

Official Minutes for Webb County Commissioners Court Meeting

Monday, August 24, 2009 at 9:00 AM
(approved September 14, 2009)

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 21st of August 2009. 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

Ms. Lucy Dominguez called role in place of Mrs. Margie Ramirez Ibarra, Webb County Clerk.

Item No. 2. Pledge of Allegiance

Item No. 3. Approval of Minutes for August 10, 2009

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

Motion carried 5-0 by unanimous consent.

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

Ms. Delia Perales, County Treasurer, presented her report ending July 2009.

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

Motion carried 5-0 by unanimous consent.

Item No. 5. Communications

Judge Valdez welcomed former LISD board member Jorge Rodriguez, former UISD board member Virginia Cookie Muller, District Attorney Isidro Alaniz, as well as Ms. Sylvia Bruni.

Cmr. Sciaraffa had no items under communications.

Cmr. Tijerina thanked Alice Garcia, Mario Garcia, and Juanita Puente for their assistance in distributing all the backpacks which totaled around 1000 and thanked Macy's for their donation of backpacks. She informed everyone that the 2010 census committee will be meeting on Wednesday, at Commissioner's Court at 10:00 a.m. Cmr. Tijerina congratulated Mr. Henry Carranza on the naming of the recreation area after him and sent her condolences to the families of Juan Vargas, Smokey Hernandez, and Winteroth family.

Cmr. Garza thanked all who participated in the back to school extravaganza and congratulated the food bank on a successful fund raiser.

Cmr. Martinez sent his condolences to the Meme Menchaca family and Smokey Hernandez family. He asked the public to support President Barack Obama's health reform bill.

Judge Valdez sent his condolences to Senator Judith Zaffirini, Tony Winteroth family, Hernandez family, and Mr. Juan Vargas. He wished everyone good luck on returning back to school.

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.

1st witness card – Rolando Herrera and Manual Bocanegra

Mr. Herrera invited the Court to the September 7th Labor Day celebration. He expressed his concern towards the students not passing state mandated tests, dropout rate, as well as other issues affecting the students.

2nd witness card – Edward Garza, Crane Engineering

Mr. Garza spoke on item 21. He asked the Court that Mr. Rey Rodriguez would speak first.

3rd witness card – Rey Rodriguez

Mr. Rodriguez informed the Court on the donation that the Rodriguez family was proposing to donate. He stated that the Rodriguez submittal was timely and complied with all the requirements in the request for interest letter. Mr. Rodriguez stated that it would be unfair to allow additional time for other submittals to be turned in. He further explained the benefits that location of the land has to the community.

Mr. Garza spoke on how he believes the location is the best suited for the 18-hole golf course.

4th witness card – Virginia Cookie Muller

Ms. Muller spoke on behalf of La Bota Ranche and requested an extension to the 18 hole golf course letters of interest submittal. She explained that they lived at La Bota Ranch and they did not receive the newspaper.

5th witness card – Albert Muller

Mr. Muller explained that he should have been notified about the RFP since they don't get the newspaper. He asked for an extension for the submittal of the Letter of Interest. Mr. Muller explained that they did submit their package but it was four days late.

6th witness card – Jorge Rodriguez

Mr. Rodriguez spoke on item 21 and thanked that Court for taking the initiative to build a new golf course. He advised the Court that they had to take two options which were to have the County do it themselves without the City and the other to take the children into consideration.

7th witness card – Marissa Martinez

Ms. Martinez spoke on items 44, 45, 47, and 48. She expressed her concerns regarding the payments that are being rendered out of the Road and Bridge fund.

Honorable Danny Valdez, Webb County Judge

Item No. 7. Discussion and possible action to accept a Community Service Block Grant (CSBG)/American Recovery and Reinvestment Act (ARRA) grant in the amount of \$869,850 with no county match effective August 1, 2009 to terminate September 30, 2010 and to authorize the Economic Development Department to assist with the implementation of this project; authorizing the County Judge to sign all relevant documents.

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

Motion carried 5-0 by unanimous consent.

Honorable Frank Sciaraffa, Webb County Commissioner Pct. 1

Item No. 8. Presentation by Sheriff Martin Cuellar on the Reserve Deputy Program with discussion and possible action to approve the transfer of \$2,000.00 from Account #605-0201-8801 to the Sheriff's Deputy Reserve Fund; and any other matters incident thereto.

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

Presentation by Sheriff Martin Cuellar on file.

Motion carried 5-0 by unanimous consent.

Honorable Jerry Garza, Webb County Commissioner Pct. 3

Item No. 9. Discussion and possible action to renew the County's continued participation in the Webb County Medicaid UPL, including adoption of the conditions for continued participation and authorization for the County Judge to execute an Amendment to the current Affiliation Agreement and a certification of participation, consistent with the State's rules for private hospital Medicaid UPL programs; and any other matters incident thereto. [Requested by Webb County UPL Committee]

Discussion on file at the Webb County Clerks Office under the August 24th, 2009 Commissioner's Court meeting dvd

Judge Valdez motioned to approve item subject to the County Attorney's Office reviewing the issues that she specified. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Honorable Jerry Garza, Webb County Commissioner Pct. 3

Addendum Item No. 1. Discussion and possible action authorizing final approval of the design of the Buenos Aires Community Center project, by FQR Architects, and authorize the Webb County Purchasing Agent to solicit bids for the project, subject to final approval from the City of Laredo (project partner), and any other matters incident to and related to this project.

