

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 1st day of February 2005, there was conducted a **REGULAR Meeting of the Honorable Commissioners’ Court of Cameron County, Texas, at the Courthouse thereof, in the City of Brownsville, Texas, for the purpose of transacting any and all business that may lawfully be brought before the same.**

THE COURT MET AT:

9:30 A.M.

PRESENT:

GILBERTO HINOJOSA
COUNTY JUDGE

PEDRO “PETE” BENAVIDES
COMMISSIONER PRECINCT NO. 1

JOHN WOOD
COMMISSIONER PRECINCT NO. 2

DAVID A. GARZA
COMMISSIONER, PRECINCT NO. 3

EDNA TAMAYO
COMMISSIONER, PRECINCT NO. 4

JOE G. RIVERA
COUNTY CLERK

Mary Robles Deputy Clerk

ABSENT:



The meeting was called to order by Judge Pro-tem Pedro “Pete” Benavides at 9:32 A.M. He then asked Reverend Bob Clark, Brownsville resident, for the invocation, and he then led the Court and audience in reciting the Pledge of Allegiance. Reverend Clark asked that a moment of silence be held in memory of Mr. Tony Carnesi.

The Court considered the following matters as posted and filed for Record in the Office of the County Clerk on January 28, 2005, at 3:40 P.M.:

Commissioner Tamayo expressed sadness for the loss of two additional U.S. Soldiers in Iraq. She stated that we must be proud of the work our troops have done in Iraq because people were streaming to voting poles regardless of the existing situations. She stated that we are very lucky for the freedom in our country.

Commissioner Garza informed that State legislators visited Brownsville and other parts of the Valley and that he was able to visit with them on numerous occasions. He informed that he attended both presentations given by Mr. Pete Sepulveda, Department of Transportation Director, and Commissioner Wood in Brownsville and San Benito concerning the West Railroad Relocation Project and the North Railroad Relocation Project.

Commissioner Wood stated that these meetings were good because legislators were able to see not only the railroad issues and other needs. He stated that he was able to attend the function held on Saturday where the Mayor of Matamoros and the Governor of Tamaulipas met the legislators and told them that colonia funds were being spent in an appropriate manner and that said funds were making a difference for colonia residents.

Commissioner Benavides commented that there was a 90% voting turnout in Iraq despite the violence, and expressed disappointment with the 10% voting turnout in Cameron County.

Judge Hinojosa stated that the relocation of the meeting from Matamoros to Brownsville was unfortunate because he had confidence in the security provided by the Mexican Government, and that based upon what he saw during his travel into Mexico, its Government was seriously addressing security issues raised in the past months. He informed that the Brownsville Police Department and Sheriff's Department provided a lot of security for the legislators.

Commissioner Tamayo expressed for the delegation traveling into Mexico being allowed to tour Los Pinos and for being greeted by President Vicente Fox.

Judge Hinojosa commented that another Valley soldier was killed in the war in Iraq and that more than 1% of the soldiers killed there were Valley natives, thus showing the patriotic commitment of South Texas. He explained that this was happening when legislators were considering many issues significant in impact to South Texas, such as school finance and healthcare issues. He stated that the Valley was giving more for freedom for Americans and people across the world, yet basic needs to survive were being taken away on a per capita basis. Judge Hinojosa wished that the legislature recognized the Valley's sacrifice during war.

(1) PUBLIC COMMENTS

NONE WAS PRESENTED.

ACTION ITEMS

(5) CONSIDERATION AND AUTHORIZATION TO NEGOTIATE WITH ARAMARK CORRECTIONAL SERVICES TO PROVIDE FOOD SERVICE FOR THE CAMERON COUNTY JAIL DIVISION (OL-SHERIFF DEPT.)

Mr. Omar Lucio, County Sheriff, requested authorization to negotiate with Aramark Correctional Services for provision of food services for the jail division.

Commissioner Wood asked if the fee structure would be adjusted as the number of meals increases or decreases from what was provided in the contract.

Sheriff Lucio responded that the cost might decrease upon more meals being needed.

