

# Official Minutes for Webb County Commissioners Court Special Meeting

**Monday, November 29, 2010 at 9:00 AM  
(Approved on December 13, 2010)**

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 23<sup>rd</sup> day of November 2010. Present also were Ms. Virginia Martinez, Deputy County Clerk representing Mrs. Margie Ramirez Ibarra, Ex-officio Clerk of the Commissioners Court, various officers and others interested in the business of the Court.

**Item No.1. Roll Call by Honorable Margie Ramirez-Ibarra, Webb County Clerk**

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

**Item No.3. Approval of Minutes for November 8, 2010, November 15, 2010 and November 18, 2010**

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

Motion carried 5-0 by unanimous consent.

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

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

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

Motion carried 5-0 by unanimous consent.

Ms. Delia Perales asked the Webb County Judge, Danny Valdez if item #45 could please be moved up.

Judge Valdez motioned to move up item #45.

Cmr. Sciaraffa seconded the motion.

Motioned carried 5-0 by unanimous consent.

**Item No.45. Discussion and possible action to pass a Resolution amending authorized representatives for texpool investment entity.**

Cmr. Sciaraffa motioned to approve item #45 as submitted.

Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Delia Perales, County Treasurer, stated that the representative would be the Chief Accountant, Mariela Arizola.

**Item No.5. Communications**

Judge Valdez sent his heartfelt condolences to family of County Attorney Anna Laura Cavazos Ramirez for the lost of her sister in law Sylvia Cavazos. He also sent his heartfelt condolences to the Gentry family for the lost of Willis Gentry. Judge Valdez hoped everyone had a great Thanksgiving Day with their families. He thanked Guerra Communications, Fernando Salinas Trust, Javier Santos, and Commissioner Tijerina for helping in the Annual Thanksgiving Day Dinner Dance which fed over three thousand individuals. He also congratulated the Alexander High School Football Team for reaching the 3<sup>rd</sup> round of the Texas High School playoffs. Judge Valdez also encouraged the public to exercise their right to vote and that early voting had began.

Cmr. Martinez sent his heartfelt condolences to family of County Attorney Anna Laura Cavazos Ramirez for the lost of her sister in law Sylvia Cavazos. He mentioned that he had lost a good friend. Cmr. Martinez thanked the individuals responsible for connecting the water and sewer lines at Rancho Penitas West Colonias. He personally thanks Mr. Vargas and Ms. Tiffin.

Cmr. Garza hoped everyone had a great Thanksgiving Day with their families. He sent his heartfelt condolences to family of County Attorney Anna Laura Cavazos Ramirez for the lost of her sister in law Sylvia Cavazos. He also congratulated the Alexander High School Football Team for all their hard work and success.

Cmr Tijerina sent her heartfelt condolences to the Cavazos and Barrera family for the lost of Sylvia Cavazos. She also sent her heartfelt condolences to the Gentry family for the lost of Willis Gentry. Cmr. Tijerina congratulated and thanked Judge Valdez, Guerra Communications, Fernando Salinas Trust, Javier Santos, and her staff for helping in the Feast of Sharing that took place at the Casa Blanca Ballroom.

Cmr. Sciaraffa – No comment.

**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.**

District Attorney, Isidro "Chilo" Alaniz

Spoke in support of item #11 and thanked the Judge and the Commissioners for all of their considerations for the law enforcement. He also mentioned that he hopes that the sick leave buy back is approved.

Elizabeth Reyes

Commented on item #52. Ms. Reyes expressed her concern for the need to reinstate the Administrative Staff positions. She mentioned that new individuals should be hired that will be responsible enough to help the community and follow the Texas Administrative Code.

**Item No.7. Status report by County Attorney's office regarding the Architectural Services Contract with FQR Architects, Inc. in association with Ausland Architects for the proposed County-City Veteran's Museum; with discussion and possible action; and any other matters incident thereto.**

Judge Valdez asked the representatives from FQR if all the documents were signed and ready. The representatives confirmed that all documents were up to date with signatures.

Commissioner Jerry Garza

Mentioned that the representatives of the Latin Sports Hall of Fame had some concerns regarding the 3<sup>rd</sup> party funding request. He asked Judge Valdez to please defer item #8 until the representatives from the Latin Sports Hall of Fame arrived.

Cmr. Sciaraffa motioned to defer item #8. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

**Item No.9. Presentation by Ms. Trisha Cortez of the Rio Grande International Study Center on the mission of the center with discussion and possible action to allocate an amount of up to \$10,000.00 for their efforts and any other matters incident thereto.**

Commissioner Jerry Garza

Expressed his concern for the Rio Grande International Study Center and the funding issues they are currently having. He mentioned that he had visited with representatives from the International Study Center and considered that their mission was vital to the community. Cmr. Garza continued by adding that he was interested in knowing if the court was willing to consider on increasing the funding given to the International Study Center.

Board Member Mr. Victor Oliveros and Ms. Tricia Cortez from the Rio Grande International Study Center were in attendance to give a brief PowerPoint presentation entitled Rio Grande International Study Center 2010: An Eventful Year.

Discussion on file at The Webb County Clerk's Office November 29, 2010 Commissioner Court Meeting DVD.

Cmr. Sciaraffa motioned to approve the allocation of the ten thousand dollars upon identifying the source from where the money was coming from.

Cmr. Garza seconded the motioned.

Motioned carried 5-0 by unanimous consent.

**Item No.10. Discussion and possible action authorizing the execution of the contract for the amount of \$9,700.00 for design services with Hicky Pena Architects for a basketball shade canopy at the North Side International Park pending the approval of the amendment to the interlocal agreement between Webb County and UISD. As per this amendment UISD will reimburse the County for the cost of design and construction. Purchasing agent is authorized to solicit bids once plans and specification are complete and any other matters incident thereto.**

County Attorney, Anna Laura Cavazos Ramirez intercepted the motion to mention that no type of amendment had been received from U.I.S.D. She added that the only sort of correspondence that had been sent was for the \$75,000 specified to be used exclusively for construction. Ms. Cavazos Ramirez mentioned that the \$9,700 would only represent 13% of the \$75,000.

