

Official Minutes for Webb County Commissioners Court Special Meeting

Monday, November 16, 2009 at 2:00 P.M.
approved December 17, 2009

Call to order by Judge Danny Valdez

Let it be remembered that a special meeting of the Webb County Commissioners Court was held at 2:00 p.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 13th of November 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

Judge Valdez motioned to excuse Cmr. Sciaraffa for being absent. Cmr. Tijerina seconded the motion.

Motion carried 4-0 by unanimous consent.

Item No. 2 Pledge of Allegiance

Item No. 3 Communications

Cmr. Tijerina congratulated all Veterans on all their festivities as well as Judge Valdez for kissing the pig in the fundraiser sponsored by the American Diabetes Association. She also welcomed all residents present from Mirando City and sent her condolences to the Arellano Family on their loss.

Cmr. Garza had no items under communications.

Cmr. Martinez sent his condolences to the Arellano Family as well as congratulated all Veterans and thanked the Veterans from the American Legion Post 59. He also congratulated Judge Valdez and Ms. Pat Campos for kissing the pig in the fundraiser sponsored by the American Diabetes Association.

Judge Valdez sent his condolences to the Arellano Family. He congratulated all Veterans from all different organizations as well as Ms. Pat Campos for kissing the pig.

Item No. 4 Public Comment – This section provides the public the opportunity to address the Commissioner’s 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 – Maria Elena Morales

Ms. Morales stated that she was in the process of finalizing the agreement with the County Attorney's Office but there were about three issues that she needed to discuss with the Court.

Cmr. Sciaraffa walked in at 2:07 p.m.

2nd witness card – Jake Sheeran, USDA Rural Development

Mr. Sheeran was present to encourage the Court to pass a Resolution which was on the agenda for the sewer connections in Mirando City. Mr. Sheeran thanked the Court for placing the item on the agenda which if approved will allow them to continue with their project.

3rd witness card – Salvador Johnson

Mr. Johnson was present representing Mirando City and stated that he was in support of the connection of the wastewater project and hoped that the Court would approve the item today.

Honorable Rosaura Tijerina, Webb County Commissioner Pct. 2

Item No. 5 Discussion and possible action to “conditionally” authorize sewer connections to those certain grant-eligible dwellings located outside the limits of the Special Flood Hazard Area (SFHA) in the Mirando City Subdivision and surrounding areas as funded by the USDA Rural Development Program; authorization to be granted 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); approval is contingent upon each applicant’s connection to adequate sewer services to all dwellings and non-residential structures with plumbing facilities as prescribed by Section 232.028(b)(3), TLGC and the payment of all fees imposed by the Commissioner’s Court; authorization for the County Judge to execute written certifications upon the Planning Department’s verification that applicants have complied with the prescribed conditions set-forth by the Court; and, any matters incident thereto for those tracts more particularly described as follows:

- 1) Block 01, Lot 1, Mirando City Subdivision
- 2) Block 01, Lot 3, Mirando City Subdivision
- 3) Block 02, Lot 1, Mirando City Subdivision
- 4) Block 02, Lot 5, Mirando City Subdivision
- 5) Block 02, Lot 6, Mirando City Subdivision
- 6) Block 03, Lots 3, Mirando City Subdivision
- 7) Block 10, W ½ Lots 1 & 2, Mirando City Subdivision
- 8) Block 10, Lots 17 & 18, Mirando City Subdivision
- 9) Block 13, Lot 3, Mirando City Subdivision
- 10) Block 13, Lots 4, Mirando City Subdivision
- 11) Block 13, Lots 5, Mirando City Subdivision
- 12) Block 13, Lots 8, Mirando City Subdivision
- 13) Block 13, Lots 9, Mirando City Subdivision
- 14) Block 13, Lot 11, Mirando City Subdivision
- 15) Block 13, Lot 12, Mirando City Subdivision
- 16) Block 14, Lot 4, Mirando City Subdivision
- 17) Block 14, Lot 6, Mirando City Subdivision
- 18) Block 15, Lot 1, Mirando City Subdivision
- 19) Block 15, Lot 3, Mirando City Subdivision
- 20) Block 16, Lot 1, Mirando City Subdivision

