

# Official Minutes for Webb County Commissioners Court Meeting

Monday, November 23, 2009 at 9:00 AM  
approved December 17, 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 20<sup>th</sup> 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**

Mrs. Kristina Ramirez Guerra, Chief Deputy, call role in place of Margie Ramirez Ibarra, Webb County Clerk.

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

Motion carried 4-0 by unanimous consent.

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

## **Item No. 3. Approval of Minutes for November 9, 2009**

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

Motion carried 4-0 by unanimous consent.

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

Cmr. Garza walked in at 9:01 a.m.

Ms. Delia Perales, County Treasurer, explained the ending October monthly report.

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

Motion carried 5-0 by unanimous consent.

Ms. Delia Perales stated she would be submitting the agreement for the Retirement System to be on file.

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

Cmr. Sciaraffa had no items under communications.

Cmr. Tijerina sent her congratulation to the Bruni Badgers, HEB for a wonderful feast of sharing, US Border Patrol, and to Mr. David Killam for being honored with the Paul Harris Award. She thanked her staff for being there and assisting at the feast. Cmr. Tijerina reminded everyone that her office in conjunction with Habitat for Humanity will be having the Home for the Holidays on December 3<sup>rd</sup>. She sent her condolences to Mr. Valentin Aguilar on the loss of their son and the family of Rey Gomez.

Cmr. Garza sent his condolences to the family of Rey Gomez and thanked HEB for their feast of sharing.

Cmr. Martinez sent his gratitude to Mr. Jose Gutierrez as well as his staff for hosting their own feast of sharing. He commended HEB for their feast of sharing and sent his condolences to the family of Mr. Valentin Aguilar on the loss of their loved one.

Judge Valdez sent his condolences to the families of Rey Gomez and Valentin Aguilar. He congratulated David Killam for being the recipient of the Paul Harris award and HEB on their feast of sharing. Judge Valdez wished all Webb County employees and their families a safe Thanksgiving Holiday and informed everyone that he along with the mayor would be flying out to El Paso to bring 96 soldiers home for the holidays.

Mr. Larry Sanchez, Public Information Officer, advised that on December 4<sup>th</sup> at 10:00 a.m. the Courthouse would be celebrating 100 yrs and that invitations would be sent out for this event.

Mr. Tony Silva, Veterans Officer, introduced Mr. Oscar Palacios. Mr. Palacios was presented a plaque from the Court for his appreciation in conducting volunteer work in assisting the veterans. Mr. Silva also introduced Mr. Artie De Los Santos who advised the Court that he currently has a company hired by the federal government to transport veterans to seek medical attention anywhere in Texas.

**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 – Murray Malacoff

Mr. Malacoff read into the record a correspondence sent to the Court dated November 23, 2009. **Letter on file at the Webb County Clerks Office**

2<sup>nd</sup> witness card – Ricardo Romo

Mr. Romo thanked Cmr. Sciaraffa for placing the item on the agenda. He stated that he was coming from El Cenizo and was asking the Court for their assistance and support for the soccer tournament. Mr. Romo welcomed anyone that would like to give donations and explained that all donations would be submitted through SCAN.

3<sup>rd</sup> witness card – Maria Romo

Mrs. Romo stated that she was going to speak on the same thing as Mr. Romo.

4<sup>th</sup> witness card – Mrs. Montana

Mrs. Montana stated that she was going to speak on the same thing as Mr. Romo.

**Honorable Danny Valdez, Webb County Judge**

**Item No. 7. Discussion and possible action to proclaim the month of November 2009 as National Adoption Awareness Month in Webb County, Texas. [Co-Sponsored by Frank Sciaraffa, Commissioner Pct. 1]**

Judge Valdez read proclamation.

**Item No. 8. Discussion and possible action to designate a committee to make recommendations to the Court regarding the potential use of the old Webb County youth detention center building located on Chicago St. for the relocation of the JJAEP program.**

Discussion on file at the Webb County Clerks Office under the November 23, 2009 Commissioner's Court meeting dvd.