Discussion on file at The Webb County Clerk's Office November 29, 2010 Commissioner Court Meeting DVD.

Cmr. Garza motioned to defer item #10 as submitted. Cmr. Tijerina seconded the motion.

Motion carried 5-0 by unanimous consent.

**Item No.11. Discussion and possible action authorizing Webb County to participate in the sick leave buy back program for eligible Webb County peace officers in accordance with existing Webb County policies and procedures and any other matters incident thereto.**

Discussion on file at The Webb County Clerk's Office November 29, 2010 Commissioner Court Meeting DVD.

Cmr. Garza motioned to bring back item #11 on the next Commissioner's Court Meeting.

Cmr. Tijerina seconded the motion.

Motion carried 5-0 by unanimous consent.

10:11 a.m. Cmr. Garza stepped out of the Courtroom.

**Item No.12. Status Report and presentation by the management team appointed by the Commissioner's Court regarding the necessary paper work required by the Texas Department of Housing and Community Affairs for certification of CSBG work activities by CSBG employees for the purpose of rehiring Community Action Agency employees that worked under the CSBG prior to being laid off.**

Discussion on file at The Webb County Clerk's Office November 29, 2010 Commissioner Court Meeting DVD.

Cmr. Martinez requested to know the procedure to certify employees under CSBG and send to the state.

Cynthia Mares, member of the Management Team stated that time sheets and activity or task logs are necessary to certify the type of work that the individuals are doing and those are to be submitted to the state.

Item #12 same as item #2 of Addendum.

**Item No.13. Discussion and possible action to authorize County Attorney to take the necessary steps including, the filing of a lawsuit to recover reimbursement amounts from all applicants (not County Employees) who requested and received funds from the Weatherization Assistance Program, who did not qualify for the Weatherization Assistance Program according to eligibility guidelines.**

Discussion on file at The Webb County Clerk's Office November 29, 2010 Commissioner Court Meeting DVD.

County Attorney Anna Laura Cavazos Ramirez stated that she needed to work with the state to determine eligibility required for funding.

Cmr. Martinez motioned to have County Attorney Anna Laura Cavazos Ramirez take the necessary steps including the filing of a lawsuit to recover reimbursement amounts.

Judge Valdez seconded the motion.

Motion carried 4-0 by unanimous consent with Cmr. Garza out of the courtroom.

Item #13 same as item #3 of Addendum.

Cmr. Martinez motioned to move Addendum item to the end.

Cmr. Sciaraffa seconded the motion.

Motion carried 4-0 by unanimous consent with Cmr. Garza out of the courtroom.

**Item No.10. Discussion and possible action authorizing the execution of the contract for the amount of \$9,700.00 for design services with Hicky Pena Architects for a basketball shade canopy at the North Side International Park pending the approval of the amendment to the interlocal agreement between Webb County and UISD. As per this amendment UISD will reimburse the County for the cost of design and construction. Purchasing agent is authorized to solicit bids once plans and specification are complete and any other matters incident thereto.**

Discussion on file at The Webb County Clerk's Office November 29, 2010 Commissioner Court Meeting DVD.

County Attorney Anna Laura Cavazos Ramirez stated that the \$9,700 would represent 13% of \$75,000 which were allotted by U.I.S.D. She mentioned that if the cost of the canopy would be over \$75,000, Webb County would have to come up with additional funds.

Mr. Luis Mario Pena, Hicky Pena Architects, mentioned that the draft by U.I.S.D. allows only for construction and installation. He stated that if the amount would not exceed \$100,000 that hours and work would need to be analyzed. Mr. Pena added that their fees only represent 30% of total amount and that the other 70% is exclusively structural fees. He mentioned that the numbers are based on the amount of work entailed.

Cmr. Garza notified County Attorney Anna Laura Cavazos Ramirez that perhaps the court could work with U.I.S.D. and bring back item on the next Commissioner's Court meeting.

Cmr. Garza motioned to consult with the Purchasing Agent to solicit bids for the canopies, for the County Attorney to work out a dialogue with U.I.S.D. and come back next Commissioner's Court meeting.

Cmr. Tijerina seconded the motion.

Motion carried 5-0 by unanimous consent.

**Item No.8. Presentation by the Latin Sports Hall of Fame representative on their recent 3<sup>rd</sup> party funding request and any other matters incident thereto. [Co-Sponsored by Rosaura "Wawi" Tijerina, Commissioner Pct. 2]**

Discussion on file at The Webb County Clerk's Office November 29, 2010 Commissioner Court Meeting DVD.

Cynthia Hayes Ramirez, Jose Garcia, Pitin Guajardo, and Chilo Garcia, International Latin Sports Hall of Fame members were present. Mr. Jose Garcia stated that an application had been submitted for a funding request and their response was still pending.

Mr. Pitin Guajardo stated that the original request last year for \$9,200 but the funding check had been returned due to conflict with event for which support was going to be used.

Cmr. Tijerina motioned to award the \$9,200 to be taken from the Hotel/Motel funds. Cmr. Sciaraffa seconded the motion.

Motion carried 4-0 with the item to be brought back at the next Commissioner's Court Meeting to identify funding, with Judge Valdez out of the courtroom.

Item No.14. Discussion and possible action to allow newly elected County officials to fill vacant employee slots in their adopted budgets effective January 3, 2011 and any other matters incident thereto. [Requested by Leo Flores, Webb County Auditor]

Leo Flores, County Auditor

Mr. Flores stated that since the budget included departments that are not under new elected officials (effective January 3, 2011), he asked if they could be included with the new officials.

Comr. Tijerina motioned to approve item #14 including the request made by Mr. Flores. Comr. Sciaraffa seconded the motion.

Motion carried 4-0 by unanimous consent with Judge Valdez out of the courtroom.