- 21) Block 16, Lot 6, Mirando City Subdivision
- 22) Block 16, Lot 7, Mirando City Subdivision
- 23) Block 16, Lot 12, Mirando City Subdivision
- 24) Block 17, Lot 2, Mirando City Subdivision
- 25) Block 17, Lot 5, Mirando City Subdivision
- 26) Block 17, Lot 6, Mirando City Subdivision
- 27) Block 17, Lot 12, Mirando City Subdivision
- 28) Block 18, Lot 1, Mirando City Subdivision
- 29) Block 18, Lot 2, Mirando City Subdivision
- 30) Block 18, Lot 5, Mirando City Subdivision
- 31) Block 18, Lot 7, Mirando City Subdivision
- 32) Block 18, Lot 10, Mirando City Subdivision
- 33) Block 20, Lot 8, Mirando City Subdivision
- 34) Block 20, Lot 9, Mirando City Subdivision
- 35) Block 26, Lot 10, Mirando City Subdivision
- 36) Block 27, Lot 1, Mirando City Subdivision
- 37) Block 27, Lot 7, 9, 11, Mirando City Subdivision
- 38) Block 28, Lot 1, Mirando City Subdivision
- 39) Block 28, Lot 8, Mirando City Subdivision
- 40) Block 28, Lot 19, Mirando City Subdivision
- 41) Block 28, Lots 23 & 24, Mirando City Subdivision
- 42) Block 29, Lot 18, Mirando City Subdivision
- 43) Block 30, Lot 2, 3 & N ½ of 4, Mirando City Subdivision
- 44) Block 30, S ½ of Lot 4, Mirando City Subdivision
- 45) Block 31, Lot 9, Mirando City Subdivision
- 46) Block 31, Lot 12, Mirando City Subdivision
- 47) Block 32, Lots 9 & 10, Mirando City Subdivision
- 48) Block 32, Lot 13, Mirando City Subdivision
- 49) Block 32, Lot 14, Mirando City Subdivision
- 50) Block 32, Lot 18, Mirando City Subdivision
- 51) Block 33, Lot 7, Mirando City Subdivision
- 52) Block 33, Lot 8, Mirando City Subdivision
- 53) Block 33, Lot 9, Mirando City Subdivision
- 54) Block 33, Lot 11, Mirando City Subdivision
- 55) Block 34, Lot 2, Mirando City Subdivision
- 56) Block 34, Lot 6, Mirando City Subdivision
- 57) Block 36, Lot 2, Mirando City Subdivision
- 58) Block 36, Lots 4 & 6, Mirando City Subdivision
- 59) Block 36, Lot 8, Mirando City Subdivision
- 60) Block 36, Lot 10, Mirando City Subdivision
- 61) Block 36, Lot 12, Mirando City Subdivision
- 62) Block 37, Lot 2, Mirando City Subdivision
- 63) Block 37, Lot 4, Mirando City Subdivision
- 64) Block 37, Lot 5, Mirando City Subdivision
- 65) Block 37, Lot 6, Mirando City Subdivision
- 66) Block 38, Lot 7, Mirando City Subdivision
- 67) Block 38, Lot 20, Mirando City Subdivision
- 68) Block 39, Lot 7, Mirando City Subdivision
- 69) Block 40, Lot 3, Mirando City Subdivision
- 70) Block 40, Lots 2 & 4, Mirando City Subdivision
- 71) Block 43, Lots 9 & 11, Mirando City Subdivision