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

Judge Valdez appointed Judge Elma Salinas Ender, Judge Raul Vasquez, Cmr. Garza, a LISD and UISD Board member, Ms. Mojica, a representative from the County Attorney's Office, Mr. Leo Flores, and Mr. Leroy Medford to be part of the committee.

Motion carried 5-0 by unanimous consent.

**Item No. 9. Discussion and possible action to authorize the Road and Bridge department to install speed limit signs on certain county roads located in the Penitas West area, and any other matters incident thereto [Co-Sponsored by Sergio Martinez, Commissioner Pct. 4]**

Cmr. Tijerina motioned to approve item and include a speed limit of 30 mph. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Cmr. Tijerina motioned to bring up item 47. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

**Item No. 47. Discussion and possible action on an extension not to exceed Six (6) months to the current contract between Webb County and Corrections Corporation of America for revenue sharing resulting from the housing of inmates at the CCA Laredo facility(ies); and any other matters incident thereto. [Executive 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. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

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

**Item No. 10. Discussion and possible action to approve the following line item transfer:**

<b>From:</b>	<b>001-0201-5601</b>	<b>Administrative Travel</b>	<b>\$2,000.00</b>
<b>To:</b>	<b>001-0201-6219-2</b>	<b>Goods for Public Events</b>	<b>\$2,000.00</b>

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 sponsor the El Cenizo Colonia Initiative for SCAN's First Annual Youth & Children Six on Six Soccer Tournament in the amount of Eight Hundred Forty-Three Dollars (\$843.00) for El Cenizo, Texas and any other matters incident thereto.

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

Motion carried 5-0 by unanimous consent.

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

Item No. 12. Discussion and possible action to approve and fill the following vacant slot:

Slot #	Title	Hourly Rate
1539	Administrative Assistant	\$21.17

Judge Valdez motioned to approve item effective December 1<sup>st</sup>. Cmr. Tijerina seconded the motion.

Motion carried 5-0 by unanimous consent.

**Honorable Anna L. Cavazos Ramirez, County Attorney**

Item No. 13. Discussion and possible action to enter into a customer agreement with Texas Online for a cost of TWO DOLLARS (\$2.00) for every Electronic Filing Manager (EFM) application to be used by the Webb County District Clerk Office and authorizing the County Judge to execute all relevant documents. [Requested by Anna L. Cavazos Ramirez, Webb County Attorney]

Item No. 14. Discussion and possible action to enter into a Thirty-Six (36) month (October 31, 2009 through October 30, 2012) maintenance agreement with Toshiba Business Solutions of Texas concerning a Toshiba ES-450S copier located in the Webb County Constable Pct. 3 at a cost of FORTY-FIVE DOLLARS (\$45.00) PER QUARTER for a total cost of FIVE HUNDRED FORTY DOLLARS (\$540.00) over the term of the agreement and with copy overages being billed at \$0.016000 per black copy and authorizing the County Judge to execute all relevant documents. [Requested by Anna L. Cavazos Ramirez, Webb County Attorney]

Item No. 15. Discussion and possible action to enter into a Thirty-Six (36) month (November 11, 2009 through October 31, 2012) maintenance agreement with Toshiba Business Solutions of Texas concerning a Toshiba ES-853 copier and Three (3) Toshiba ES-603T located in the Webb County Juvenile Youth Village at a cost of TWO HUNDRED DOLLARS (\$200.00) PER QUARTER for a total cost of TWO THOUSAND FOUR HUNDRED DOLLARS (\$2,400.00) over the term of the agreement and with copy overages being billed at \$0.008000 per black copy and authorizing the County Judge to execute all relevant documents. [Requested by Anna L. Cavazos Ramirez, Webb County Attorney]

Cmr. Martinez motioned to approve items 13, 14, and 15 as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

**Honorable Manuel Gutierrez, District Clerk**

## PUBLIC HEARING

Judge Valdez motioned to open public hearing. Cmr. Tijerina seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 16.** Public Hearing to consider the proposed District Clerk-Webb County, Texas, Preservation and Restoration Records Plan pursuant to Texas Government Code §51.305. The plan will be funded by a \$5.00 fee charged for the filing of a suit, including an appeal from an inferior court, or a cross-action, counterclaim, intervention, contempt action, motion for new trial, or third party-petition, in a district court.