Item No.15. Discussion and possible action to approve the following capital outlay purchases as recommended by the Capital Outlay Committee, and including Tax Assessor request, to be paid from Series 2010 capital outlay funds and from other capital outlay series funds identified by Auditor; and any other matters incident thereto. [Requested by Frank Sciaraffa, Commissioner Pct. 2]

| <u>Department</u>               | <u>Purpose</u>   | <u>Amount</u> |
|---------------------------------|--|---------------|
| District Clerk                  | Jury Software  | 100,000       |
| County Clerk                    | Computers  | 10,000        |
| J.P. Ramiro Veliz               | Chairs & Carpet  | 5,000         |
| J.P. Ricardo Rangel             | Copier & Fax   | 5,000         |
| J.P. Hector Liendo              | Copier & TV  | 10,000        |
| J.P. Oscar Liendo               | Computers & Printers   | 5,000         |
| Constable Rodriguez             | Radios   | 10,000        |
| Constable Juarez                | Radios, Computers  | 10,000        |
| Constable Reyes                 | Telephone System, Computers  | 16,000        |
| Purchasing                      | Computers & Printers   | 37,500        |
| Administrative Services         | Scanner, HR Software   | 27,000        |
| M I S                           | Time & Attendance System   | 200,000       |
| Records Management              | Scissor Lift   | 14,000        |
| Indigent Health                 | Copier, Computers  | 25,000        |
| Public Defender                 | Computers & Software   | 5,400         |
| Building Maintenance            | Vehicles   | 48,000        |
| Engineering                     | Vehicles   | 56,000        |
| Radio Communications            | Vehicle  | 36,000        |
| Water Utilities                 | Water Tanker Truck   | 100,000       |
| 49 <sup>th</sup> District Court | Court Reporter System  | 50,000        |
| Tax Assessor-Collector          | IBM AS400-8203-E4A Power Server, 80 Licenses/users, with 5 yr. hardware and Software maint. including installation | <u>80,000</u> |
|                                 |  | 849,900       |

Discussion on file at The Webb County Clerk's Office November 29, 2010 Commissioner Court Meeting DVD.

Comr. Sciaraffa motioned to approve item #15 pending Mr. Flores coming back to the court with report stating whether the system requested by Patricia Barrera, Tax Assessor Collector, is compatible to the A.S. 400. Comr. Tijerina seconded the motion.

Motion carried 4-0 by unanimous consent with Cmr. Garza out of the courtroom.

**Item No.16. Presentation by Eliza Mendoza, President of the Webb County Employee Recognition Committee, regarding request for financial assistance for their planned holiday events; with discussion and possible action; and any other matters incident thereto.**

Discussion on file at The Webb County Clerk's Office November 29, 2010 Commissioner Court Meeting DVD.

Eliza Mendoza, Employee Recognition Committee

Ms. Mendoza stated that the Employee Recognition Committee has been doing their best but limited as to what they can do in collecting funds for the two major events which are the Webb County Picnic and Christmas Party.

Ms. Mendoza stated that the Committee is short \$4,000.

Judge Valdez asked Mr. Leo Flores if funds can be used for promotions.

Mr. Flores mentioned that funds for promotions were available from the International Latin Hall of Fame and that if he wished the account could be split.

Cmr. Sciarraff asked Mr. Flores what the balance for promotions was.

Mr. Flores gave an estimate of \$8,725 available in the promotions account.

Cmr. Tijerina motioned for Leo Flores, County Auditor, to meet with each individual Commissioner to allocate the \$4,000 for the event from Goods for Public Events or Discretionary funds. Cmr. Sciaraffa seconded the motion.

Motion carried 3-2 with Cmr. Martinez and Cmr. Garza voting against.

Cmr. Martinez stated he did not want to participate.

## **(Break 10:55 a.m. – 11:15 a.m.)**

Commissioner's Court resumed with Cmr. Garza and Cmr. Martinez out of the courtroom.

**Item No.17. Discussion and possible action to approve a Non-Financial Agreement between Webb County Head Start/Early Head Start and Laredo Community College Child Development Department for educational services for Head Start/Early Head Start children and their families and authorize the County Judge to sign all relevant documents. [Requested by Aliza Oliveros, Webb County Head Start Director]**

Cmr. Sciaraffa motioned to approve item #17 as submitted.

Judge Valdez seconded the motion.

Motion carried 3-0 by unanimous consent with Cmr. Garza and Cmr. Martinez out of the courtroom.

**Item No.18. Discussion and possible action to enter into a Maintenance Agreement between Red-E Set Grown, LLC and Webb County Head Start for a Webb Site Hosting Software License for children enrolled in the Head Start/Early Head Start program for a period of One (1) year from October 1, 2010 through September 31, 2011 for a Single User renewal rate of TWO HUNDRED FIVE DOLLARS (\$205.00) and a Five-user renewal rate of NINE HUNDRED FIFTY DOLLARS (\$950.00) and authorizing the County Judge to sign all relevant documents. [Requested by Aliza Oliveros, Webb County Head Start Director]**

Cmr. Sciaraffa motioned to approve item #18 as submitted.

Judge Valdez seconded the motion.

Motion carried 4-0 by unanimous consent with Cmr. Garza out of the courtroom.

**Item No.19.** Discussion and possible action to approve a Seismic Permit between Geophysical Explorer and the Webb County School Lands for a total of 7,508.40 acres at a price of THIRTY DOLLARS (\$30.00) per Acre for a total of \$225,252.00 and/or other goods and valuable consideration and authorizing the County Judge to execute all relevant documents.

**Item No.20.** Discussion and possible action to approve the Permit allowing Dawson Geophysical to conduct 3-D seismic surveys of 421.40 acres of Webb County School lands in the amount of \$10,535.00; and authorizing the County Judge to execute all relevant documents, and any other matters incident thereto.

**Item No.21.** Discussion and possible action to approve the license agreement for software license, maintenance, and support with Advanced Computer Technologies, LCC and authorizing the County Judge to execute all relevant documents, and any other matters incident thereto. [Requested by Oscar Hale, 406<sup>th</sup> District Court Judge]

Cmr. Martinez motioned to approve items #19 and #21 as submitted and to table item #20. Judge Valdez seconded the motion.

Motion carried 4-0 by unanimous consent with Cmr. Garza out of the courtroom.