- 72) Block 43, Lots 13 thru 18, Mirando City Subdivision
- 73) Block 45, Lot 3, Mirando City Subdivision
- 74) Block 45, Lot 4, Mirando City Subdivision
- 75) Block 45, Lot 8, Mirando City Subdivision
- 76) Block 45, Lot 9, Mirando City Subdivision
- 77) Block 45, Lots 11 thru 13, Mirando City Subdivision
- 78) Block 45, Lot 14, Mirando City Subdivision
- 79) Block 45, Lot 16, Mirando City Subdivision
- 80) Block 45, Lot 17, Mirando City Subdivision
- 81) Block 45, Lot 18, Mirando City Subdivision
- 82) Block 45, Lot 19, Mirando City Subdivision
- 83) Block 46, Lot 7, Mirando City Subdivision
- 84) Block 46, Lot 12, Mirando City Subdivision
- 85) Block 46, Lot 13 & 14, Mirando City Subdivision
- 86) Block 46, Lots 15, Mirando City Subdivision
- 87) Block 47, Lots 17, Mirando City Subdivision
- 88) Block 47, Lots 13, Mirando City Subdivision
- 89) Block 48, Lot 1, Mirando City Subdivision
- 90) Block 48, Lot 4, Mirando City Subdivision
- 91) Block 48, Lot 6, Mirando City Subdivision
- 92) Block 48, W93" of Lots 7-8, Mirando City Subdivision
- 93) Block 48, Lot 12, Mirando City Subdivision
- 94) Block 48, Lot 18, Mirando City Subdivision
- 95) Block 49, Lot 1, Mirando City Subdivision
- 96) Block 49, Lot 5, Mirando City Subdivision
- 97) Block 49, Lot 4, Mirando City Subdivision
- 98) Block 49, Lot 7, Mirando City Subdivision
- 99) Block 49, Lot 9, Mirando City Subdivision
- 100) Block 49, Lot 12, Mirando City Subdivision
- 101) Block 50, Lot 10, Mirando City Subdivision
- 102) Block 52, Lots 5 & 6, Mirando City Subdivision
- 103) Block 53, Lot 2, Mirando City Subdivision
- 104) Block 53, Lots 4 & 6, Mirando City Subdivision
- 105) Block 53, Lots 8 & 10, Mirando City Subdivision
- 106) Block 54, Lots 2 & 4, Mirando City Subdivision
- 107) Block 54, Lot 7, Mirando City Subdivision
- 108) Block 54, Lot 9, Mirando City Subdivision
- 109) Block 55, Lot 8, 9, & 10, Mirando City Subdivision
- 110) Block 55, Lot 14, Mirando City Subdivision
- 111) Block 55, Lot 15, Mirando City Subdivision
- 112) Block 56, Lot 1, Mirando City Subdivision
- 113) Block 56, Lot 5, Mirando City Subdivision
- 114) Block 56, Lot 17, Mirando City Subdivision
- 115) Block 57, Lot 1, Mirando City Subdivision
- 116) Block 57, Lot 2, Mirando City Subdivision
- 117) Block 57, Lot 3, Mirando City Subdivision
- 118) Block 57, Lot 9, Mirando City Subdivision
- 119) Block 57, Lot 12, Mirando City Subdivision
- 120) Block 58, Lots 1 & 3, Mirando City Subdivision
- 121) Block 58, Lot 2, Mirando City Subdivision
- 122) Block 58, Lot 5, Mirando City Subdivision