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

Motion carried 5-0 by unanimous consent.

Judge Valdez motioned to bring up items 22 and 23. Cmr. Tijerina seconded the motion.

Motion carried 5-0 by unanimous consent.

Honorable Isidro Alaniz, District Attorney

Item No. 23. Discussion and possible action to approve the transfer of One (1) forfeited 2005 white BMW SEDAN, VIN #WBAEV5103ZKN50686 to be added to the Webb County District Attorney's Office fleet of cars.

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

Motion carried 5-0 by unanimous consent.

Item No. 22. Presentation by Executive Director Mrs. Sylvia Bruni and the Children's Advocacy Center Multidisciplinary team regarding the Children's Advocacy Center program.

Presentation done by Mr. Isidro Alaniz, District Attorney, Sylvia Bruni, and Griselda Prado on file at the Webb County Clerks Office under the August 24, 2009 Commissioner's Court meeting dvd.

Commissioners Court

Item No. 10. Discussion and possible action to accept the recommendations of the City-County Committee and approve the historic Farias building as the site for the City-County Veteran's Museum; and direct the County Attorney's office to begin negotiations with the City of Laredo for joint ownership of said property; and any other matters incident thereto. [Requested by City-County Committee]

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

Motion carried 5-0 by unanimous consent.

Item No. 11. Discussion and possible action to approve the appointment or re-appointment of Webb County officials to the Border Region MHMR Community Center Board of Trustees for a Two (2) year term, effective September 1, 2009. [Requested by Border Region MHMR]

Judge Valdez motioned to reappoint Cmr. Martinez and appoint Cmr. Tijerina to replace Homero Ramirez. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 12. Discussion and possible action to approve a Resolution expressing Webb County's support of the City of Laredo's submittal of a TIGER grant application for the San Bernardo Avenue Project. [Requested by the City of Laredo]

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

Motion carried 5-0 by unanimous consent.

(MEDIA BREAK 10:42 a.m. - 11:00 a.m.)

Honorable Anna L. Cavazos Ramirez, County Attorney

- Item No. 13. Discussion and possible action to record and file the Agreement on payroll cards from IBC Bank waiving all fees involved for the County as per the current Webb County Depository contract effective October 1, 2009 and authorizing the County Judge to sign all relevant documents. [Requested by Delia Perales, Webb County Treasurer]

Discussion on file at the Webb County Clerks Office under the August 24th, 2009 Commissioner's Court meeting dvd

Comr. Garza motioned to approve item and direct the County Attorney to research on employee wage garnishments if using a payroll card. Comr. Tijerina seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 14. Discussion and possible action to enter into a Twelve (12) month (August 24, 2009 through August 23, 2010) Monitoring Service Agreement with Profire Protection, Inc. for fire alarm system at Finley Head Start Center at an annual payment of TWO HUNDRED SIXTY-FOUR DOLLARS (\$264.00) and to authorize the County Judge to sign all relevant documents. [Requested by Aliza Oliveros, Head Start Director]

- Item No. 15. Discussion and possible action to enter into a Thirty-Nine (39) month (August 24, 2009 through November 23, 2012) FMV Lease Agreement with Toshiba Business Solutions for a Toshiba E-Studio 655 Digital copier located at the Webb County Clerk's Office at a monthly cost of THREE HUNDRED THIRTY-FIVE DOLLARS AND NINE CENTS (\$335.09) and a one time document charge of SEVENTY-FIVE DOLLARS (\$75.00) and authorize the County Judge to sign all relevant documents. [Requested by Margie Ramirez Ibarra, Webb County Clerk]

- Item No. 16. Discussion and possible action to enter into a Thirty-Six (36) month (August 24, 2009 through August 23, 2012) Premium Plus maintenance Agreement with Toshiba Business Solutions for a Toshiba E-Studio 655 Digital copier located at the Webb County Clerk's Office for a cost per copy at .008 and authorize the County Judge to sign all relevant documents. [Requested by Margie Ramirez Ibarra, Webb County Clerk]

- Item No. 17. Discussion and possible action to enter into a Thirty-Nine (39) month (August 24, 2009 through November 23, 2012) FMV Lease Agreement with Toshiba Business Solutions for a Toshiba E-Studio 655 Digital copier located at the Webb County Road & Bridge Department at a monthly cost of THREE HUNDRED NINETEEN DOLLARS AND NINE CENTS (\$319.09) and a one time document charge of SEVENTY-FIVE DOLLARS (\$75.00) and authorize the County Judge to sign all relevant documents. [Requested by Jose Luis Ramos, Road & Bridge Director]