**Item No.22.** Discussion and possible action to respond to a grievance filed by the Webb County Deputy Sheriffs Association pursuant to Article XIX of the Collective Bargaining Agreement among Webb County, Webb County Sheriff Martin Cuellar, and the Webb County Deputy Sheriffs Association, concerning the manner of determining longevity pay pursuant to Article XI, Section D, of the Collective Bargaining Agreement. [Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)]

Cmr. Sciaraffa motioned to move item #22 to Executive Session. Judge Valdez seconded the motion.

Motion carried 4-0 by unanimous consent with Cmr. Garza out of the courtroom.

**Item No.23.** Discussion and possible action to approve an exemption to the current County wide hiring freeze and approve the filling of the following slots:

| <u>Slot #</u> | <u>Title</u>                         | <u>Annual Salary</u> |
|---------------|--------------------------------------|----------------------|
| 0305          | Public Records Supervisor            | \$41,018.00          |
| 0306          | Commissioners Court/Office Secretary | \$40,886.00          |

Cmr. Sciaraffa motioned to approve item #23 as submitted.

Cmr. Tijerina seconded the motion.

Motion carried 4-0 by unanimous consent with Cmr. Garza out of the courtroom.

Item No.24. Discussion and possible action to approve exceptions to the County wide hiring freeze and to approve salary adjustments to the following slots effective January 3, 2011. Salary increases are equal to the decreases and therefore will not impact the general fund.

|       | <u>Slot #</u> | <u>Title</u> | <u>Annual Salary</u> |
|-------|---------------|--------------|----------------------|
| From: | 276           | Deputy Clerk | \$55,333.00          |
|       | 277           | Deputy Clerk | \$54,166.00          |
|       | 280           | Deputy Clerk | \$32,748.00          |
|       | 281           | Deputy Clerk | \$38,783.00          |
|       | 284           | Deputy Clerk | \$36,347.00          |
|       | 285           | Deputy Clerk | \$33,333.00          |
|       | 287           | Deputy Clerk | \$31,928.00          |
|       | 289           | Deputy Clerk | \$31,928.00          |
|       | 295           | Deputy Clerk | \$29,119.00          |
|       | 296           | Deputy Clerk | \$29,119.00          |
|       | 299           | Deputy Clerk | \$31,698.00          |
|       | 1886          | Deputy Clerk | \$47,953.00          |
|       | 1889          | Deputy Clerk | \$47,948.00          |
|       | 1974          | Deputy Clerk | \$43,473.00          |
|       | 2089          | Deputy Clerk | \$27,484.00          |
| To:   | 276           | Deputy Clerk | \$56,833.00          |
|       | 277           | Deputy Clerk | \$55,666.00          |
|       | 280           | Deputy Clerk | \$33,748.00          |
|       | 281           | Deputy Clerk | \$40,783.00          |
|       | 284           | Deputy Clerk | \$34,347.00          |
|       | 285           | Deputy Clerk | \$34,307.00          |
|       | 287           | Deputy Clerk | \$33,428.00          |
|       | 289           | Deputy Clerk | \$27,456.00          |
|       | 295           | Deputy Clerk | \$30,119.00          |
|       | 296           | Deputy Clerk | \$29,906.00          |
|       | 299           | Deputy Clerk | \$24,911.00          |
|       | 1886          | Deputy Clerk | \$48,953.00          |
|       | 1889          | Deputy Clerk | \$48,948.00          |
|       | 1974          | Deputy Clerk | \$42,743.00          |
|       | 2089          | Deputy Clerk | \$28,484.00          |

Item No.25. Discussion and possible action to approve the following transfer of employees within the following slots, effective January 3, 2011:

|       | <u>Slot #</u> | <u>Title</u> | <u>Annual Salary</u> |
|-------|---------------|--------------|----------------------|
| From: | 299           | Deputy Clerk | \$31,698.00          |
| To:   | 1974          | Deputy Clerk | \$42,473.00          |
| From: | 2238          | Deputy Clerk | \$27,457.00          |
| To:   | (New Slot)    | Deputy Clerk | \$22,501.00 (9 mos.) |

|       |      |              |             |
|-------|------|--------------|-------------|
| From: | 2329 | Deputy Clerk | \$24,911.00 |
| To:   | 290  | Deputy Clerk | \$27,454.00 |
| From: | 2331 | Deputy Clerk | \$24,911.00 |
| To:   | 289  | Deputy Clerk | \$27,456.00 |

Item No.26. Discussion and possible action to approve the filling of the following slots, effective January 3, 2011 and to approve the filling of any other slot that may be vacated between November 29, 2010 and January 1, 2011. All changes will result in a total within the budget amount for personnel and will not affect the general fund.

| <u>Slot #</u> | <u>Title</u> | <u>Annual Salary</u> |
|---------------|--------------|----------------------|
| 284           | Deputy Clerk | \$34,347.00          |
| 299           | Deputy Clerk | \$24,911.00          |
| 2329          | Deputy Clerk | \$24,911.00          |
| 2330          | Deputy Clerk | \$24,911.00          |
| 2331          | Deputy Clerk | \$24,911.00          |

Cmr. Sciaraffa motioned to approve items #24, #25, and #26 effective January 3, 2011.

Cmr. Tijerina seconded the motion.

Motion carried 4-0 by unanimous consent with Cmr. Garza out of the courtroom.

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

|       |               |                      |        |
|-------|---------------|----------------------|--------|
| From: | 001-1011-7050 | Adult Misdemeanor    | 5,000  |
|       | 001-1011-7051 | Juvenile Misdemeanor | 5,000  |
|       | 001-1011-7052 | Juvenile Felony      | 5,000  |
| To:   | 001-1011-5005 | Part Time            | 15,000 |

Item No.28. Discussion and possible action to approve the transfer of the following slot and employee from Department #1011 County Court at Law 2 to Department #1042 Justice of the Peace, Pct. 2, Pl. 2; and any other matters incident thereto.

| <u>Slot</u> | <u>Title</u>          | <u>Hourly Rate</u> | <u>Salary</u> |
|-------------|-----------------------|--------------------|---------------|
| 2240        | Warrant Peace Officer | \$24.20            | \$50,344.00   |

Item No.29. Discussion and possible action to approve the filling of the following slot, effective January 3, 2011:

| <u>Slot #</u> | <u>Title</u>            | <u>Hourly Rate</u> |
|---------------|-------------------------|--------------------|
| 2608          | Certified Peace Officer | \$17.09            |

Discussion on file at The Webb County Clerk's Office November 29, 2010 Commissioner Court Meeting DVD.

