



WEBB COUNTY, TEXAS

COMMISSIONERS COURT

PUBLIC NOTICE
COMMISSIONERS COURT MEETING
WEBB COUNTY COURTHOUSE
1000 HOUSTON STREET, 2ND FLOOR
LAREDO, TEXAS 78040
NOVEMBER 28, 2016
9:00 a.m.

2016 NOV 22 PM 5: 07
WEBB COUNTY, TEXAS
BY *JMR* DEPUTY
MARGIE R. IBARRA
COUNTY CLERK
FILED

CALL TO ORDER BY THE HONORABLE TANO E. TIJERINA, WEBB COUNTY JUDGE

1. Roll Call by Honorable Margie Ramirez-Ibarra, Webb County Clerk
2. Pledge of Allegiance/Invocation
3. Approval of Bills, Payroll, and Monthly Report
4. 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, individually or in a group, will be allowed a total of Three (3) minutes within which to make any/all public comments.

COURT TO DISCUSS AND ACT ON THE FOLLOWING:

CONSENT AGENDA: At most meetings, the Commissioners Court establishes a Consent Agenda. It consists of those Agenda Items which are routine or non-controversial, and which neither a member of the Commissioners court has asked to be pulled for discussion. Once the Commissioners Court has established the Consent Agenda, Agenda Items included on it will be voted upon in one vote, and will not be discussed separately unless requested by the County Judge or Commissioners.

The consent agenda has been created in order to give constituents the opportunity to view any and all pertinent backup information with reference to any item in the agenda. The objective of the consent agenda is for all Webb County constituents to be familiar with everyday county business and to demonstrate the transparency and fairness of this Commissioners Court.

The following Agenda Items are of a routine nature, and the Commissioners Court has received supporting materials for consideration. All of these Agenda Items will be passed with one vote without being discussed separately, unless a member of the Commissioners Court or the public requests that a particular Agenda Item be discussed. If so, that Agenda Item will be pulled from the Consent Agenda and discussed as part of the regular Agenda at the appropriate time. One vote will approve the remaining items on the Consent Agenda.

CONSENT ITEMS

5. Honorable Margie Ibarra, County Clerk

- a. Approval of Minutes for October 31, 2016 and November 14, 2016

6. Community Action Agency

- a. Discussion and possible action to approve Laredo Health Service Delivery Area HIV/AIDS Consortia, Incorporation and Laredo Organized Volunteers for Elderly and Disadvantaged (L.O.V.E.D.) as Representative Organizations for Category "C" for the Webb County Community Action Agency Advisory Board; and any other matters incident thereto.

Issue: State mandates of filling vacancies when applicable terms end as per Texas Administrative Code, Chapter 5 Rule 5.215.

Solution: Vacancies will be filled.

Result: We will comply with the TDHCA-Texas Administrative Code, Chapter 5 Rule 5.215.

- b. Discussion and possible action to accept a check in the amount of Nine Hundred Ninety-Five Dollars and Seventy One Cents (\$995.71) from Reliant Energy Retail Services, LLC. The Webb County Community Action Agency will utilize these funds to assist qualified Reliant Energy clients. There will be no impact to the General Fund. Reliant Assistance fund Account #902-4202-7004.

Issue: Webb County Community Action Agency will receive a check in the amount of \$995.71 from Reliant Energy Retail Services, LLC.

Solution: The contribution will provide funding for energy assistance payment to Reliant Energy customers under the CARE program.

Result: Webb County Community Action Agency will accept enrollment applications from potential clients and qualify Reliant Energy customers as eligible recipients in accordance with Reliant Energy Care program requirements.

