

Official Minutes for Webb County Commissioners Court Meeting

Wednesday, December 26, 2012 at 9:00 AM
(Approved January 14, 2013)

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
Jaime Alberto Canales	Commissioner, Pct. 4

Thus constituting a quorum, the Commissioners Court proceeded to act upon the Agenda as posted in the meeting notice of the 21st day of December 2012. 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 - None

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

Discussion on file at the Webb County Clerk's Office December 26, 2012 Commissioners Court Meeting DVD.

County Treasure, Ms. Delia Perales presented her monthly report for November 2012.

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

Motion carried 5-0 by unanimous consent.

Item No.5. Communications

Judge Valdez wished everyone a great Christmas and a Happy New Year. He sent out his heartfelt condolences to the family of Javier Santos on the passing of his sister. Judge Valdez also sent out his heartfelt condolences to the Perales Family on the passing of Chito Perales.

Comr. Canales wished everyone a Merry Christmas and a Happy New Year. He sent out his heartfelt condolences to the family of Javier Santos on the passing of his sister. Comr. Canales also sent out his heartfelt condolences to the family of Steve Wallace.

Judge Valdez wished Comr. Garza and Comr. Sciaraffa the best in their endeavors.

Comr. Garza wished everyone a Merry Christmas and a very safe and prosperous New Year. He wished everyone the best for 2013.

Comr. Tijerina wished everyone a joyous and prosperous Christmas and a very Happy New Year. She sent out her heartfelt condolences to the family of Javier Santos on the passing of his sister. Comr. Tijerina sent out her heartfelt condolences to the family of David Gonzalez, Public Information Officer for Doctor's Hospital. She also sent out her heartfelt condolences to the family of Nelda Cortinas on the passing of her mother. Comr. Tijerina wished her colleagues; Comr. Garza and Comr. Sciaraffa the best on all of their endeavors.

Comr. Sciaraffa thanked all the Webb County Employees for all their support during the last eight years.

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.

Araceli Garcia

Ms. Garcia spoke in reference to item #36.

Honorable Frank Sciaraffa, Webb County Commissioner Pct. 1

Item No.7. Discussion and possible action to authorize the Road and Bridge Department to temporarily pick up the trash at Rio Bravo.

Discussion on file at the Webb County Clerk's Office December 26, 2012 Commissioners Court Meeting DVD.

Comr. Sciaraffa motioned to authorize the Road and Bridge Department to temporarily pick up the trash at Rio Bravo by alternating with El Cenizo for a period of a month subject to cost. Comr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No.8. Discussion and possible action to house the post office at E. J. Salinas Community Center to service Mirando City and Bruni residents.

Discussion on file at the Webb County Clerk's Office December 26, 2012 Commissioners Court Meeting DVD.

Cmr. Sciaraffa motioned to approve item #8 and to go into negotiations with the Postal Service and the Attorney's Office and enter into an Interlocal Government Agreement between the Federal Government and Webb County. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Honorable Jerry Garza, Webb County Commissioner Pct. 3

Item No.9. Discussion and possible action to authorize the one-time payment of administrative costs to Slot #2347 (Center Director) in the amount of \$9,064.00 for the services performed in the administration of the Veterans Rental Assistance Rental Grant; and any other matters incident thereto. [Accounts #001-6113-5001 and #001-6114-5001]

Discussion on file at the Webb County Clerk's Office December 26, 2012 Commissioners Court Meeting DVD.

Cmr. Garza motioned to have Mr. Flores go back to be able to identify the length of time that remains and to be able to come back with a recommendation to the court on a stipend over the time that remains for the work that Ms. Quiroga will continue to do. Cmr. Sciaraffa seconded the motion.

Motion carried 4-1 with Cmr. Tijerina voting against.

Addendum

Honorable Jaime A. Canales, Webb County Commissioner Pct. 4

Item No.1. Discussion and possible action to authorize the purchasing agent to prepare and solicit request for qualifications for consulting services related to the Eagle Ford Shale; and any other others matters incident thereto.

Discussion on file at the Webb County Clerk's Office December 26, 2012 Commissioners Court Meeting DVD.

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

Motion carried 5-0 by unanimous consent.