- Item No. 18. Discussion and possible action to enter into a Thirty-Six (36) month (August 24, 2009 through August 23, 2012) Premium Plus maintenance Agreement with Toshiba Business Solutions for a Toshiba E-Studio 655 Digital copier located at the Webb County Road and Bridge Department for a cost per copy at .008 and authorize the County Judge to sign all relevant documents. [Requested by Jose Luis Ramos, Road & Bridge Director]

Comr. Tijerina motioned to approve items 14, 15, 16, 17, and 18 as submitted. Comr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 19. Discussion and possible action to enter into a contract amendment number Two (2) to the rural transportation fund grant agreement No. RPT 0804 (22) 31 with the State of Texas, acting through the Texas Department of Transportation, wherein Webb County accepts an extension from August 31, 2009 to November 30, 2009 and authorizing the County Judge to sign all relevant documents. [Requested by Javier Martinez, Community Action Agency Interim Director]

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

Motion carried 5-0 by unanimous consent.

Item No. 20. Discussion and possible action to enter into a Change Order No. 1 to modify payment terms and conditions of the Contract between Webb County and Motorola for the South Webb County tower project, in order to meet State Administrative Agency requirements. [Requested by Anna Laura Cavazos Ramirez, Webb County Attorney].

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

Motion carried 5-0 by unanimous consent.

Item No. 21. Discussion and possible action to discuss letters of interest submitted to Webb County for the acquisition of land necessary for the construction of an eighteen hole golf course for Webb County, and any other matters incident thereto. [Executive Session may be requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)]

Cmr. Martinez motioned to defer this item for executive session. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Honorable Joe Lopez, 49th District Court Judge

Item No. 24. Discussion and possible action to approve an exception to the current County wide freeze for the following line item transfer:

| | | | |
|-------|---------------|--------------------------------------|-------|
| From: | 001-1009-6203 | General Operating Expense Reserves | 7,000 |
| To: | 001-1001-7001 | 49th District Court Indigent Defense | 7,000 |

Honorable Agustin "Tino" Juarez, Constable Pct. 4

Item No. 25. Discussion and possible action to approve an exception to the current County wide freeze for the following line item transfer:

| | | | |
|-------|---------------|--------------------------------|-------|
| From: | 001-2502-6204 | Fuel & Lubricants | 4,000 |
| To: | 001-2502-6403 | Repairs & Maintenance Vehicles | 4,000 |

Discussion on file at the Webb County Clerks Office under the August 24th, 2009 Commissioner's Court meeting dvd

Cmr. Sciaraffa motioned to approve items 24 and 25 as submitted. Cmr. Tijerina seconded the motion.

Motion carried 5-0 by unanimous consent.

Honorable Martin Cuellar, Sheriff

Item No. 26. Discussion and possible action to ratify the acceptance of a Community Facilities Grant Agreement award from the United States Department of Agriculture Rural Housing Service in the amount of \$200,000 for the acquisition of emergency responder equipment. This grant has a cash match of \$292,000. [Fund #733]

Item No. 27. Discussion and possible action to approve the submission of Fiscal Year 2009 Operation Stonegarden Supplemental grant to the U.S. Department of Homeland Security in the amount of \$1,412,481 for overtime border operations with the U.S. Border Patrol and related law enforcement equipment. This action will have no impact on the county's general fund.

Item No. 28. Discussion and possible action to approve the addition of the following seized vehicle to the Sheriff's Office fleet inventory:

Seized Vehicle Description:

Year: 2001

Make: Ford

Model: Crown Victoria

Vin #2FAFP71W81X173694

Cmr. Sciaraffa motioned to approve items 26, 27, and 28 as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 29. Discussion and possible action to approve the transfer of one vehicle from the Sheriff's Office to the Webb County Attorney's Office.

Transfer Vehicle Description:

Year: 2005

Make: Chevrolet

Model: 2500 Silverado Pickup

Vin #1GCHK24U85E284932

Item No. 30. Discussion and possible action to approve the donation of One (1) vehicle from the Webb County Sheriff's Office to the City of Laredo Fire Department contingent upon acceptance by the City of Laredo's governing body. Subject vehicle was acquired through a Homeland Security Grant and is restricted for Chemical, Biological, Radiological, and Nuclear (CBRN) vehicle response purposes only.

Vehicle Description:

Year: 2005

Make: Ford

Model: Expedition XLT

Vin #1FMPU15565A25158

Com. Sciaraffa motioned to approve items 29 and 30 as submitted. Com. Tijerina seconded the motion.

Mrs. Anna Laura Cavazos Ramirez, County Attorney, clarified that on item 30 it would not be noted as a donation but should be approved as an MOU with the City of Laredo for the transfer subject to approval from Homeland Security.

Com. Garza asked the County Attorney's Office to include in the MOU that once the grant is over that the vehicle be returned to Webb County for use. Mrs. Cavazos Ramirez stated that she would verify if that could be done and if allowed it would be stipulated in the MOU.

Motion carried 5-0 by unanimous consent.