Cmr. Tijerina motioned to approve item #27, #28, and #29 as submitted with subject to pending supervision from the County Sheriff or Constable on items #28 and #29. Cmr. Sciaraffa seconded the motion.

Motion carried 4-0 by unanimous consent with Cmr. Garza out of the courtroom.

Cmr. Sciaraffa mentioned the correction on item #28 should read Pct. 2 Pl.1.

**Item No.30.** Discussion and possible action to accept an Operation Border Star from the Office of the Governor Criminal Justice Division in the amount of \$202,020.00 and designating the County Judge as the authorized official. This grant requires no match; therefore, this grant will have no impact on the general fund.

**Item No.31.** Discussion and possible action to accept a 2010 Sub-Recipient Award for the Homeland Security Grant Program (HSGP) and the State Homeland Security Program (SHSP) from the Texas Department of Public Safety in the amount of \$188,594.85 for radio communications equipment and designating the County Judge as the authorized official. This grant requires no match; therefore, this grant will have no impact on the general fund.

Cmr. Tijerina motioned to approve items #30 and #31 as submitted.

Cmr. Sciaraffa seconded the motion.

Motion carried 4-0 by unanimous consent with Cmr. Garza out of the courtroom.

Cmr. Sciaraffa requested to go back to item #29.

**Item No.29.** Discussion and possible action to approve the filling of the following slot, effective January 3, 2011:

| <u>Slot #</u> | <u>Title</u>            | <u>Hourly Rate</u> |
|---------------|-------------------------|--------------------|
| 2608          | Certified Peace Officer | \$17.09            |

Cmr. Tijerina motioned to approve item #29 as submitted with subject to pending supervision from the County Sheriff or Constable. Judge Valdez seconded the motion.

Motion carried 4-0 by unanimous consent with Cmr. Garza out of the courtroom.

**Item No.32.** Discussion and possible action to accept a 2010 Sub-Recipient Award for the Citizens Corps Program (CCP) from the Texas Department of Public Safety in the amount of \$13,276.80 for equipment, supplies, and training in the eligible category of Neighborhood Watch and designating the County Judge as the authorized official. This grant requires no match; therefore, this grant will have no impact on the general fund.

Cmr. Tijerina motioned to approve items #32 as submitted.

Cmr. Sciaraffa seconded the motion.

Motion carried 4-0 by unanimous consent with Cmr. Garza out of the courtroom.

**Item No.33.** Discussion and possible action to award proposal #P2009-08 "Time and Attendance Application" to Workforce Software in the amount of \$122,440.00. [Account #170-2001-8801; Recommended by the Time and Attendance Committee]

Cmr. Sciaraffa motioned to table item #33. Judge Valdez seconded the motion.

Motion carried 4-0 by unanimous consent with Cmr. Garza out of the courtroom.

**Item No.34.** Discussion and possible action to enter into a Professional Service Contract with Dr. Rolando Salazar in the amount of Forty-Two Thousand Dollars (\$42,000.00) for dental treatment services to inmates at the Webb County Jail. Contract is effective October 1, 2010 through September 30, 2011 and authorizing the County Judge to sign all relevant documents.

Cmr. Sciaraffa motioned to approve item #34 as submitted. Judge Valdez seconded the motion.

Motion carried 4-0 by unanimous consent with Cmr. Garza out of the courtroom.

**Item No.35.** Discussion and possible action to allow the Sheriff's Office to utilize the assigned credit cards currently used for travel expenditures related to transportation of inmates, to also be used for making reservations for regular travel and training as it pertains to the Sheriff's Office operations.

Discussion on file at The Webb County Clerk's Office November 29, 2010 Commissioner Court Meeting DVD.

Cmr. Sciaraffa motioned to approve item #35 as submitted.

Judge Valdez seconded the motion.

Motion carried 4-0 by unanimous consent with Cmr. Garza out of the courtroom.

**Item No.36.** Discussion and possible action to approve the following line item transfers:

|       |               |                      |            |
|-------|---------------|----------------------|------------|
| From: | 001-2060-5005 | Part Time            | 15,708     |
| To:   | 001-2060-5001 | Payroll Cost         | 12,642     |
|       | 001-2060-5301 | Fica County Share    | 967        |
|       | 001-2060-5303 | Retirement Co. Share | 1,226      |
|       | 001-2060-5305 | Worker Compensation  | 664        |
|       | 001-2060-5306 | Unemployment Tax     | <u>209</u> |
|       |               | Total                | 15,708     |

Cmr. Sciaraffa motioned to approve item #36 as submitted.

Cmr. Martinez seconded the motion.

Motion carried 4-0 by unanimous consent with Cmr. Garza out of the courtroom.

**Item No.37.** Discussion and possible action to approve the addition of the following seizures: One (1) token trailer, One (1) utility trailer, Two (2) motorcycles, One (1) fork lift, and One (1) bus to the Sheriff's Office fleet inventory and to authorize the necessary insurance coverage.

Seized Vehicle/s Description:

2009 C&M Utility Trailer  
VIN No. 5VNBU16279T078762

Nissan Fork Lift  
CPH02A25V

1994 Token Trailer  
VIN No. 1PTG1JAH7R6001520

2005 Suzuki MC  
VIN No. JS1GN79A452101116

2008 Kawasaki MC  
VIN No. JKAZX4P168A037773

2003 International School Bus  
VIN No. 4DRBRAAN93B953230

Item No.38. Discussion and possible action to approve the addition of Fourteen (14) seized Whirlpool Refrigerators to be utilized in any applicable Webb County Sheriff's Office buildings and/or other law enforcement County Office.