Judge Hinojosa stated that his office initially recommended contracting out for food services for the jail system because of possible savings, estimated above \$250,000.00 per year; however, the matter did not proceed due to lack of approval from the previous administration. He explained that the only caveat was that county employees be kept as so to prevent loss of their jobs and benefits, adding that based on conversations with Aramark this was feasible. Judge Hinojosa requested that Sheriff Lucio address the issue of the employees to protect their employment and benefits.

Sheriff Lucio indicated that Aramark would give priority to county employees and that benefits would be accessible to them as well.

Commissioner Garza questioned the number of county employees in the food service department.

Sheriff Lucio responded that there were about ten employees.

Commissioner Garza asked if an analysis of annual expenditure and salaries for the food service department was available.

Mr. Xavier Villarreal, Budget Officer, explained that scores were provided to the commissioners without the prices because they were part of the RFP and therefore confidential.

Commissioner Garza noted that the county proposal was not part of the tabulation.

Mr. Villarreal stated that the cost did not include staff expenditures.

Commissioner Garza asked if the rates had been revised, and Mr. Mike Forbes, Purchasing Agent, responded negatively.

Commissioner Garza requested the cost per meal for the county to provide the service to compare to what was being proposed.

Mr. Villarreal stated that the cost to the county was provided to the Sheriff's Department, and explained that the cost was dependent upon negotiations.

Judge Hinojosa suggested that the Sheriff be authorized to begin negotiations with Aramark Correctional Services to provide food service for the jails and that said amount be compared to the figures provided by county personnel.

Commissioner Garza asked if the Sheriff would negotiate Option A.

Sheriff Lucio responded in the affirmative.

Judge Hinojosa requested a cost analysis relating to Aramark providing its staff vis-à-vis the county keeping its employees.

Sheriff Lucio expressed concern with long time county employees losing their jobs if Aramark Company decides not to keep them, adding that other positions would be offered to them if not hired by Aramark.

Commissioner Wood questioned three companies having the same address and phone numbers listed.

Mr. Mike Forbes, Purchasing Agent, responded that there was a mistake on the list, and clarified that all vendors were independent. He added that one bidder had to be withdrawn.

Commissioner Garza moved that Sheriff Omar Lucio be authorized to begin negotiations with Aramark Correctional Services to provide food service for the Cameron County Jail Division.

The motion was seconded by Commissioner Wood and carried unanimously.

**(2) BUDGET AMENDMENTS, LINE ITEM TRANSFERS
AND/OR SALARY SCHEDULES.**

Commissioner Benavides moved that the Budget Amendments, Line Item Transfers and/or Salary Schedules be approved.

The motion was seconded by Commissioner Wood and carried unanimously

The Documents follow:

- (3) **APPROVAL OF MINUTES FOR:**
A **DECEMBER 21, 2004-REGULAR MEETING**
B **JANUARY 4, 2005-REGULAR**
C **JANUARY 10, 2005-SPECIAL-(TABLED)**

Commissioner Tamayo moved that the Minutes for the Regular Meetings held December 21, 2004, and January 4, 2005, be approved and that the Minutes for the Special Meeting held January 10, 2005, be **TABLED**.

Commissioner Garza requested that a correction be made in the Minutes for Regular Meeting held December 21, 2004, indicating that Commissioner Benavides was not present at the Transportation Commission Meeting, rather only Commissioner Wood and he were present.

Upon motion duly made by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the Minutes for the Regular Meetings held December 21, 2004, and January 4, 2005, were approved, inclusive of the correction and the Minutes for the Special Meeting held January 10, 2005, were **TABLED**.

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- (4) **CONSIDERATION AND ACTION CERTIFYING THE PROPOSED PLAN FOR SELECTION OF PROSPECTIVE JURORS AS APPROVED ON JANUARY 18, 2005. (MM-103RD DISTRICT COURT)**

Commissioner Garza moved that the proposed Plan for selection of prospective jurors be certified as approved on January 18, 2005.

The motion was seconded by Commissioner Wood and carried unanimously.

The Plan is as follows:

(6) CONSIDERATION AND SELECTION OF A TITLE COMPANY TO DO TITLE COMMITMENTS AND TITLE POLICIES FOR THE WEST RAIL PROJECT FROM NORTH OF US 281 TO SOUTH OF US 77/83 (PS-TRANSPORTATION)

Mr. Pete Sepulveda, Department of Transportation Director, recommended selection of Stewart Title, lowest bidder, in the amount of \$12,837.00.