Item No. 31. Discussion and possible action to enter into a One (1) year subscription agreement effective September 1, 2009 through August 31, 2010 with San Antonio Retail Merchants Association (SARMA) for employment screening products and related screening services as requested by the Webb County Sheriff's Office. Fees for services are charged per transaction at a rate of \$5.00 for Education Verification, \$6.00 for National Criminal Reports, \$8.00 for Employment Credit Reports and authorizing the County Judge to sign all relevant documents.

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

Motion carried 5-0 by unanimous consent.

Honorable Patricia A. Barrera, Tax Assessor- Collector

Item No. 32. Discussion and possible action to allocate funds and authorize the purchase of supplies and postage required for printing and mailing of 2009 tax statements as follows: [Account # 001-0700]

| | |
|--|--------------------|
| Materials & Supplies | |
| Tax Statements 180M | \$5,687.00 |
| Tax Receipts w/Security Feature 150M | 3,218.00 |
| #10 Letterhead Window Envelope 200M | 5,130.00 |
| #6 3/4 Addressed Return Envelope 125M | 3,580.00 |
| #1145 Infoprint Toner 6 @ \$306/ea. | 1,530.00 |
| #1572 Infoprint Toner 6 @ \$415/ea. | 2,490.00 |
| #1872 Infoprint Toner 6 @ \$435/ea. | 3,045.00 |
| Total for Material & Supplies | \$24,680.00 |
| | |
| Postage | \$24,000.00 |
| Total for Postage | \$24,000.00 |

Item No. 33. Discussion and possible action to allocate funds to Account #001-0700-6402 for lease payments for:

| | |
|---|--------------------|
| Pitney Bowes Model #D195 for 4 mos. @ \$1,234 | \$4,936.00 |
| Pitney Bowes Model #DW00 for 2 qrtly. @ \$2,925 | 5,850.00 |
| Total Required | \$10,786.00 |

The above-mentioned lease payments were budgeted in FY 2009 under Acct. #001-0106- 6402. [Account #001-0700]

Discussion on file at the Webb County Clerks Office under the August 24th, 2009 Commissioner's Court meeting dvd.

Cmr. Garza motioned to approve items 32 and 33 and have the County Auditor get funds from within Tax Assessor Department budget and any remaining balance to be supplemented through the general operating expense reserves account and have the Auditor bring back a report on how many funds were distributed. Cmr. Martinez seconded the motion.

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

Item No. 34. Discussion and possible action to approve the anticipated tax collection rate for Fiscal Year 2009-2010.

Discussion on file at the Webb County Clerks Office under the August 24th, 2009 Commissioner's Court meeting dvd.

Ms. Patricia Barrera, Tax Assessor Collector, stated that she was certifying 94% as an anticipated tax collection rate.

Cmr. Martinez motioned to table the item and instruct the County Attorney's Office to submit something formal and official stating that the two rates are not tied together and that it will not affect the budget so that appropriate action can be taken. Cmr. Garza seconded the motion.

Mr. Rafael Perez, Auditor's Office, stated to specify that it is for the collection rate for the period of July 1st, 2009 through June 30th, 2010.

Motion carried 5-0 by unanimous consent.

Item No. 35. Discussion and possible action on Tax Rate; if proposed tax rate will exceed the effective tax rate, take record vote (to consider the tax increase) and schedule public hearings (date, time and place).

Ms. Patricia Barrera, Tax Assessor Collector, stated that she does not believe the proposed tax rate will exceed the effective tax rate. She specified that the effective tax rate combining both Road and Bridge and the General Fund is .442083 which is .431451 for the General Fund and the Road and Bridge would be .010632. Ms. Barrera stated that since the effective tax rate is higher than the proposed tax rate, no record vote or public hearing was required.

No action required.

Honorable Patricia Barrera, Tax Assessor Collector

Addendum Item No. 1 Discussion and possible action to approve a Two (2) Year period for the issuance of Texas Alcoholic Beverage Commission (TABC) licenses and permits in Webb County as per Senate Bill 1217, amended Sections 11.09 and 61.03 of the Alcoholic Beverage Code; and any other matters incident thereto.

Discussion on file at the Webb County Clerks Office under the August 24th, 2009 Commissioner's Court meeting dvd

Cmr. Garza motioned to approve keeping the yearly process. Cmr. Martinez seconded the motion.

Motion carried 5-0 by unanimous consent.

Administrative Services

Item No. 36. Discussion and possible action to consider possible dates to interview and/or evaluate applicants for the position of Webb County CAA Director; to appoint a CAA Director; and to take other action incident thereto. [Closed Session may be requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney) and Section 551.074 (Personnel Matters)]

Comr. Garza motioned to defer this item until executive session. Judge Valdez seconded the motion.

Motion carried 5-0 by unanimous consent.

Community Action Agency

Item No. 37. Discussion and possible action to recognize and seat One (1) elected Category "B" member; Cynthia Gonzalez-Representative from Area VI- Lamar, Three Points and Chacon.