Judge Valdez motioned to move the Addendum items to the end with Executive Session items. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Honorable Anna L. Cavazos Ramirez, County Attorney

Item No.10. Discussion and possible action to enter into a Non-Financial Memorandum of Understanding between United Independent School District and Webb County Head Start/Early Head Start program to provide a common understanding of the collaboration and relationship for the Pregnancy, Education and Parenting Program ("PEP") and authorizing the County Judge to execute all relevant documents; and

any other matters incident thereto. [Requested by Aliza Oliveros, Webb County Head Start Director]

- Item No.11. Discussion and possible action to enter into an Interlocal Agreement between Webb County on behalf of the Webb County Sheriff's Office and the City of Laredo acting on behalf of the Laredo Police Department to enter into an agreement with Operation Stonegarden ("OPSG") for fiscal year 2012/2013 funded by the Department of Homeland Security ("DHS") and led by the Customs and Border Protection Patrol to support overtime, fringe benefits, certain pre-approved law enforcement equipment for operational purposes and authorizing the County Judge to execute all relevant documents; and any other matters incident thereto. [Requested by Martin Cuellar, Webb County Sheriff]

Honorable Rudy Rodriguez, Constable Pct. 1

- Item No.12. Discussion and possible action to approve a Memorandum of Understanding (MOU) with The Organized Crime Drug Enforcement Task Forces and Constable Pct. 1 for overtime pay for Deputy Constable assigned to Task Force. MOU is to take effect December 12, 2012 and expire on September 30, 2013.

Honorable Martin Cuellar, Sheriff

- Item No.13. Discussion and possible action to authorize the submission of a "Zero Tolerance" Cultures for Sexual Abuse in Local Adult Detention Facilities grant to the National Prison Rape Elimination Act (PREA) Resource Center in the amount estimated at \$100,000 for resources to enable the Webb County Jail to meet PREA Standards; and authorizing the County Judge to execute all relevant documents; and any other matters incident thereto. No grant matching funds required.

Cmr. Garza motioned to approve items #10, #11, #12, and #13 as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No.14. Discussion and possible action to authorize the submission of a Justice Assistance Grant (JAG) to the Office of the Governor Criminal Justice Division in the amount estimated at \$200,020 for border security operations; and authorizing the County Judge to execute all relevant documents; and any other matters incident thereto. No grant matching funds required.

- Item No.15. Discussion and possible action to authorize the submission of a Juvenile Justice and Delinquency Prevention - Local grant to the Office of the Governor Criminal Justice Division in the amount estimated at \$100,000 for juvenile justice and delinquency prevention; and authorizing the County Judge to execute all relevant documents; and any other matters incident thereto. No grant matching funds required.

- Item No.16. Discussion and possible action to authorize the submission of a Violent Crimes Against Women Criminal Justice and Training Project for Domestic Violence, Sexual

Assault, Dating Violence, and Stalking grant to the Office of the Governor Criminal Justice Division in the amount estimated at \$15,000 to combat family violence, sexual assault, dating violence, and stalking crimes against women; and authorizing the County Judge to execute all relevant documents; and any other matters incident thereto. This grant requires a cash match of Thirty-Five (35%) percent. [Forfeiture Funds]

- Item No.17. Discussion and possible action to authorize the County Auditor to approve the expenditure of funds from the Laredo High Intensity Drug Trafficking Area (HIDTA) initiative for Sixty (60) days in order to continue paying grant-funded personnel; pending the receipt of grant continuation award by the funding agency.

Cmr. Garza motioned to approve items #14, #15, #16, and #17 as submitted. Judge Valdez seconded the motion.

Motion carried 5-0 by unanimous consent.

Community Action Agency

- Item No.18. Discussion and possible action to ratify the submission of an application to the FEMA Emergency Food and Shelter Program Phase #30 in the amount of \$20,000 to provide rent and utility assistance for qualified applicants and authorizing the County Judge to sign all relevant documents.

- Item No.19. Discussion and possible action to request an extension to Texas Department of Housing and Community Affairs (TDHCA) for continuing Community Action Agency operations for the Community Services Block Grant (CSBG) FY- 2012 up to April 30, 2012, and authorizing the County Judge to sign all relevant documents. [Account #920-4200-3502]

Cmr. Garza motioned to approve items #18 and #19 as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Economic Development

- Item No.20. Discussion and possible action to accept a contract time extension from the U.S. Department of Agriculture Rural Development on the Webb County Housing Preservation Grant, an extension of Three (3) months or up to March 31, 2013.

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

Motion carried 5-0 by unanimous consent.