No one signed up to speak for or against.

## CLOSE PUBLIC HEARING

Cmr. Martinez motioned to close public hearing. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 17.** Discussion and possible action to consider and approve proposed District Clerk – Webb County, Texas, Preservation and Restoration Records Plan pursuant to Texas Government Code §51.305. The plan will be funded by a \$5.00 fee charged for the filing of a suit, including an appeal from an inferior court, or a cross-action, counterclaim, intervention, contempt action, motion for new trial, or third party-petition, in a district court.

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

Motion carried 5-0 by unanimous consent.

**Honorable Martin Cuellar, Sheriff**

- Item No. 18.** Discussion and possible action to enter into a Six (6) month contract with Mr. Michael K. Winograd in the amount of Eighteen Thousand (\$18,000.00) Dollars for consultant services in the development of the Webb County Sheriff's Office Intelligence Led Jail Unit (UNIT). Contract effective date is December 1, 2009 through May 31, 2010 and authorizing the County Judge to sign all relevant documents. [Account # 170-Forfeiture Fund] [Executive Session may be requested pursuant to Texas Government Code Title 5, Subchapter D, Sections 551.071 (Consultation with Attorney)]

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

Motion carried 5-0 by unanimous consent.

- Item No. 19.** Discussion and possible action to approve an Inter-Local Cooperative Agreement between Webb County and Zapata County for the purpose of providing housing of Webb County inmates at the rate of \$40.00 per inmate per day. The term of this

agreement shall begin on October 1, 2009 and shall terminate on September 30, 2010, and authorizing the County Judge to sign all relevant documents.

Item No. 20. Discussion and possible action to approve an Inter-Local Cooperative Agreement between Webb County and Dimmit County for the purpose of providing housing of Webb County inmates at the rate of \$39.00 per inmate per day. The term of this agreement shall begin on October 1, 2009 and shall terminate on September 30, 2010, and authorizing the County Judge to sign all relevant documents.

Cmr. Sciaraffa motioned to approve items 19 and 20 as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 21. Discussion and possible action to approve an exemption to the current county wide hiring freeze to allow the Sheriff's Office to fill the following vacant law enforcement slot to support overall operations. This slot is part of the current general order positions for FY 2009-2010.

Slot #	Title	Hourly Rate
476	Officer V	\$19.20

Item No. 22. Discussion and possible action to approve the submission of a Rural Development Community Facilities Grant Program to the U.S. Department of Agriculture in the amount of \$125,000 for renovations to the Sheriff's Office firing range. This grant might require an undetermined match.

Item No. 23. Discussion and possible action to ratify the submission of a Rural Development Community Facilities Grant Program to the U.S. Department of Agriculture in the amount of \$5,000,000 for a detention center. This grant might require an undetermined loan or match portion.

Cmr. Tijerina motioned to approve items 21, 22, and 23 as submitted. Judge Valdez seconded the motion.

Mr. Joe Lopez explained that on item 19 Mr. Jose "Pepe" Salinas was able to negotiate the daily rate from \$42.00 to \$40.00.

Motion carried 5-0 by unanimous consent.

## (MEDIA BREAK 10:15 a.m. – 10:37 a.m.)

Honorable Patricia A. Barrera, Tax Assessor- Collector

Item No. 24. Discussion and possible action to approve the following refunds of:

1. \$20,571.61 to BAC Tax Services Corp., for Accts. #985-11001-400 thru 985-00005-060, Mortgage Overpayment Refund (via CD file)
2. \$33,140.11 to Laredo Levcal LLC, for Acct. 989-44001-010, Supp. 3, Cert 2009 Adjust Value per 111th Judicial Dist. Ct. Judgement Cs. 2008, CVQ001250-D2 for 2008.