Item No. 38. Discussion and possible action to approve ratification of payment by the Webb County Community Action Agency totaling \$426.35 to the Texas Department of Housing and Community Affairs for expenditure made by the Comprehensive Energy Assistance Program. Funds are to come from County Grant Matching. TDHCA has disallowed cost in Case Management component of \$426.35. [Account #001-0112-7200-08]

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

Motion carried 5-0 by unanimous consent.

Central Jury

Item No. 39. Discussion and possible action to approve an exception to the current County wide freeze for the following line item transfer:

| | | | |
|-------|---------------|---------------------------|-------|
| From: | 001-1111-6724 | Central Jury Petit Jurors | 1,000 |
| To: | 001-1111-6005 | Postage | 1,000 |

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

Motion carried 5-0 by unanimous consent.

Economic Development

Item No. 40. Discussion and possible action to authorize the Purchasing Agent to solicit bids on the following eligible housing rehabilitation projects located on HWY 359: [Grant Funded]

| | | |
|---------------------------|----------------|-------------------------|
| 1. Gloria Carrizales | 377 Pinzon Rd. | Ranchitos Subdivision |
| 2. Gustavo Montemayor | 286 Welch | San Carlos Subdivision |
| 3. Eleuterio Garcia | 290 Welch Rd. | San Carlos Subdivision |
| 4. Antonio Urrutia | 218 Amy | San Enrique Subdivision |
| 5. Juan Jose Valdez | 310 Pinzon Rd. | Ranchitos Subdivision |
| 6. Dionicio Jiménez | 385 Pinzon Rd. | Ranchitos Subdivision |
| 7. Martha Lopez Garibaldi | 314 Dasaw Ln. | D-5 Acres Subdivision |

| | | |
|----------------------|----------------|-------------------------|
| 8. Dora Luz Gonzalez | 407 Pinzon Rd. | Ranchitos Subdivision |
| 9. Oscar Martinez | 276 Emiliano | San Enrique Subdivision |
| 10. Jorge Gutierrez | 354 Pinzon | Ranchitos Subdivision |

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

Motion carried 5-0 by unanimous consent.

Elections

Item No. 41. Discussion and possible action to approve a Resolution and Order authorizing and establishing Election Day polling places for the November 3, 2009 Constitutional Amendment Election pursuant to Chapter 43, Texas Election Code.

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

Motion carried 5-0 by unanimous consent.

El Cenizo Community Center

Item No. 42. Discussion and possible action to approve an exception to the current County wide freeze for the following line item transfer:

| | | |
|----------------------------|----------------------------|-----|
| From: 001-6101-6403 | Repairs & Maint. Vehicles | 200 |
| To: 001-6101-6402 | Repairs & Maint. Equipment | 200 |

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

Motion carried 5-0 by unanimous consent.

Engineer

Item No. 43. Discussion and possible action to approve Porras Nance Engineering final payment and retainage for Penitas West H&H Analysis and Master Drainage Plan Contract in the amount of \$5,354.75. [Account #706-8001-8801-11/706-2311]

Item No. 44. Discussion and possible action to approve payment of three outstanding invoices in the total amount of \$6,135.00 from Carrillo Associates, Inc. for soil testing at the Judge Solomon Casseb, Jr., Webb County Youth Village. [Account #684-1306-6022]

Cmr. Martinez motioned to approve items 43 and 44 as submitted. Cmr. Tijerina seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 45. Discussion and possible action to approve an exception to the current County wide freeze for the following line item transfers for the Water Utilities Department.

| | | |
|----------------------------|-------------------------|-------|
| From: 801-3004-6204 | Fuel & Lubricants | 1,744 |
| To: 801-3002-6006 | Advertising | 1,144 |
| 801-3002-6403 | Repair & Maint. Vehicle | 300 |
| 801-3002-6022-8 | Lab Work and Testing | 300 |

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

Motion carried 4-0 with Judge Valdez not present.

Item No. 46. Discussion and possible action to accept the following Colonia right-of-ways and authorizing the County Judge to sign all relevant documents.

| Property | Grantors |
|--|--|
| San Carlos I Lot 7, Block 7 | Hernan Perez |
| Los Altos Lot 22, Block 7 Lot 22, Block 7 | Felipe Z. Rangel and Fernando Rangel Fernando Rangel |
| Pueblo Nuevo Lot 1, Block 13 Lot 7, Block 13 Lot 21, Block 13 Lot 22, Block 13 Lot 16, Block 19 | Arturo Sanchez Ernesto Cadena and Ernestina Mendoza Julia Porras Orta Jose Angel Rivas Maria Diana Munoz |

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

Motion carried with Judge Valdez not present.

Item No. 47. Discussion and possible action to approve the re-designation of the Colorado Acres Water Treatment Facility for the US 59 Colonias as a separate enterprise fund from the Rio Bravo Regional Water Treatment Facility, and authorizing the County Judge to sign all relevant documents.

Item No. 48. Discussion and possible action to authorize the County Engineer to enter into negotiations with Economists.com for a water utility cost of service/rate setting study for the Rio Bravo and El Cenizo area. This company was the sole responder to the RFP and we recommend this action. [Account #001-0109-6022]

Cmr. Sciaraffa motioned to approve items 47 and 48 as submitted. Cmr. Tijerina seconded the motion.