- 123) Block 58, Lots 9 & 11, Mirando City Subdivision
- 124) Block 58, Lot 12, Mirando City Subdivision
- 125) Block 59, Lots 2 & 4, Mirando City Subdivision
- 126) Block 59, Lot 5, Mirando City Subdivision
- 127) Block 59, Lot 9, Mirando City Subdivision
- 128) Tract #3, Mirando City Addition (aka, Lewis Subdivision)
- 129) Tract #6, Mirando City Addition (aka, Lewis Subdivision)
- 130) Tracts # 7 & 8, Mirando City Addition (aka, Lewis Subdivision)
- 131) Tract #12, Mirando City Addition (aka, Lewis Subdivision)
- 132) Tract #13, Mirando City Addition (aka, Lewis Subdivision)
- 133) Tract #16, Mirando City Addition (aka, Lewis Subdivision)
- 134) Tract #20, Mirando City Addition (aka, Lewis Subdivision)
- 135) Tract #26, Mirando City Addition (aka, Lewis Subdivision)
- 136) Tract #32, Mirando City Addition (aka, Lewis Subdivision)
- 137) Replat of Tract #40-A, Mirando City Addition (aka, Lewis Subdivision)
- 138) Tracts #73 thru 77, Mirando City Addition (aka, Lewis Subdivision)
- 139) Tracts #79 thru 80, Mirando City Addition (aka, Lewis Subdivision)
- 140) Tracts #110 thru 114, Mirando City Addition (aka, Lewis Subdivision)
- 141) Tracts #118 thru 120, Mirando City Addition (aka, Lewis Subdivision)

[Requested by Rhonda M. Tiffin, Planning Director/Floodplain Administrator]

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

Motion carried 5-0 by unanimous consent.

Judge Valdez motioned to bring up item 7. Com. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Elections

Item No. 7 Discussion and possible action to canvass election results of the November 3, 2009 Special Constitutional Amendment Election in Webb County, Texas pursuant to Section 67.003, Texas Election Code. [Requested by; Oscar Villarreal, Elections Administrator]

Discussion on file at the Webb County Clerks Office under the November 16th Commissioner's Court meeting dvd.

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

Motion carried 5-0 by unanimous consent.

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

Motion carried 5-0 by unanimous consent.

(EXECUTIVE SESSION 2:27 p.m. – 3:37 p.m.)

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

Honorable Anna L. Cavazos Ramirez, County Attorney

Item No. 6 Discussion and possible action to approve the Tax Collection agreement between Maria Elena Morales and Webb County and authorizing the County Judge to execute all relevant documents. [Executive Session maybe requested pursuant to Texas Government Code Title 5, Subchapter D., Section 551.071 (Consultation with Attorney)].

Ms. Teresa Hunter, County Attorney's Office, stated that Ms. Morales has agreed to have under paragraph (IX) Termination that the contract may be terminated by the County for cause after first providing written notice to Attorney, etc. and removing that the contract be terminated by County or Attorney with 90 days written notice to the other party. Ms. Hunter also stated to include in the contract under paragraph (XI) that the Attorney has the ability to obtain an Attorney for court appearances and provide verification that they are covered in the insurance. Ms. Hunter also stated to include in the contract a benchmark of 48% from the collectible amounts for the years of 2005 and prior.

Judge Valdez motioned to approve item including all the stipulations discussed by Ms. Hunter. Cmr. Tijerina seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 8 Discussion and possible action concerning Civil Action No. 5:08-cv-00128; Cynthia Alcala, et al. vs. Webb County, Texas, et al.; In the United States District Court for the Southern District of Texas, Laredo Division; including the payment of case expenses and attorney fees to counsel for Patricia Barrera in her individual capacity; and any matters incident thereto. [Executive Session 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 November 16th Commissioner's Court meeting dvd.

Cmr. Sciaraffa motioned to deny the \$20,000 payment. Cmr. Garza seconded the motion.

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

Judge Valdez motioned to appoint a committee consisting of Cmr. Martinez, Cmr. Tijerina, Mr. Leroy Medford, Mr. Leo Flores, and Mr. Mike Bukiewicz to meet with Judge Flores and Mr. Murray Malacoff to discuss the bill and bring back a recommendation to the Court. Cmr. Martinez seconded the motion.

Motion carried 5-0 by unanimous consent,

Item No. 9 **Adjourn**

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

Motion carried 5-0 by unanimous consent.