Item No.39. Discussion and possible action to approve the following title changes, effective November 29, 2010, contingent upon approval by the Civil Service Commission on title changes; and to authorize the exemption to the current County wide hiring freeze. This slot is part of the current general order positions for FY2010-2011.

|       | <u>Slot #</u> | <u>Title</u>       | <u>Hourly Rate</u> |
|-------|---------------|--------------------|--------------------|
| From: | 419           | Bonds Clerk        | \$10.65            |
| To:   | 419           | Finance Supervisor | \$18.00            |

Cmr. Sciaraffa motioned to approve item #37, #38, and #39 as submitted.

Cmr. Martinez seconded the motion.

Motion carried 4-0 by unanimous consent with Cmr. Garza out of the courtroom.

Item No.40. Discussion and possible action to authorize the changes to the following slots, effective November 29, 2010:

|       | <u>Slot #</u> | <u>Title</u> | <u>Hourly Rate</u> |
|-------|---------------|--------------|--------------------|
| From: | 437           | Corporal II  | \$22.40            |
|       | 515           | Officer III  | \$19.90            |
| To:   | 437           | Corporal I   | \$21.18            |
|       | 515           | Officer IV   | \$20.91            |

Cmr. Sciaraffa motioned to approve item #40 as submitted.

Judge Valdez seconded the motion.

Motion carried 4-0 by unanimous consent with Cmr. Garza out of the courtroom.

Item No.41. Discussion and possible action to allow the Sheriff's Office to fill the following vacant law enforcement slots, and approve proposed title change, contingent upon approval by the Civil Service Commission. This slot is part of the current general order positions for FY 2010-2011.

| <u>Slot #</u> | <u>Title</u> | <u>Proposed Title Change</u> | <u>Hourly Rate</u> |
|---------------|--------------|------------------------------|--------------------|
| 383           | Officer I    | n/a                          | \$17.99            |
| 562           | Head Cook    | Fleet Coordinator            | \$16.37            |
| 502           | Officer III  | n/a                          | \$19.51            |

Item No.42. Discussion and possible action to approve a refund in the amount of \$2,761.77 to Popp, Gray & Hutchinson, LLP for Accounts #80023029102 (County and Road & Bridge), Value Adjustment as per Judgement Cause #2009CVQ001478 D2 for 2009. [Account #001-0700-3063]

Cmr. Sciaraffa motioned to approve item #41 and #42 as submitted.

Judge Valdez seconded the motion.

Motion carried 4-0 by unanimous consent with Cmr. Garza out of the courtroom.

Item No.43. Discussion and possible action to adjust the hourly rates of the following slots effective January 3, 2011. Slot #2389 is a position that will be available January, 2011, as per adopted General Order, and Slot #30 is a current position. There will be no effect on the general fund.

|       | <u>Slot #</u> | <u>Title</u> | <u>Hourly Rate</u> |
|-------|---------------|--------------|--------------------|
| From: | 2389          | Clerk        | \$14.00            |
|       | 30            | Clerk        | \$10.07            |
| To:   | 2389          | Clerk        | \$12.04            |
|       | 30            | Clerk        | \$12.03            |

Item No.44. Discussion and possible action to approve the filling of the following slot, effective January 3, 2011:

| <u>Slot #</u> | <u>Title</u> | <u>Hourly Rate</u> |
|---------------|--------------|--------------------|
| 2389          | Clerk        | \$12.04            |

Cmr. Sciaraffa motioned to approve item #43 and #44 as submitted.

Cmr. Tijerina seconded the motion.

Motion carried 4-0 by unanimous consent with Cmr. Garza out of the courtroom.

**Item No.45.** Discussion and possible action to pass a Resolution amending authorized representatives for texpool investment entity.

**Item No.46.** Discussion and possible action to approve the advertising of the position of Executive Administrator, Slot #72, not to exceed an hourly rate of \$34.15.

**Item No.47.** Discussion and possible action to approve the temporary filling of the following slot:

| <u>Slot #</u> | <u>Title</u>            | <u>Hourly Rate</u> |
|---------------|-------------------------|--------------------|
| 72            | Executive Administrator | \$12.69            |

Cmr. Sciaraffa motioned to approve item #46 and #47 as submitted.

Judge Valdez seconded the motion.

Motion carried 4-0 by unanimous consent with Cmr. Garza out of the courtroom.

**Item No.48.** Discussion and possible action to approve an exemption to the current County Wide hiring freeze and to allow the Administrative Services Department to fill the following vacant slot:

| <u>Slot #</u> | <u>Title</u>                | <u>Hourly Rate</u> |
|---------------|-----------------------------|--------------------|
| 2427          | Human Resources Assistant I | \$10.53            |

**Item No.49.** Discussion and possible action to change the title in the General Order to read as follows, as approved by Civil Service Commission:

|       | <u>Slot #</u> | <u>Title</u>                               |
|-------|---------------|--|
| From: | 2427          | Human Resources Coordinator                |
| To:   | 2427          | Human Resources /Civil Service Coordinator |

Cmr. Tijerina motioned to approve item #48 and #49 as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 4-0 by unanimous consent with Cmr. Garza out of the courtroom.

**Item No.50.** Discussion and possible action to approve the filling of the following slots:

| <u>Slot #</u> | <u>Title</u>                     | <u>Hourly Rate</u> |
|---------------|----------------------------------|--------------------|
| 1214          | Office Clerk                     | \$9.00             |
| 2000          | Operations Assistant (Full Time) | \$9.00             |
| 1222          | Assistant Cook (Full Time)       | \$9.00             |

Salaries for these slots are grant funded; monies have been allocated for this fiscal year.  
[Requested by CAA Management Team]

Cmr. Tijerina motioned to approve item #50 as submitted. Cmr. Sciraffa seconded the motion.

Motion carried 4-0 by unanimous consent with Cmr. Garza out of the courtroom.