- c. Discussion and possible action to enter into contract amendment number One (1) to the Rural Transportation Federal Fund grant agreement Vehicle Revenue Miles MO 114613 in the amount of EIGHTY-SEVEN THOUSAND FOUR HUNDRED THIRTY-SEVEN DOLLARS (\$87,437) and Census Award MO 114680 in the amount of FIVE THOUSAND SEVEN HUNDRED FIFTY-THREE DOLLARS (\$5,753.00) with the State of Texas, acting through the Texas Department of Transportation, wherein Webb County accepts an increase of NINETY THREE THOUSAND ONE HUNDRED NINETY DOLLARS (\$93,190.00) to the original grant amount of TWO HUNDRED EIGHTY SEVEN THOUSAND FIVE HUNDRED THIRTY TWO (\$287,532.00) for El Aguila Rural Transportation program and authorizing the County Judge to sign all relevant documents. No impact to the General Fund.

Issue: El Aguila is a grant funding program.

Solution: Additional funding.

Result: Additional funding is granted due to managing budget and acquiring needed revenue.

- d. Discussion and possible action for authorization for Webb County on behalf of Webb County Community Action Agency Rural Transit to accept lowest bid for the installation of Ten (10) fare boxes with a total amount TWELVE THOUSAND FIVE HUNDRED DOLLARS (\$12,500.00) at Laredo Muffler Shop Inc. and Custom Welding and authorizing the Webb County Judge to execute all relevant documents. **[Account #980-4205-6402 (Repairs & Maintenance Equipment)]**

Issue: Spending collected revenue to purchase tickets.

Solution: Installation of fare boxes that will collect money without having to sell fare tickets.

Result: Save money on purchasing and save time on selling.

7. **Honorable Rudy Rodriguez, Constable Pct. 1**

- a. Discussion and possible action to approve a budget amendment to the Constable Pct. 1 Federal Forfeiture from (Account #166-2500-3351) for Canine Expenditures to (Account #166-2500-6706) in the amount of \$5,000.

Issue: Additional funds are needed to cover the expenses of the department's canine.

Solution: This budget amendment/transfer of funds from the Federal Forfeiture Fund will cover the expense.

Result: Canine expenses will be covered with forfeiture funds. This transfer of funds has no impact to the budget.

- b. Discussion and possible action to approve a budget amendment to the Constable Pct. 1 Federal Forfeiture from (Account #166-2500-3351) for Repairs & Maintenance - Vehicles to (Account #166-2500-6403) in the amount of \$8,000.

Issue: Additional funds are needed to cover the installation of K-9 equipment to a patrol unit.

Solution: This budget amendment/transfer of funds from the Federal Forfeiture Fund will cover the expense.

Result: Deputy Constables will be use unit for K-9 purposes. This transfer of funds has no impact to the budget.

8. **Honorable Marco Montemayor, County Attorney**

- a. Discussion and possible action to enter into a Twelve (12) month (November 28, 2016 through November 27, 2017) Maintenance Agreement between Toshiba Business Solutions and the Webb County Juvenile Probation Department for Three (3) Toshiba E-Studio 603T's, and a Toshiba E-Studio 853 at a cost of Two Hundred Eighty-One Dollars and Sixty Cents (\$281.60) per quarter for a total amount of One Thousand One Hundred Twenty-Six Dollars and Forty Cents (\$1,126.40) over the term of the agreement, pursuant to Texas Local Government Code, Subchapter F., Cooperative Purchasing Program; Sections 271.101 and 271.102, and authorizing the County Judge to sign and execute all relevant documents. **[Requested by Melissa Mojica, Webb County Juvenile Probation Director; Account #001-1301-6402 (Equipment Maintenance)]**

- b. Discussion and possible action to enter into a Forty Eight (48) month (November 28, 2016 through November 27, 2020) Lease with Maintenance Agreement between Toshiba Business Solutions and the Webb County Juvenile Probation Department for a Toshiba E-Studio 8508A copier and a Lexmark XM5270 digital printer at a cost of Two Hundred Forty Two Dollars and Sixty-Nine Cents (\$242.69) per month for a total amount of Eleven Thousand Six Hundred Forty-Nine Dollars and Twelve Cents (\$11,649.12) over the term of the agreement, pursuant to Texas Local Government Code, Subchapter F., Cooperative Purchasing Program; Sections 271.101 and 271.102, and authorizing the County Judge to sign and execute all relevant documents. **[Requested by Melissa Mojica, Webb County Juvenile Probation Director; Account #001-1301-6014 9Equipment Rental 0]**