Motion carried 4-0 with Judge Valdez not present.

Item No. 49. Discussion and possible action to approve an exception to the current County wide freeze for the following line item transfers:

| | | | |
|-------|---------------|-------------------------|-------|
| From: | 801-3001-6014 | Equipment Rental | 3,000 |
| | 801-3001-6022 | Professional Services | 1,250 |
| To: | 801-3002-6403 | Repair & Maint. Vehicle | 4,250 |

Item No. 50. Discussion and possible action to approve release of retainage to Mejia Engineering on completed portions of their TWDB contract in the amount of \$14,410.00, for Rio Bravo Drainage Channel Repairs and Rio Bravo Water Line

**Replacement Phase II. [Requested by Fitzgerald Sanchez, Webb County Engineer;
Account #648-2311]**

Com. Sciaraffa motioned to approve items 49 and 50 as submitted. Com. Martinez seconded the motion.

Motion carried 4-0 with Judge Valdez not present.

Mr. Fitzgerald Sanchez, County Engineer, stated that on item 48 he has discussed the matter with the County Auditor and their recommendations were that any negotiations for that work, if any, will be in collaboration and coordination with the Water Utilities Committee.

Facilities

Item No. 51. Discussion and possible action to approve an exception to the current County wide freeze for the following line item transfers:

From:

| | | |
|---------------|------------------------------------|---------------|
| 001-0106-6011 | Training & Education | 200 |
| 001-0106-6202 | Uniforms | 1,200 |
| 001-0106-6402 | Repairs & Maintenance of Equipment | 6,000 |
| 001-0106-6703 | Landfill | 800 |
| 001-6002-6014 | Equipment Rental | 450 |
| 001-6002-6202 | Uniforms | 800 |
| 001-6002-6205 | Materials & Supplies | 1,300 |
| 001-6002-6703 | Landfill | 1,600 |
| | Total: | 12,350 |

To:

| | | |
|---------------|------------------------------------|---------------|
| 001-0106-6401 | Repairs & Maintenance of Buildings | 10,350 |
| 001-0106-6403 | Repairs & Maintenance of Vehicles | 2,000 |
| | Total: | 12,350 |

Head Start

Item No. 52. Discussion and possible action to fill the following Slots for the 2009–2010 Program Year:

| Slot # | Title | Annual Salary | Pay Periods |
|-----------------|------------------------------|---------------|-------------|
| 1005 | AA Teacher | 23,694.91 | 23 |
| 1934, 1936 | AA Teacher | 20,733.13 | 21 |
| 987, 2045, 2046 | AA Teacher Assistant | 15,927.88 | 21 |
| 1040 | Teacher Assistant | 13,703.70 | 21 |
| 1703 | Part Time Substitute Teacher | 9,463.82 | 21 |
| 1088 | Bus Driver | 16,663.35 | 21 |
| 2210 | Cook | 14,100.00 | 21 |

[Requested by Aliza F.Oliveros, Head Start Director, Account #903-4208-5001]

Com. Sciaraffa motioned to approve items 51 and 52 as submitted. Com. Martinez seconded the motion.

Motion carried 5-0 by unanimous consent.

Indigent Healthcare Services

Item No. 53. Discussion and possible action to approve an exception to the current County wide freeze for the following line item transfers:

| | | | |
|--------------|------------------------|--|---------------|
| From: | 001-0109-6203 | General Operating Expenses /Operational Reserves | 55,000 |
| To: | 001-4101-6714-1 | Indigent Health Care Services/Physician Services | 46,750 |
| | 001-4101-6714-2 | Indigent Health Care Services/Prescription Services | 8,250 |

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

Motion carried 5-0 by unanimous consent.

Item No. 54. Discussion and possible action to amend the Webb County policy regarding burial of indigent persons to consider cremation as an alternative to be added to said policy; and any other matters incident thereto.

Item No. 67. Discussion and possible action to authorize the Purchasing Agent to solicit proposals for Cremation Services. [Requested by Frank Salinas, Indigent Health Care Services Director/Dr. Corine Stern, Medical Examiner]

Discussion on file at the Webb County Clerks Office under the August 24th, 2009 Commissioner's Court meeting dvd

Cmr. Tijerina motioned to approve item 54. Cmr. Garza seconded the motion.

After discussion, Cmr. Tijerina and Cmr. Garza withdrew their motions.

Cmr. Tijerina motioned to table items 54 and 67. Cmr. Garza seconded the motion.

After discussion, Cmr. Tijerina and Cmr. Garza withdrew their motions.

Cmr. Tijerina motioned to table item 54 and approve item 67. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Larga Vista Community Center

Item No. 55. Discussion and possible action to approve an exception to the current County wide freeze for the following line item transfers:

| | | | |
|--------------|------------------------|---------------------------------------|------------|
| From: | 001-6103-6403 | Repairs & Maint. Vehicles | 90 |
| | 001-6103-6219-2 | Goods for Public Events | 250 |
| To: | 001-6103-6401 | Repairs & Maint. Buildings | 90 |
| | 001-6103-6205 | Materials & Supplies | 250 |

Medical Examiner

Item No. 56. Discussion and possible action to waive the hiring freeze and fill one part-time position for autopsy Technician/Investigator.