[Account #001-2139, 001-0700-3063 & 010-0700-3063]

Item No. 25. Discussion and possible action to allow the Tax Assessor-Collector to fill the following vacant slot:

Slot #	Title	Hourly Rate
123	Mail Room & Supply Inventory Clerk	\$12.65

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

Motion carried 3-0 with Cmr. Garza and Cmr. Tijerina not present.

#### Administrative Services

Item No. 26. Discussion and possible action to amend the starting date of May 1st, 2009 to March 15th, 2009 regarding a One (1) year (March 15th, 2009 through May 1st 2010) previously approved consulting services agreement with RWL Benefits, Inc. d/b/a/ RWL Group, and authorizing the County Judge to execute all relevant documents. [Requested by: Cynthia Mares; Director, Director Administrative Services [Acct. #001-0114-6032]

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

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

#### Auditor

Item No. 27. Discussion and possible action to transfer \$285,168 from the surplus between budgeted and actual salaries in General Fund slots to a Payroll Reserve line item #001-0109-6203 and further action to transfer \$187,720 from Payroll Reserve line item #001-0109-6203 to fund the following expenditures:

Sick Leave Buy-Back for Non-Bargaining Unit Personnel	\$73,533.00
Increase budgeted salary of Slot #2469 in F&A Bruni CCenter	\$54,058.00
Increase Mental Health Unit Operational Budget	\$36,646.00
Increase budgeted salary of Slot #557 for Nurse in Jail Division	\$12,273.00
Increase budgeted salary of Slot #558 for Nurse in Jail Division	\$11,210.00
Total	\$187,720.00

#### Community Action Agency

Item No. 28. Discussion and possible action to fill the following Slots for the Community Social Services Program effective November 24, 2009.

Slot #	Title	Hourly Rate
2422	Case Worker (Full-Time)	\$9.00
1849	Case Worker (Full-Time)	\$9.00

[Requested by Javier H. Martinez, Community Action Agency Interim Director; Account #920-4200-5001]

Cmr. Martinez motioned to approve items 27 and 28 as submitted. Cmr. Sciaraffa seconded the motion.

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

### **Economic Development**

**Item No. 29.** Discussion and possible action to authorize the filling of Slot #2304, temporary part-time file clerk, effective December 17, 2009 at an hourly wage of \$8.50 to be paid from the following fund accounts: 636-0111-5001, 709-0111-5001, and 710-0111-5001.

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

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

### **Fred M. & Anita Bruni Community Center**

**Item No. 30.** Discussion and possible action to approve a change of title to the following slot at the Fred M. & Anita Bruni Community Center, effective November 23, 2009:

	<b>From</b>	<b>To</b>
<b>Slot # 2469</b>	<b>Clerk</b>	<b>Colonia Specialist</b>

[Requested by Joe Gutierrez, Director of Fred M. & Anita Bruni Community Center]

Cmr. Martinez motioned to approve item as submitted.

Motion died for lack of second.

### **Head Start**

**Item No. 31.** Discussion and possible action to approve the Head Start Addendums for Program Governance and Management Procedures, Governance Roles and Responsibilities, and Personnel Policies and Procedures.

Cmr. Sciaraffa motioned to approve item with the exception to table the personnel policies and procedures. Cmr. Martinez seconded the motion.

Motion carried 5-0 by unanimous consent.

**Item No. 32.** Discussion and possible action to approve the 2009 – 2010 Community Assessment developed to enable staff to effectively characterize Webb County's needs and respond with appropriate interventions related to program services.

**Item NO. 33.** Discussion and possible action to approve the following modification to Slot #1029:

<b>From:</b>		
<b>Slot #</b>	<b>Title</b>	<b>Annual Salary</b>
<b>1029</b>	<b>CDA Teacher Assistant</b>	<b>\$16,415.27</b>

To:		
Slot #	Title	Annual Salary
1029	AA Teacher Assistant	\$17,186.19

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

Item No. 34. Discussion and possible action to approve the 2009–2010 Program Improvement Plan developed based on information gathered during the Local Self-Assessment.