9. **Extension Agent**

- a. Discussion and possible action to approve the posting and filling of the following slot, subject to the availability of payroll funds and any applicable Civil Service guidelines, effective December 1, 2016; and any other matters incident thereto. **[Requested by Texas A&M AgriLife Extension Service]**

| <u>Slot #</u> | <u>Title</u> | <u>Salary</u> |
|---------------|---------------------------|---------------|
| 0607 | 4-H and Youth Development | \$22,307.00 |

Issue: Permission required to fill slot #0607

Solution: Fill job opening of vacant position.

Result: The filling of Slot #0607 will continue to provide leadership for an effective community-based educational program that supports 4-H and Youth Development, including school-based curriculum, special interest, and club-based projects, activities, and events

10. Head Start

- a. Discussion and possible action to approve the posting and filling of the following Slots:

| <u>Slot #</u> | <u>Title</u> | <u>Hourly Rate</u> | <u>Pay Periods</u> |
|---------------|--------------------------------|--------------------|--------------------|
| 2048 | Part Time Classroom Aide | \$8.64 | 20 |
| 2564 | Early Head Start Teacher | \$11.49 | 26 |
| 2035 | Education Assistant | \$16.53 | 20 |
| 2185 | Specialized Services Assistant | \$16.82 | 24 |

11. Planning & Physical Development

- a. Discussion and possible action to issue a "Certificate of No-Plat Required" pursuant to Section 232.0015(f), Texas Local Government Code and the provision of the Webb County Subdivision Regulations Section XVI.1B(2) to the Zuniga Subdivision containing approximately 167.54 acres, more or less, in Abst. 3191, Surv. 1364 as described in Vol. 3636, Pgs. 796-797 of the Webb County Deed Records (ID 6724).

12. Purchasing

- a. Discussion and possible action to authorize the Purchasing Agent to solicit bids for the following contract:

Bid 2017-79 Annual Contract for Cutaway Bus Repair

Issue: El Aguila is experiencing difficulties in obtaining vendors that can repair cutaway buses.

Solution: Solicit bids in an effort to contract a vendor that specializes in repairs for these type of buses.

Result: Purchasing Efficiency, Compliance of the Law, and El Aguila will have a vendor that can help them repair their buses

13. Honorable Patricia A. Barrera, Tax-Assessor- Collector

- a. Discussion and possible action to approve a refund in the amount of \$2,593.85 to Accumatch, Account #21500719010, as per Supplement 3 Certified 2016, adjust value per State Office of Administrative Hearing Docket #940-17-0336.AB240 for 2016 tax year.

Issue: Account #21500719010 had its value adjusted per State Office of Administrative Hearing Docket #940-17-0336.AB240. This adjustment generated a refund since the account had been paid prior to receiving said adjustment from the Webb County Appraisal District.

Solution: Refund said amount to Accumatch for the over-payment.

Result: The monies will be reimbursed to the appropriate tax payer.

REGULAR AGENDA

Head Start

14. Report on the results of the Administration for Children and Families' on-site monitoring review of the Webb County Head Start Program conducted from August 30, 2016 through September 2, 2016. Based on the information gathered during the review, no corrective action plan is required at this time.
15. Discussion and possible action to purchase Two (2) Nissan Vans (NV200, Model Type 67216) from Round Rock Nissan in the amount of \$37,800 to be used for food transportation, pursuant to Sections 271.101 and 271.102, subchapter F, Cooperative Purchasing Programs, Texas Local Government code (Contract # 071-A1 / 072-A1). No impact to the General Fund. **[Account #903-4207-8801 (Grant Funds)]**