Cmr. Tijerina motioned to approve items 55 and 56 as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Planning

- Item No. 57. Discussion and possible action to “conditionally” authorize water and sewer connections under recently enacted legislation through S.B. 2253 (by Senator Zaffirini) pursuant to the provisions of Sections 232.029 (n) and (o), Texas Local Government Code (TLGC) and contingent upon the applicant’s connection to adequate sewer services prescribed by Section 232.028(b)(3), TLGC, the execution of all required forms and service contracts, and the payment of all associated connection fees; authorization for the County Judge to execute written certifications upon an applicant’s compliance with the prescribed conditions set forth by the Court; and, any matter incident thereto to the following described existing, EDAP grant-eligible dwellings:

Tanquecitos South Acres Subdivision (Recorded in Vol. 5, Pg. 67, W.C.P.R.)

- 1) 7030 State Highway 359 located on an unplatted 6.5026 acre tract out of Tract 9 Tanquecitos Subdivision, (known as Phase II) (Unplatted /Unrecorded.)
- 2) 135 Canyon Rd, located on an unplatted tract known as B-2
- 3) 154 Canyon Rd, located on an unplatted tract known as B-5W

Los Altos Subdivision (Recorded in Vol. 4, Pg. 52, W.C.P.R.)

- 4) 217 Amanecer Rd Unit A, located on Block 2, Lot 5
- 5) 217 Amanecer Rd Unit B, located on Block 2, Lot 5
- 6) 253 Los Altos Dr. located on an unplatted tract known as the North ½ of Block 1, Lot 14
- 7) 258 Arco Iris Rd Unit A, located on Block 1, Lot 20
- 8) 258 Arco Iris Rd Unit B, located on Block 1, Lot 20
- 9) 218 Los Altos Dr Unit A, located on Block 2, Lot 30
- 10) 218 Los Altos Dr Unit C, located on Block 2, Lot 30
- 11) 214 Arco Iris Rd, located on Block 1, Lot 31

San Carlos Subdivision, Phase I (Recorded in Vol. 4, Pg. 34, W.C.P.R.)

- 12) 225 Escandon Rd, located on Block 4, Lot 5
- 13) 188 Escandon Rd Unit A, located on Block 3, Lot 5
- 14) 188 Escandon Rd Unit B, located on Block 3, Lot 5

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

Motion carried 5-0 by unanimous consent.

Purchasing

- Item No. 58. Discussion and possible action to set a date for a Special Commissioners Court Meeting to interview and select a law firm for the Collection of Delinquent Taxes P-2009-05.

Judge Valdez motioned to schedule the Special Commissioner’s Court meeting for September 3, 2009 at 9:00 a.m. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 59. Discussion and possible action for the Commissioners Court to decide and approve the necessary action to proceed with the sole proposal received for the Webb County Casa Blanca Golf Course Lease, P-2009-03.

Comr. Martinez motioned to form a new committee to look and evaluate the proposal and allow them to bring a recommendation.

Motion died for lack of second.

Comr. Garza motioned to allow the existing golf committee to evaluate the proposal and bring back a recommendation. Comr. Sciaraffa seconded the motion.

Comr. Martinez stated that he had some reservations in allowing the same people decide all the future for the golf course which does not allow someone else to come in and voice different opinions.

Motion carried 4-1 with Comr. Martinez voting against.

Item No. 60. Discussion and possible action to authorize the Purchasing Agent to solicit proposals for Individual/Group Counseling and Psychological Testing for the Juvenile Detention Center. [Requested by Melissa Mojica, Juvenile Detention Director]

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

Motion carried 5-0 by unanimous consent.

Item No. 61. Discussion and possible action to authorize the purchase of Licenses for Anti-Virus Protection for Webb County from Dell (DIR-SDD-890-TX) in the amount of \$8,748.00. [Requested by Jaime F. Alvarado, MIS Director; Account #001-0500-6411 (Repairs & Maintenance Software)]

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

Motion carried 5-0 by unanimous consent.

Item No. 62. Discussion and possible action to award Bid 2009-26-2 "Four Medium Cut-a-Way W/2 Wheelchairs Type III Buses to the second lowest bidder, Tri-State Van and Bus Sales in the amount of \$361,133.00. [Requested by Robert Martinez, El Aguila Transportation Director, Account #980-8001-8801 (Capital Outlay)]

Discussion on file at the Webb County Clerks Office under the August 24th, 2009 Commissioner's Court meeting dvd.

Comr. Sciaraffa motioned to defer the item until the end of the meeting. Comr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 63. Discussion and possible action to authorize the purchase of 18,000 lbs. of Granular Activated Carbon from Nichem Co. in the amount of \$20,600.00 for the Water Utilities Department. [Requested by Johnny Amaya, Water Utilities Director, Account #801-3001-6402 (Repairs & Maintenance Equipment)]

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

Motion carried 5-0 by unanimous consent.