Engineer

- Item No.21. Discussion and possible action to authorize the purchasing department to:

- a. Terminate for Convenience DEH's contract to design-build La Presa Park due to delay claims against the County; and authorizing the County Judge to execute all relevant documents; or
- b. Direct DEH to continue with the project; provide additional justification for the delay claim; and to negotiate DEH's \$56,400.00 claim; and authorizing the County Judge to execute all relevant documents.

Discussion on file at the Webb County Clerk's Office December 26, 2012 Commissioners Court Meeting DVD.

Cmr. Canales motioned to Terminate for Convenience DEH's contract to design-build La Presa Park. Judge Valdez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No.22. Discussion and possible action to authorize the purchasing department to issue an RFP for the construction of La Presa Park pavilion, baseball field, soccer field and walking/jogging trails; and authorizing the County Judge to execute all relevant documents.

Discussion on file at the Webb County Clerk's Office December 26, 2012 Commissioners Court Meeting DVD.

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

Motion carried 5-0 by unanimous consent.

Item No.23. Discussion and possible action to approve substantial completion acceptance of the JJAEP project; authorizing a partial release of retainage in the amount of \$61,500.00 to Leyendecker Construction Inc.; and authorizing the County Judge to execute all relevant documents. [Bond Series 2008A]

Item No.24. Discussion and possible action to approve Change Order #5 to Leyendecker Construction Inc., for the JJAEP Project, to construct additional class rooms, recreational areas and parking lot in the amount of \$569,554.18; and authorizing the County Judge to execute all relevant documents. [Bond Series 2008A]

Item No.25. Discussion and possible action to approve a budget increase up to \$80,000 to the JJAEP Project for engineering fees related to Change Order #5 to construct additional class rooms, recreational areas and parking lot in the amount of \$569,554.18; and authorizing the County Judge to execute all relevant documents. [Auditor to determine funding source]

Judge Valdez motioned to approve items #23, #24, and #25 as submitted. Cmr. Tijerina seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No.26. Discussion and possible action to adopt the Texas Department of Transportation (TxDOT) procurement procedures for the Loop 20 Stimulus Extension Project from International Boulevard to US 59; authorize the County Engineer in collaboration with TxDot to select a Proposal Evaluation Committee for the US 59/SL20 project; and to have the Webb County Judge sign all relevant documents; and any other matters incident thereto.

Discussion on file at the Webb County Clerk's Office December 26, 2012 Commissioners Court Meeting DVD.

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

Judge Valdez withdrew his motion.

Cmr. Tijerina withdrew her second.

Cmr. Garza motioned to adopt the committee that was in the RFP and replace Cmr. Jerry Garza with John Galo, Commissioner Pct. 3 Elect in the committee and to have the County Engineer schedule a committee meeting as soon as possible. Judge Valdez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No.27. Discussion and possible action to approve and ratify the sale of salvage materials from water utilities; materials were sold to the Recycle center; \$245.00 was received in exchange for the sale.

Head Start

Item No.28. Discussion and possible action to approve the "Strategic Plan Update," to include the Head Start/Early Head Start/Delegate agency's needs, identify the program's mission statement, core beliefs, vision, and strategies for identifying and implementing goals and objectives.

Item No.29. Discussion and possible action to approve the filling of the following Slots:

<u>Slot #</u>	<u>Title</u>	<u>Hourly Salary</u>	<u>Pay Periods</u>
1045	AA Teacher Assistant/LISD	\$ 10.81	21
2566	EHS Teacher	\$ 9.48	21

[Accounts #903-4208-5001 and #909-4208-5001]

Cmr. Tijerina motioned to approve items #27, #28, and #29 as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Purchasing

- Item No.30. Discussion and possible action to authorize to allow for the "Disposition of salvage or surplus property" as permitted in Local Government Code; Subchapter D Section 263.152 (a) (4) (A) and / or (C), to be donated to Veterans Serving the need.
- Item No.31. Discussion and possible action to authorize to dispose of salvage and surplus property equipment and furniture that has become obsolete for future use as per Section 263.152 (a) and/or to transfer property to another department as per Section 262.001(j) of the Texas Local Government Code and all other miscellaneous items.