16. Discussion and possible action to purchase One (1) Ford F150, XL, regular Cab from Holiday Ford in the amount of \$23,959.00 to be used by maintenance personnel Pursuant to Sections 271.101 and 271.102, subchapter F, Cooperative Purchasing Programs, Texas Local Government Code (Contract #071-A1-2014/15). No impact to the General Fund. **[Account #903-4207-8801 (Grant Funds)]**
17. Discussion and possible action to approve the purchase of Two (2) 2016 Toyota Siennas from Silsbee Toyota in the amount of \$56,150.00 to be used by the Early Head Start Home Visitors, pursuant to Sections 271.101 and 271.102, subchapter F, Cooperative Purchasing Programs, Texas Local Government Code (Contract #071-072, Bid Series 741 B). No impact to the General Fund. **[Account #909-4207-8801 (Grant Funds)]**

Human Resources

18. Discussion and possible action to modify Webb County personnel policies in order to comply with the new FLSA mandates set out by the Department of Labor by November 25, 2016.

Issue: The Department of Labor (DOL) requires employers (Webb County) to maintain records and a timekeeping mechanism that is complete and accurate for all its non-exempt (hourly) employees.

Solution: Modify the following sections of Webb County's Personnel Policies:

§6.01 Administrative Workweek to state:

The normal work schedule for County employees is from 8:00a.m. to 5:00 p.m. Monday through Friday, with a one (1) hour unpaid lunch break, for a total of forty (40) hours per week. Law enforcement personnel, fire personnel, EMS personnel, and certain employees of the Juvenile Probation Department may have different schedules in accordance with the needs of their respective departments. Other departments may require their employees to work varying schedules depending upon the needs of those departments.

All Webb County hourly employees shall now be required to electronically register their work attendance on a daily basis, utilizing Time Clock Plus Bio-Metric System. Employees must report punctually for duty at their place of work; work their established schedule as determined by their department; take a one hour unpaid meal break; and, at the discretion of the Elected Official or Department Head, take no more than two

fifteen-minute paid rest breaks, one in the morning and one in the afternoon. Employees will be required to clock in and out for rest breaks at the discretion of the Elected Official or Department head, but will not be deducted time. Time Clock Plus will use a rounding system based upon fifteen-minute increments such that an employee who clocks in no later than 8 minutes past the beginning of the quarter hour will be deemed to have worked that quarter hour. An employee who clocks in more than 8 minutes past the quarter hour will not be credited with working that quarter hour. Based upon the staffing and other needs of the department, a Department Head or Supervisor has the right to set the times for employees' meals and rest breaks.

and §6.04 Number of Hours Worked:

Department heads must submit the number of hours worked by all employees of the department for the compensation to be received through the system of record herein, Time Clock Plus Bio-Metric System, subject to laws governing working hours and subject to the provisions of the County budget and approved salary schedules.

Result: Webb County will comply with DOL recordkeeping requirements in which Time Clock Plus Bio-Metric System is the County's timekeeping system and all of its employees are required to use it. This will enable Webb County to uniformly, completely and accurately account for all the hours worked for non-exempt (hourly) employees.

Planning

OPEN PUBLIC HEARING

19. Public hearing to receive testimony from any interested citizen regarding the Commissioners Court consideration of a proposed ordinance under the authority of §364.012, Health and Safety Code prohibiting municipal or industrial solid waste disposal in certain areas of the county.

CLOSE PUBLIC HEARING

20. Discussion and possible action to consider the adoption of a county ordinance under §364.012, Health and Safety Code prohibiting municipal or industrial solid waste disposal in certain areas of the county; and any other matters incident thereto.

Issue/Background: In conformance with the Commissioners Court actions of September 26, 2016 (Item 53) and October 24, 2016 (Item 25), required notices have been published and a proposed a county ordinance has been

prepared under the authority of §364.012, Health and Safety Code for the Commissioners Court's consideration. Said ordinance establishes areas of the county that may be unsuitable for municipal or industrial solid waste disposal. While the adoption of such an ordinance will not affect existing permitted sites or sites in which an application is currently pending before the TCEQ, such an ordinance will guide the placement of future disposal sites.

