenile Department; Account #001-1301-6205 (Materials & Supplies)]

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

Motion carried 5-0 by unanimous consent.

**Item No. 62.** Discussion and possible action to authorize the Purchasing Agent to purchase Fifty (50) HEW Toners from CDW-G in the amount of \$5,600.00 for the Tax Office. [Requested by Patricia Barrera, Tax Assessor; Account #001-0700-6205 (Materials & Supplies)]

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

Motion carried 5-0 by unanimous consent.

**Item No. 63.** Discussion and possible action to authorize the Purchasing Agent to purchase Pressure Seals from Litho Business Forms, Inc. in the amount of \$5,973.45 for the Treasurer's Office. [Requested by Delia Perales, Treasurer; Account #001-0300-6205 (Materials & Supplies)]

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

Motion carried 5-0 by unanimous consent.

**Item No. 64.** Discussion and possible action to approve purchases from General Garage Service Inc. in the amount of \$21,722.20 to replace Two (2) electric overhead doors in the Sally Port, Webb County Jail. [Requested by Sheriff Rick Flores; Account #001-2060-6401]

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

Motion carried 5-0 by unanimous consent.

**Item No. 65.** Discussion and possible action to authorize the purchase of hardware, software, and printers for the Public Defender's Juvenile Unit and Public Defender's Office.

10	Computers	Dell (DIR-SDD-92)	\$11,282.25
10	Printers	CDWG	2,539.90
10	Software	SHI (DIR-SDD-198)	3,530.00

Total \$17,352.15

[Requested by Hugo Martinez, Public Defender; Account #023-1102-6224 and 022-1102-8405 (Capital Outlay) Grant Funds Equalization Disbursement Grant]

Mr. Eloy Ramirez, Purchasing Agent, clarified that there was a typographical error on the amounts and should be as follows: total amount for the computers is \$11,594.50, software is \$3570.00, and the total is \$17,704.40.

Cmr. Garza motioned to approve the item with corrections. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

**Item No. 66.** Discussion and possible action to ratify the purchase of hardware, software and printers for the Public Defenders Office from Account #022-1102-8405, Equalization Disbursement Grant, requested by Hugo Martinez:

6	Computers	Dell (DIR-SDD-92)	\$4,874.64
6	Printers	SCW	1,442.34
6	Software	SHI (DIR-SDD-198)	2,118.00
			Total \$8,434.98

[Requested by Hugo Martinez, Public Defenders, Account #022-1102-8405 (Capital Outlay) Grant Funds Equalization Disbursement Grant.

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

Motion carried 5-0 by unanimous consent.

### **Santa Teresita Community Center**

**Item No. 67.** Discussion and possible action for approval to fill slot #2349, Maintenance/Clerk at the Santa Teresita Community Center at a hourly rate of \$11.00/hr and to authorize Administrative Services Department to commence the application process. [Requested by Juanita Puente, Center Director; Account #001-6114-5001]

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

After discussion, Cmr. Garza motioned to amend his motion and allow the Commissioner from that community center to bring back recommendation to the Court for approval. Cmr. Martinez seconded the motion.

After discussion, Cmr. Garza and Cmr. Martinez withdrew their motion.

Cmr. Martinez motioned to allow the Commissioner from the community center to bring back recommendation to the Court for approval and not deprive the Commissioner of any rights or concerns that they might have on hiring of the employees. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

### **Indigent Defense Services**

**Addendum Item No. 3.** Discussion and possible action to approve a resolution authorizing the submission of a 2009 grant application to the Texas Task Force on Indigent Defense for the Indigent Defense Formula Grant Program and designating the County Judge as Program Manager and contact person and the Auditor as Financial Officer for the grant.

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

Motion carried 5-0 by unanimous consent.

### **Tax Attorneys**

**Addendum Item No. 4.** Discussion and possible action on item I. A. (aa) of the "Webb County Contract for the Collection of Delinquent Taxes" requiring publication on or about October 1 of each year, if requested by the County, a list of all taxpayers who owe the County over \$2,000.00 in property taxes after removing the names of taxpayers involved in bankruptcy, or taxpayers who are over 65 years old or "disabled" and only owe taxes on their homestead.

Discussion on file at the Webb County Clerks Office under the October 14<sup>th</sup> Commissioner's Court meeting dvd.

Cmr. Sciaraffa motioned to allow taxpayers an opportunity to make arrangements or payments by January 1<sup>st</sup> and after that date post in the Laredo Morning Times all those who have not made any arrangements or payments. Cmr. Tijerina seconded the motion.

Motion carried 5-0 by unanimous consent.

**Item No. 73. Adjourn**

Judge Valdez motioned to adjourn. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.