**Item No.51.** Discussion and possible action to enter into an Agreement between Webb County Community Action Agency and Oliver Products Company for a "Free Machine" program which allows the Agency (Meals on Wheels Elderly Nutrition Program) to lease the machine to package and seal meal trays, by only paying for purchased products. The terms of the Lease equipment shall continue as long as customer purchases Oliver Products Company supplies trays/film; and authorizing the County Judge to execute all relevant documents.  
[Requested by CAA Management Team]

Judge Valdez motioned to approve item #51 as submitted. Cmr. Tijerina seconded the motion.

Motion carried 4-0 by unanimous consent with Cmr. Garza out of the courtroom.

**Item No.52.** Discussion and possible action to re-instate Administrative Staff Slot #1162 (Manager Support Services) and Slot #1159 (Program Supervisor), effective 11/30/10, only up to the percentage of time being paid out of CSBG funds. [Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)] [Requested by CAA Management Team]

Judge Valdez stated that item #52 would be moved to the end.

**Item No.53.** Discussion and possible action to consider approving the "Pay Out" of the accrued annual leave for those CAA employees that have been laid-off in the amount of \$18,799.00. Funding Source to be determined and identified by the Court. [Requested by CAA Management Team]

Discussion on file at The Webb County Clerk's Office November 29, 2010 Commissioner Court Meeting DVD.

Cmr. Martinez motioned to table item #53. Cmr. Tijerina seconded the motion.

Motion carried 4-0 by unanimous consent with Cmr. Garza out of the courtroom.

**Item No.54.** Discussion and possible action to approve the purchasing of fencing in the amount of (\$18,533.81) and a backup generator in the amount of (\$22,077.00) to replace damaged items of the Rio Grande floodwaters due to Hurricane Alex event on and after July 7, 2010; using FEMA funds awarded to the County; and any other matters incident thereto

Cmr. Sciaraffa motioned to approve item #54 from Act.# 730-3001-8801. Judge Valdez seconded the motion.

Motion carried 4-0 by unanimous consent with Cmr. Garza out of the courtroom.

**Item No.55.** Discussion and possible action to approve the filling of the following slots for the 2010-2011 Program Year:

| <u>Slot #</u> | <u>Title</u> | <u>Hourly Salary</u> | <u>Pay Periods</u> |
|---------------|--------------|----------------------|--------------------|
|---------------|--------------|----------------------|--------------------|

|      |                         |          |    |
|------|-------------------------|----------|----|
| 1610 | AA Area Service Manager | \$ 14.10 | 21 |
| 1925 | AA Teacher              | \$ 13.27 | 21 |

Item No.56. Discussion and possible action to approve the Head Start Addenda for Program Governance and Management Procedures, Governance Roles and Responsibilities, and Personnel Policies and Procedures.

Item No.57. Discussion and possible action to authorize payment of Request for Payment #183 in the amount of \$795.00 payable to Chavarria's Plumbing for plumbing work performed at Head Start Centers. [Account #903-4207-6401]

Cmr. Sciaraffa motioned to approve item #55, #56, and #57 as submitted with minor editing on item #56. Cmr. Martinez seconded the motion.

Motion carried 4-0 by unanimous consent with Cmr. Garza out of the courtroom.

Item No.58. Discussion and possible action to authorize a contribution to the State of Texas in connection with the Webb County UPL Program in an amount not to exceed \$145,216.36 for the 4<sup>th</sup> Quarter (July 2010 - September 2010) to be disbursed on December 3, 2010.

| <u>Account #</u>                      | <u>Amount</u> |
|---------------------------------------|---------------|
| 001-4100-6714-3 (Hospital Inpatient)  | \$ 77,368.99  |
| 001-4100-6714-4 (Hospital Outpatient) | \$ 67,847.37  |
| Total                                 | \$145,216.36  |

Cmr. Martinez motioned to approve item #58 as submitted subject to changes. Cmr. Sciaraffa seconded the motion.

Motion carried 4-0 by unanimous consent with Cmr. Garza out of the courtroom.

Item No.59. Discussion and possible action to approve/deny Preliminary and Final Plat Approval of Lot A-6, Block 1, Tanquecitos Partnership II Subdivision for non-residential purposes.

Item No.60. Discussion and possible action to approve/deny the Preliminary and Final Plat of Lot 1, Block 1, Benavides Subdivision, for residential purposes; and issue a Certificate of Compliance with Plat Requirements upon the recordation of the subdivision

Cmr. Martinez motioned to approve item #59 as submitted and to table item #60. Judge Valdez seconded the motion.

Motion carried 4-0 by unanimous consent with Cmr. Garza out of the courtroom.

Item No.61. Discussion and possible action to approve the following line item transfer:

|       |                  |                                 |     |
|-------|------------------|---------------------------------|-----|
| From: | 001-0550-6402-02 | Repairs & Maintenance Equipment | 170 |
| To:   | 001-0550-6010    | Books & Subscriptions           | 170 |

Cmr. Sciaraffa motioned to approve item #61 as submitted. Cmr. Martinez seconded the motion.

Motion carried 4-0 by unanimous consent with Cmr. Garza out of the courtroom.

**Item No.62.** Discussion and possible action to purchase law enforcement protective gear and equipment for the Sheriff's Department from GALLS in the amount of \$11,979.47. [Requested by Martin Cuellar, Webb County Sheriff; Account #315-2040-6224 (Law Enforcement Block Grant)]

Cmr. Martinez motioned to approve item #62 as submitted.

Cmr. Sciaraffa seconded the motion.

Motion carried 4-0 by unanimous consent with Cmr. Garza out of the courtroom.

**Item No.63.** Discussion and possible action to repair fire alarm system for Webb County Title Building, pursuant to Section 271.101 and 271.102, Subchapter F., Cooperative Purchasing Program Contract TXMAS-5-84070, Texas Local Government Code, from Simplex Grinnell in the amount of \$28,270.67. [Requested by Raul R. Elizondo, Webb County Facility Director; Account #731-8001-8601 (Land & Building Series 2008A)]

**Item No.64.** Discussion and possible action to purchase materials and labor for Webb County Title Building from TREMCO INCORPORATED in the amount of \$6,017.43. [Requested by Raul R. Elizondo, Webb County Facilities Director; Account #731-8001-8601 (Land & Building Series 2008A Fund)]

Cmr. Sciaraffa motioned to approve items #63 and #64 as submitted.