Pursuant to Chapter 2007, Texas Government Code, public notice of the prepared Takings Impact Assessment (TIA) indicating the proposed action is an "exempt action" was published on October 29, 2016. In compliance with Sections 363.112 and 364.012, Texas Health and Safety Code, public notice of the proposed ordinance and scheduled public hearing was published for two (2) consecutive weeks from November 14, 2016 through November 27, 2016.

After receiving public testimony through a public hearing in which any interested citizen may testify, the Commissioners Court may consider adoption of an ordinance under the authority of §364.012, Health and Safety Code.

Result: If enacted by the Commissioners Court, said ordinance will guide the placement of future municipal or industrial solid waste disposal sites within the unincorporated areas of Webb County and serve as a tool to enhance local measures for the protection of environmentally and socio-politically sensitive areas that could be adversely impacted by the effects of such sites and their operations.

Purchasing

21. Discussion and possible action to approve a financial audit service contract with Pattillo, Brown & Hill, LLP for an amount not to exceed \$86,500.00, audit services will cover but not limited to the Webb County's general financial statements, major federal fund programs, Supervision and Corrections Department and Juvenile Probation Department; Accounts for both Corrections and General Operating fund are subject to future line item transfers to cover shortfall to meet the proposed fees for those areas and authorizing the County Judge to sign all relevant documents; and any other matters incident thereto. **[Requested by Joe Lopez III, Purchasing Agent; Accounts #001-0109-6021, #147-1302-6021, & #079-1200-6021]**

Issue: RFQ # 2016-003 was awarded to Pattillo, Brown and Hill, LLP.

Solution: Seek approval from Commissioners Court to finalize the financial audit service contract for Webb County.

Results: Commence with annual external audit services required by law.

Honorable Marco Montemayor, County Attorney

22. Discussion and possible action to correct account information to Account #903-4208-6004 for the Service Agreement between Webb County and Time Warner Cable that was originally passed by Commissioner's Court on July 25, 2016 (item #32). The agreement is for a term of Thirty-Six (36) months (July 1, 2016 - June 30, 2019) for Internet Services at the Webb County Head Start/Early Head Start Center located at 1302 Calle del Norte, Ste. 5, Laredo, Texas, (Regina School Learning Center) at a monthly rate of ONE HUNDRED NINETY NINE DOLLARS AND EIGHTY-NINE CENTS (\$199.89) and a total amount of SEVEN THOUSAND ONE HUNDRED NINETY-SIX DOLLARS AND FOUR CENTS (\$7,196.04), with a one-time installation charge of ONE HUNDRED AND FIFTY DOLLARS (\$150.00), subject to annual budget appropriation and authorizing the county Judge to sign all relevant documents. **[Requested by Aliza Oliveros, Webb County Head Start Director; Account #903-4208-6004]**

Budget Officers

23. Status report from Auditor's office, Purchasing Department and Treasurer's office regarding any/all outstanding invoices owed by Webb County that are more than Thirty (30) days overdue; with discussion and possible action to initiate a process to avoid untimely payments to county vendors; and any other matters incident thereto.
24. Status report from the County Attorney's Office regarding all Third Party Funding contracts; and any other matters incident thereto.

Commissioners Court Administrator

25. Discussion and possible action to approve the renewal of Consulting Services Agreement between Webb County and Johnson & Johnson, Attorneys at Law for consulting and professional services concerning legislative matters for a Two (2) year term effective October 1, 2016 through September 30, 2018. In consideration for the services provided, Webb County will pay consultant a monthly sum of \$7,000 per month for services the 15th day of October 2016 through the 14th day of October 2017 (legislative year) and \$3,500 per month for services the 15th day of October 2017 through the 14th day of October 2018 (non-legislative year). Additional action to authorize a Professional Service Exemption as per Section 262.024(A)(4) Local Government Code and authorizing the County Judge to execute all relevant documents; and any matters incident thereto. [Account #001-0109-6022 (Professional Services)]

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

26. Discussion and possible action to rescind prior appointment to the Webb County/City of Laredo Regional Mobility Authority and appoint a new representative for Precinct 1 on the board of the Webb County-City of Laredo RMA; and any other matters incident thereto.