Item No. 64. Discussion and possible action to ratify the purchase of Grade I ADA Lever Locks from South Central Hardware, Inc. in the amount of \$5,945.00 for the Sheriff's Department Jail Division. [Requested by Martin Cuellar, Webb County Sheriff, Account #001-2060-6401]

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

Motion carried 5-0 by unanimous consent.

Item No. 65. Discussion and possible action to add the following vendors to the Flexible Base Annual Contract. [Requested by Jose Luis Ramos, Road & Bridge Director]

| Vendor | Price per cubic yard picked up by county | Price per cubic yard loaded by vendor |
|---------------------|---|--|
| La Capilla Ranch | \$4.50 | \$5.50 |
| Watson Apache Ranch | \$2.50 | N/A |

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

Motion carried 5-0 by unanimous consent.

Item No. 66. Discussion and possible action to award Bid 2009-27-Weatherization Contractor Program for Labor and Material for Attic and Wall Insulation to the following:

| Efficient Attic System Border Insulation | Primary Secondary |
|--|----------------------|
| [Requested by Javier Martinez, Community Action Agency Interim Director] | |

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

Motion carried 5-0 by unanimous consent.

Road and Bridge

Item No. 68. Discussion and possible action to allocate funding to supplement with additional \$42,000.00 the previous Court action of \$58,000.00 approved for in-kind street improvements for the TCDP Contract 72419 - Felix Vela Tract Project; and any other matters incident thereto; this additional funding will allow paving to meet subdivision requirements.

Discussion on file at the Webb County Clerks Office under the August 24th, 2009 Commissioner's Court meeting dvd.

Cmr. Garza motioned to allocate total funds from the previously submitted 10% cut from Road and Bridge and have Road and Bridge reimburse in the new fiscal year budget. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Santa Teresita Community Center

Item No. 69. Discussion and possible action to approve an exception to the current County wide freeze for the following line item transfer:

| | | | |
|-------|---------------|-----------------------|-----|
| From: | 001-6114-5601 | Administrative Travel | 400 |
| To: | 001-6114-6205 | Materials & Supplies | 400 |

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

Motion carried 5-0 by unanimous consent.

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

Motion carried 5-0 by unanimous consent.

(Closed Session/Executive Session 1:15 p.m. - 1:50 p.m.)

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

Item No. 36. Discussion and possible action to consider possible dates to interview and/or evaluate applicants for the position of Webb County CAA Director; to appoint a CAA Director; and to take other action incident thereto. [Closed Session may be requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney) and Section 551.074 (Personnel Matters)]

Mrs. Anna Laura Cavazos Ramirez, County Attorney, stated that they are still waiting on written confirmation with regards to the amendment of the bylaws and were asking the item to be tabled.

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

Motion carried 5-0 by unanimous consent.

Item No. 21. Discussion and possible action to discuss letters of interest submitted to Webb County for the acquisition of land necessary for the construction of an eighteen hole golf course for Webb County, and any other matters incident thereto. [Executive 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 August 24th, 2009 Commissioner's Court meeting dvd.

Mrs. Anna Laura Cavazos Ramirez, County Attorney, recommended to extend the deadline for the submission to next Friday, September 4th at 4:30 p.m., have it file marked at the Webb County Clerks Office and to allow for the people who had previously submitted letters to amend any items at this time.

Cmr. Garza motioned to accept the recommendation from the County Attorney's Office. Cmr. Martinez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 70. Discussion and possible action to authorize supplemental payment of ONE THOUSAND DOLLARS (\$1,000.00) for a medical expert witness for expert report provided in connection with expected claim arising from the death of an inmate following incarceration at the Webb County Law Enforcement Center. [Requested by Anna Laura Cavazos Ramirez, Webb County Attorney, Closed Session is

requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)]

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

Motion carried 5-0 by unanimous consent.

Judge Valdez motioned to bring back item 62. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 62. Discussion and possible action to award Bid 2009-26-2 "Four Medium Cut-a-Way W/2 Wheelchairs Type III Buses to the second lowest bidder, Tri-State Van and Bus Sales in the amount of \$361,133.00. [Requested by Robert Martinez, El Aguila Transportation Director, Account #980-8001-8801 (Capital Outlay)]

Discussion on file at the Webb County Clerks Office under the August 24th, 2009 Commissioner's Court meeting dvd.

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

Motion carried 5-0 by unanimous consent.

Cmr. Garza motioned to bring back item 47. Judge Valdez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 47. Discussion and possible action to approve the re-designation of the Colorado Acres Water Treatment Facility for the US 59 Colonias as a separate enterprise fund from the Rio Bravo Regional Water Treatment Facility, and authorizing the County Judge to sign all relevant documents.

Mr. Rafael Perez, County Auditor's Office, recommended to the Court to include the other four water dispensers and to take this back to committee for recommendation of rate increase.

Cmr. Garza motioned to approve recommendation from the County Auditor. Cmr. Tijerina seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 71. Adjourn

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

Motion carried 5-0 by unanimous consent.