Cmr. Martinez seconded the motion.

Motion carried 4-0 by unanimous consent with Cmr. Garza out of the courtroom.

**Item No.65.** Discussion and possible action to ratify the purchase of Twenty Four (24) 4 GB Memory, 160 GB Hard Drive Dell Computers with 19" Monitors and One (1) Power Edge raid server for Juvenile Department, pursuant to Section 271.101, and 271.102, Subchapter F., Cooperative Purchasing Program DIR, Contract #SSS-890, Texas Local Government Code, from Dell in the amount of \$29,946.50. [Requested by Melissa Mojica, Webb County Juvenile Director; Accounts #147-1301-8404 and #001-1301-6224 (TJPC Fund and General Fund)]

**Item No.66.** Discussion and possible action to purchase engine for Unit 10-80 Webb County Road & Bridge Department from Rotex Truck Center in the amount of \$11,186.32. [Requested by Jose Luis Ramos, Webb County Road & Bridge Director; Account #010-7002-6403 (Road & Bridge Fund)]

**Item No.67.** Discussion and possible action to purchase Fifty (50) computers with 22" monitors and software licenses for District Attorney's Department pursuant to Section 271.101, and 271.102, Subchapter F., Cooperative Purchasing Program DIR Contract No. SDD 890 and SDD 1014, Texas Local Government Code, from Dell in the amount of \$82,395.32. [Requested by Isidro R. Alaniz, Webb County District Attorney; Account #169-1100-6224 (DA Federal Forfeiture Funds) and Account #722-1100-8801 (Capital Outlay Series 2006)]

**Item No.68.** Discussion and possible action to purchase Seven (7) Laptop Computers for District Attorney's Department pursuant to Section 271.101 and 271.102, Subchapter F., Cooperative Purchasing Program TCPC Contract No. R4713 , Texas Local Government Code, from CDW-G in the amount of \$14,107.31. [Requested by Isidro R. Alaniz, Webb County District Attorney; Account #169-1100-6224 (DA Federal Forfeiture Funds)]

Cmr. Sciaraffa motion to approve items #65, #66, #67, and #68 as submitted.

Judge Valdez seconded the motion.

Motion carried 4-0 by unanimous consent with Cmr. Garza out of the courtroom.

**Item No.69.** Presentation and submission of the following reports to the Webb County Commissioners Court by the delinquent tax attorney; with discussion and possible action:

- total year-to-date collections on a monthly basis;
- total year to date collected for webb county;
- total amount of attorney fees collected by tax attorney;
- total amount of delinquent accounts and amount owed;
- total amount of outstanding in hotel-motel accounts;
- collection data on accounts in bankruptcy;
- list of properties sold at tax sales or private sales, year-to-date on monthly basis, and whether by original suit, intervention or otherwise;
- original lawsuits and interventions filed by the Attorney, including year to-date list, and date of suit or intervention;
- tax warrants issued and collection results of warrants;
- installment payments/contracts made and status of each;
- notices given to the Tax Assessor-Collector and/or the Webb County Appraisal District, of any errors, double assessment or other discrepancies coming under observation during the progress of work;
- total year-to-date list and description of properties acquired as Trustee on a monthly basis, including location and value.

Discussion on file at The Webb County Clerk's Office November 29, 2010 Commissioner Court Meeting DVD.

The court heard a presentation on various reports from Maria Elena Morales, Delinquent Tax Attorney.

Judge Valdez motioned to go into Executive Session.

Cmr. Sciaraffa seconded the motion.

Motion carried 4-0 by unanimous consent with Cmr. Garza out of the courtroom.

## (Executive Session 12:21 – 12:46)

No action taken in Executive Session.

**Item No.1.** Discussion and possible action, any and all disciplinary action necessary, including termination of Employment regarding the Executive Director of the Webb County Community Action Agency Javier Martinez in connection with alleged violations of Grant monies, regulations, expenditures, violation of "whistleblower" statute and wrongdoings that occurred with regulations of grant monies provided by the State of Texas and ARRA funds and other matters incident thereto. The Commissioners Court may take such other

action as may be necessary to facilitate any decisions made in this matter. [Closed Session is requested pursuant to Texas Government Code, Title 5, Subchapter D, Sections 551.071 (Consultation with Attorney) and 551.074 (Personnel Matters)]

Discussion on file at The Webb County Clerk's Office November 29, 2010 Commissioner Court Meeting DVD.

Cmr. Martinez motioned to terminate the employment of Mr. Javier Martinez effective today at 5:00 p.m. No second motion dies.

**Item No.22.** Discussion and possible action to respond to a grievance filed by the Webb County Deputy Sheriffs Association pursuant to Article XIX of the Collective Bargaining Agreement among Webb County, Webb County Sheriff Martin Cuellar, and the Webb County Deputy Sheriffs Association, concerning the manner of determining longevity pay pursuant to Article XI, Section D, of the Collective Bargaining Agreement. [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 Clerk's Office November 29, 2010 Commissioner Court Meeting DVD.

Cmr. Martinez motioned to go with the terms of the contract. Judge Valdez seconded the motion.

Motion carried 4-0 by unanimous consent with Cmr. Garza out of the courtroom.

**Item No.52.** Discussion and possible action to re-instate Administrative Staff Slot #1162 (Manager Support Services) and Slot #1159 (Program Supervisor), effective 11/30/10, only up to the percentage of time being paid out of CSBG funds. [Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)] [Requested by CAA Management Team]

Discussion on file at The Webb County Clerk's Office November 29, 2010 Commissioner Court Meeting DVD.

Cmr. Sciaraffa motioned for the Management Team not to hire anyone back until the findings come in. Cmr. Martinez seconded the motion.

Motion carried 4-0 by unanimous consent with Cmr. Garza out of the courtroom.

**Item No.70. Adjourn**

Cmr. Tijerina motioned to adjourn.

Cmr. Sciaraffa seconded the motion.

Motion carried 4-0 by unanimous consent with Cmr. Garza out of the courtroom.