Item No. 35. Discussion and possible action to fill the following Slots for the 2009–2010 Program Year:

Slot #s	Title	Annual Salary	Pay Periods
2521, 2522, 2523, 2524	AA Teacher (ARRA)	\$10,175.03(prorated)	10
2525, 2526, 2527, 2528	AA Teacher Asst (ARRA)	\$7,816.80 (prorated)	10
2529	Maintenance Wkr (ARRA)	\$10,140.72(prorated)	10
1087	Bus Driver	\$19,626.57	24
968	Area Service Manager	\$22,709.78	21
980	AA Teacher	\$21,367.56	21
1799	Part Time Substitute	\$9,463.82	21

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

Cmr. Martinez motioned to approve items 32, 33, 34, and 35 as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

### Purchasing

Item No. 36. Discussion and possible action to award Bid-2010-02 to ALSAY Incorporated, in the amount of \$356,100.00 for the construction of the Two (2) Water Wells, located at Bruni and Oilton, Texas.

Item No. 37. Discussion and possible action to approve the purchase of classroom furniture for the Head Start Program in the amount of \$16,776.00, from Reynolds Manufacturing Corporation.

Item No. 38. Discussion and possible action to approve the purchase of Computer Equipment for the Indigent Defense department in the amount of \$8,282.70 from Dell, DIR-SDD-1014 and Lenovo, DIR-SDD-835 pursuant to Subchapter F. Cooperative Purchasing Program Section 271.101 and 271.102, as follows:

Qty	Description	Vendor	Amount
5	Licenses Software	Dell	\$1,742.40
5	Laptop Computers	Lenovo	\$6,540.00
		Total	\$8,282.70

[Requested by Cornell Mickley, Indigent Defense Director; Account #022-1205-8405 (Computerization Costs)]

Item No. 39. Discussion and possible action to approve the additional repair expense of a Crawler Dozer in the amount of \$7,122.28 to RDO Equipment Co. [Requested by Jose Luis Ramos, Road and Bridge Director; Account # 010-7002-6402 (Repairs & Maint. Equipment)]

Item No. 40. Discussion and possible action to approve the purchase of a license agreement for the Head Start program in the amount of \$7,000.00 from Diaz Educational Group, Inc. [Requested by Aliza Oliveros, Head Start Director; Account #904-4208-6069 (Classroom Supplies)]

Item No. 41. Discussion and possible action to approve the purchase of Computer Equipment for the District Clerk's office in the amount of \$5,804.79 from Southern Computer Warehouse DIR-SDD-223 pursuant to Subchapter F. Cooperative Purchasing Program Section 271.101 and 271.102.

Qty	Description
3	HP LaserJet Printers
1	22" Lenovo Monitor
3	Laptops Sony Vaio
1	Scanner

[Requested by Manuel Gutierrez, District Clerk; Account #018-1110-6224 (Minor Tools & Apparatus)]

Cmr. Martinez motioned to approve items 36, 37, 38, 39, 40, and 41 as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 42. Discussion and possible action to ratify the repair of vestibule cell doors in the amount of \$6,597.05 from Southern Folger Detention for the Webb County Law Enforcement Center. [Requested by Sheriff Martin Cuellar; Account #001-2060-6401 (Repairs and Maintenance)]

Item No. 43. Discussion and possible action to authorize the use of a county cell phone in the amount of \$36.99 monthly from Verizon Wireless assigned to the Webb County Clerk's Office. [Requested by Margie Ibarra, Webb County Clerk; Account #001-0109-6004-2]

Cmr. Sciaraffa motioned to approve items 42 and 43 as submitted. Cmr. Tijerina seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 44. Discussion and possible action to approve the additional expenses in the amount of \$1,756.00 to South West Sound for a wireless P.A. System to be installed at the Judge Solomon Casseb, Jr. Webb County Youth Village Court Room.

Qty	Description
2	Audio Technical ATW3100D wireless receiver
1	Audio Technical ATW-T1802 Wireless Plug on Transmitter
1	Lot Labor, Cable, Misc Hardware, Travel, and Per Deim

[Requested by Eloy Ramirez Jr., Purchasing Agent; Account #684-1301-8410]

- Item No. 45. Discussion and possible action to approve the purchase of equipment and labor for the re-installation of the Tower Replacement Project to Motorola Inc., RZ Communication in the amount of \$16,291.90.