Honorable Tano E. Tijerina, Webb County Judge

27. Discussion and possible action to adopt a Resolution in support of the City of Laredo's application of the FASTLANE grant with further discussion to address possible funding in the event that the application is approved; and any other matters incident thereto.

Closed Session/Executive Session

28. Discussion and possible action to approve settlement offer in the case entitled Sara Alicia Davila v. Webb County, Texas, et al, civil action number 5:12-CV-0042, pending in the United States District Court, Southern District of Texas, Laredo Division and authorizing the County Judge to execute all relevant documents; and any other matters incident thereto. **[Executive Session is requested pursuant to Texas Government Code, Title 5, Subchapter D, Section 551.071(1)(B)(consultation with attorney regarding a settlement offer)]**

29. Discussion and possible action to enter into negotiations with TCEQ with regards to Docketed No. 2016-0612-MLM-E and/or in the alternative to paying a fine authorize the County to pursue a SEP which will remedy any alleged deficiencies and authorizing the County Judge to execute any and all relevant documents; and any other matters incident thereto. **[Executive Session may be requested pursuant to Texas Government Code, Title 5, Subchapter D, Sections 551.071(1) (a) & (b) (Consultation with Attorney regarding pending litigation and about a settlement offer)]** **[Requested by Luis Perez Garcia, P.E., Webb County Engineering Department]**
30. Discussion and possible action to enter into agreement and approve restitution/settlement offer regarding overpayment to Webb County Employee 3239 from Department 2001 and authorizing the County Judge to execute all relevant documents; and any other matters incident thereto. **[Executive Session is requested pursuant to Texas Government Code, Title 5, Subchapter D, Section 551.071(1)(B)(consultation with attorney regarding a restitution/settlement offer)]**

Presentations

31. Presentation by the Texas Association of Counties regarding the 2016 County Best Practices Award to Webb County Sheriff Martin Cuellar and the Webb County Sheriff's Office for their legislative initiatives; and any other matters incident thereto. **[Requested by Frank J. Sciaraffa, Commissioner Pct. 1 and the Texas Association of Counties (TAC)]**

Issue: Historically, the Webb County Sheriff's Office was losing young peace officers to other organizations that offered larger salaries and better fringe benefits. Unable to compete, the Webb County Sheriff's Office helped introduce and pass legislation that allows the reactivation of retired peace officers' licenses.

Solution: The Webb County Sheriff's Office worked with its state representatives to introduce needed legislation. By hiring experienced officers, the Webb County Sheriff's Office avoids the expense of sending unlicensed new young officers for months of training just to witness them hired away by other federal, state, or local agencies which offer higher salaries and better benefits.

Result: The Texas Association of Counties (TAC) has awarded the Webb County Sheriff's Office a 2016 County Best Practices Award in recognition of this innovative program. Webb County was one of 15 counties out of 254 counties in Texas selected by TAC to receive a Best Practices Award.

32. Communications

33. Adjourn

The Webb County Commissioners Court hereby reserves the right to go into closed session at any time during this public meeting, if such is requested by the County Attorney or other legal counsel for the County, pursuant to his or her duty under Section 551.071(2) of the Government Code, to consult privately with his or her client on an item on the agenda, or on a matter arising out of such item.



DISABILITY ACCESS STATEMENT



Persons with disabilities who plan to attend this meeting and who may need auxiliary aid of service such as interpreters for persons who are deaf or hearing impaired, readers, or need large print are requested to contact the court administrator at (956) 523-4622.