Cmr. Garza motioned to approve items #30 and #31 as submitted. Cmr. Tijerina seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No.32. Discussion and possible action to solicit Request for Proposals (RFP) from qualified proposers for Inmate Commissary Services for the Webb County Jail Facility in accordance with the Local Government Code 351.0415 Commissary Operation by Sheriff or Private vendor. [Requested by Martin Cuellar, Webb County Sheriff]
- Item No.33. Discussion and possible action to solicit Request for Proposals (RFP) from qualified proposers for Inmate Phone System Services for the Webb County Jail Facility. [Requested by Martin Cuellar, Webb County Sheriff]
- Item No.34. Discussion and possible action to purchase One (1) printer for the Treasury Department, pursuant to Sections 271.101 and 271.102, Subchapter F., Cooperative Purchasing Program DIR SDD 1933 Contract from Southern Computer Warehouse in the amount of \$1,594.13. [Requested by Delia Perales, Webb County Treasurer; Account #603-0101-8801]
- Item No.35. Discussion and possible action to purchase Two (2) vehicles pursuant to Sections 271.101 and 271.102, Subchapter F., Cooperative Purchasing Program Contract State of Texas Buy Board #358-10 Texas Local Government Code, from Philpott Motors.

<u>Vendor</u>	<u>Quantity</u>	<u>Description</u>	<u>Amount</u>
Philpott Motors	2	Unmarked Ford Sedans	\$56,730.50

[Account #347-2001-8801 (FY 2011 Operation Stonegarden grant funds)]

Cmr. Tijerina motioned to approve items #32, #33, #34, and #35 as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Closed Session/Executive Session

- Item No.37. Discussion and possible action to change the title of Slot #2674 from Human Resources/Civil Service Clerk to Human Resources Counsel; to instruct the Webb

County Auditor to identify funds and transfer an amount not to exceed \$60,710.85 into that Slot for salary for the remainder of the fiscal year, plus additional funds for benefits; to authorize the filling of that Slot, effective December 31, 2012; and any other matters incident thereto.

Judge Valdez motioned to table item #37. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Judge Valdez motioned to go to Executive Session on items #36 and Addendum items #1, #2, and #3. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

(Executive Session 10:55 – 11:28)

No action taken.

Addendum

Honorable Jaime A. Canales, Webb County Commissioner Pct. 4

Item No.1. Status report in regards to the construction of a gate and restriction of motor vehicle traffic by Killam Ranch Properties and related parties on Casa Verde road with possible action. [Executive Session may be requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)] [Co-Sponsored by Jaime A. Canales, Commissioner Precinct 4 and Frank Sciaraffa, Commissioner Precinct 1]

Discussion on file at the Webb County Clerk's Office December 26, 2012 Commissioners Court Meeting DVD.

No action taken.

Item No.2. Status report in regards to Casa Verde Road and continued public access and use of road with possible action. (Executive Session may be requested pursuant to the Texas Government code Title 5, subchapter D, Section 551.071, (Consultation with Attorney),And Section 551.072 (Real Property Deliberation) [Co-Sponsored by Jaime A. Canales, Commissioner Precinct 4 and Frank Sciaraffa, Commissioner Precinct 1]

Discussion on file at the Webb County Clerk's Office December 26, 2012 Commissioners Court Meeting DVD.

No action taken.

Item No.3. Discussion and possible action with regard to collecting and enforcing award of the attorneys fees in favor of Webb County from Killam Ranch Properties with regard to Cause No. 2006-CVQ-001710-D3; Killam Ranch Properties v. Webb County, TX ; In

the 341th Judicial District Court of Webb County, Texas. [Executive Session may be requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)] [Co-Sponsored by Jaime A. Canales, Commissioner Precinct 4 and Frank Sciaraffa, Commissioner Precinct 1]

Discussion on file at the Webb County Clerk's Office December 26, 2012 Commissioners Court Meeting DVD.

No action taken.

Closed Session/Executive Session

Item No.36. Discussion and possible action to pay county employee Araceli Garcia 15-year longevity pay awarded by Commissioners Court to a group of employees on August 13, 2001 but which was not paid to her following her transfer to a new department. [Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney) and Section 551.074 (Personnel Matters).

Discussion on file at the Webb County Clerk's Office December 26, 2012 Commissioners Court Meeting DVD.

Cmr. Tijerina motioned to pay county employee Araceli Garcia approximately \$3,100.00 from Salary Savings from the County Attorney's Office. Cmr. Sciaraffa seconded the motion.

Motion carried 4-1 with Cmr. Canales voting against.

Item No.38. Adjourn

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

Motion carried 5-0 by unanimous consent.