Description	Vendor	Amount
Software	Motorola	\$939.00
Labor and Cable	RZ Communication	\$15,352.90
	Total	\$16,291.90

[Requested by Mario G. Cavazos, Radio Communications Director; Account #682-0103-8801 (Capital Outlay)]

- Item No. 46. Discussion and possible action to retain the services of Ausland Architects–Detention Consultants to perform a repair and replacement study for renovations to conform to the Commission of Jail Standards in reference to the Roof Replacement, HVAC (Heating Venting and Air-conditioning), Elevators and Parking area, in the amount of \$4,750.00 and for the Commissioners Court to authorize an exemption, pursuant to TX Local Govt. Code Section 262.024 Discretionary Exemptions, (a), (4) Professional Services. [Requested by Martin Cuellar, Sheriff; Account # State Forfeiture Fund]

Cmr. Martinez motioned to approve items 44, 45, and 46 as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

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

Motion carried 5-0 by unanimous consent.

- Item No. 50. Discussion and possible action to rescind the previous Commissioner’s Court action taken at the meeting of November 9th, 2009 regarding the appointment of counsel and to defer to the county’s insurance carrier recommendations as required by the policy of insurance between Webb County and Travelers Insurance Company in Cause No. 2009CVQ001663D4, Urbano Rosas and Martha Yesenia Landeros, v. County of Webb, Webb County Sheriff’s Department, Sheriff Rick Flores, Deputy Sheriff Eloy Leal, and Unidentified DOES 1-X, and any matters incident thereto. [Executive Session requested pursuant to Texas Government Code Title 5, Subchapter D., Section 551.071 (Consultation with Attorney)]

Mrs. Anna Laura Cavazos Ramirez, County Attorney, stated that they were not asking to go into executive session on this item. She advised that the insurance carrier had advised them that it would be up to them to select counsel of their choice.

Ms. Molly Higgins, County Attorney’s Office, stated that the counsel selected by the insurance carrier was Mr. Charles Frigerio from San Antonio and she also recommended that the rescinded date be as of today.

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

Motion carried 5-0 by unanimous consent.

## (Closed Session/Executive Session 10:52 a.m. – 11:15 a.m.)

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

**Item No. 48.** Discussion and possible action on property owned by Kansas City Southern Railroad known as Block 213 W.D. in Laredo, Webb County, Texas located immediately North of the Webb County Administration building. The Commissioner's Court may take action to include authorization of a bid for purchase of the subject property and/or authorization of surveys, appraisals, environmental assessment, and any other action deemed necessary to possible submission of a bid to purchase said property. [Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Sections 551.071 (Consultation with Attorney) and 551.072 (Deliberations about Real Property). [Requested by Anna L. Cavazos Ramirez]

Mrs. Anna Laura Cavazos Ramirez, County Attorney, recommended authorization for the County Attorney's Office to look into the recent sales from KCS and also authorization to conduct an environmental assessment since KCS is not giving a warranty on the property.

Comr. Tijerina motioned to approve County Attorney's recommendations. Comr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

**Item No. 49.** Discussion and possible action concerning Civil Action No. 5:08-cv-00128; Cynthia Alcalá, 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 23, 2009 Commissioner's Court meeting dvd.

Mrs. Anna Laura Cavazos Ramirez, County Attorney, stated that the court appointed a committee and that said committee was recommending payment of \$17,500. Mrs. Cavazos Ramirez stated that based on this recommendation she was asking the Court to authorize payment.

Comr. Martinez stated that he would file for the record the letter sent by Mr. Murray Malakoff of which Mrs. Margie Ramirez Ibarra, Webb County Clerk, stated that one was already filed for the record.

Comr. Martinez motioned to authorize payment of \$17,500 as Mr. Malakoff had accepted. Judge Valdez seconded the motion.

Motion carried 3-2 with Comr. Sciaraffa and Comr. Garza voting against.

**Item No. 51. Adjourn**

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

Motion carried 5-0 by unanimous consent.