DATED THIS 22nd DAY OF NOVEMBER, 2016

By: Melinda Mata
Melinda Mata
Court Administrator

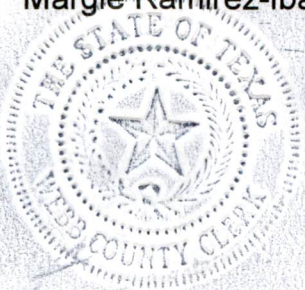
CERTIFICATION OF NOTICE AND POSTING

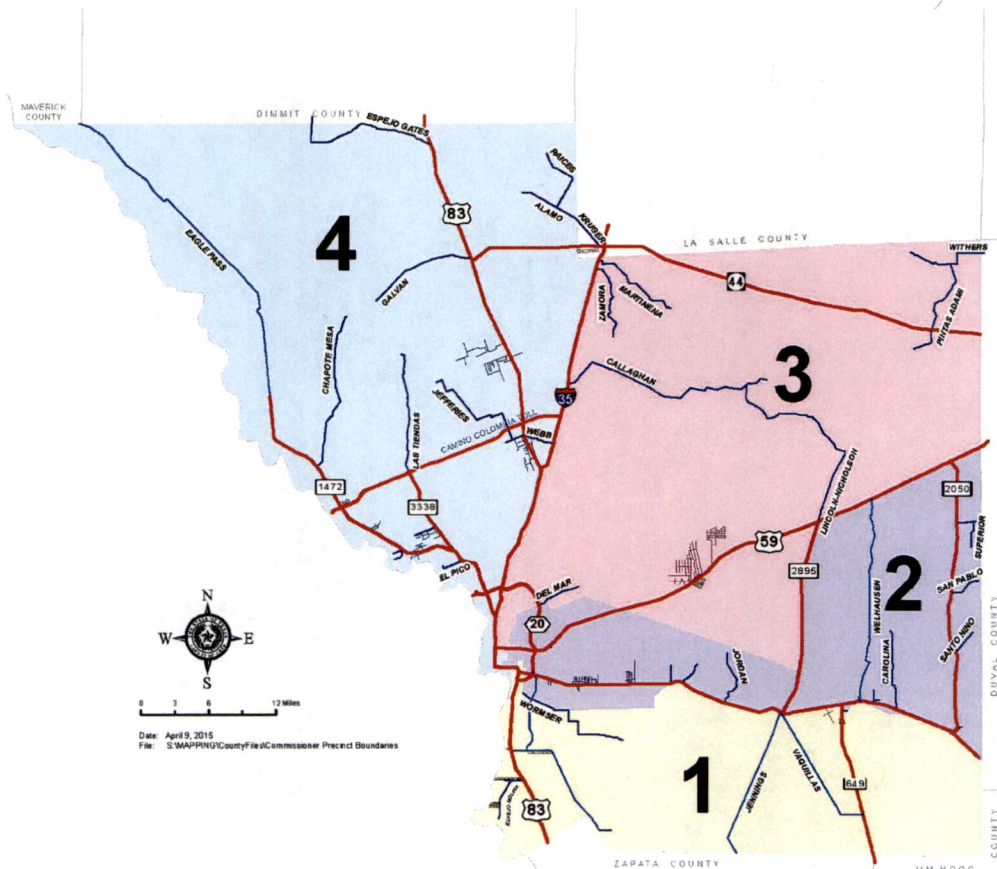
I, the undersigned, County Clerk, do hereby certify that the above notice of meeting of the Webb County Commissioners Court, is a true and correct copy of said notice, and that I posted a true and correct copy of said notice on the bulletin board at the Courthouse door of Webb County, Texas, at a place readily accessible to the general public at all times on the 22nd day of November, 2016 and said notice remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

DATED THIS 22nd DAY OF NOVEMBER, 2016





MARGIE RAMIREZ IBARRA, COUNTY CLERK, WEBB COUNTY, TEXAS

BY: Virginia M. Rodriguez Virginia M. Rodriguez,
for Margie Ramirez-Ibarra, County Clerk Recording Secretary





COUNTY COMMISSIONERS

| | | |
|---|---|---------------------|
|  | Honorable Tano E. Tijerina | County Judge |
|  | Commissioner Frank J. Sciaraffa | Precinct 1 |
|  | Commissioner Rosaura "Wawi" Tijerina | Precinct 2 |
|  | Commissioner John C. Galo | Precinct 3 |
| | Commissioner Jaime A. Canales | Precinct 4 |

**Webb County, Texas
Commissioner Precinct Boundaries**