Judge Hinojosa asked if selection of Stewart Title complies with federal requirements and if there was any reason why they should not do this.

Commissioner Wood questioned the escrow fees presented by Stewart Title because title companies were not allowed to negotiate escrow fees controlled by State. He asked if the escrow fee was for the buyer or for the buyer and seller and if Stewart Title was offering to do this for one escrow fee per transaction, noting that he was unclear as to what was being done.

Mr. Sepulveda stated that it was his understanding that the fee would be \$100.00; however, the matter could be tabled for verification.

Commissioner Wood expressed support for approval and noted that upon invoices being submitted he did not want to pay above \$100.00.

Mr. Sepulveda indicated that \$100.00 was the total.

Judge Hinojosa noted the need for clarification of the matter.

Commissioner Garza asked why a revision was made, and Mr. Sepulveda responded that the wrong quote was submitted from their office.

Judge Hinojosa asked if Stewart Title saw the other quotes, and Mr. Sepulveda responded negatively.

Mr. Sepulveda suggested that the service be re-submitted for the Court to obtain a comfort level.

Judge Hinojosa indicated that doing so was not necessary.

Commissioner Wood suggested that they be held to the \$389.00 per transaction fee.

Mr. Sepulveda stated that \$389.00 was the county's interpretation.

Commissioner Wood moved that Stewart Title Company be selected to do title commitments and title policies for the West Rail Project from North of US 281 to south of US 77/83 and that they be held to the \$389.00 fee per transaction.

The motion was seconded by Commissioner Tamayo and carried unanimously.

The Tabulation is as follows:

(7) **CONSIDERATION AND POSSIBLE ACTION
REGARDING FEMA FUNDING TO MODERNIZE
MAPS (PS-TRANSPORTATION)**

Mr. Pete Sepulveda, Department of Transportation Director, reported that funding from FEMA through the Modernization Program was briefly discussed by the Court last week and on March 18, 2003. He stated that at such time the Court was interested in partnering with Hidalgo and Willacy Counties to gain leverage when approaching the Federal Government for funding to modernize the maps and instructed staff to negotiate an interlocal agreement with them, yet this did not happen. Mr. Sepulveda stated that Mr. Mark Luffer, Star, Hidalgo and Willacy County Representative, was present to provide a status report of those counties and to get direction from the court on how to proceed.

Mr. Mark Luffer, Star, Hidalgo and Willacy County Representative, informed that TEDSI Infrastructure Group was currently working with Hidalgo County to modernize flood maps. He stated that the project was a nationwide effort to convert to digital mapping to allow FEMA to input data wherever needed. Mr. Luffer stated that completion of the project was scheduled for 2009, and added that Hidalgo County received \$1.4 million in Federal Funding through FEMA for 2004-2005 fiscal year, adding that \$800 million were allocated by FEMA. He explained that Phase I was complete, that being creation of a base map electronically digitized to enable FEMA to place it into their national database and to have access to the information. Mr. Luffer stated that the TOPOF information, the use of color to distinguish ground elevation, and that the last aspects of the project would create detailed flood insurance rate maps. He presented a brochure made by the outreach program in conjunction with Hidalgo County, and stated that a little handout of what was done by FEMA through Halff & Associates for Cameron County. Mr. Luffer informed that an advisory board consisting of state holders, bankers, lawyers, business men, and developers was formed. He stated that FEMA was scheduled to begin the scoping work for Cameron County in March or April of 2005 and that \$1.4 million was received for Cameron County for 2005-2006 Fiscal Year to do the first mapping process.

Commissioner Garza asked if this meant that FEMA already contracted with Halff & Associates to do that work.

Mr. Luffer responded that the pre-scoping was already done, and explained what the scoping process would entail.

Commissioner Benavides asked how long had it been since the last study was conducted.

Mr. Luffer responded that most of the flood maps of the Rio Grande Valley were on average sixteen years

of age.

Commissioner Garza asked what was the highest elevation identified in Cameron County.

Mr. Luffer responded that the highest elevation would probably be no more than fifteen feet.

Commissioner Garza asked if FEMA would do the scoping work that follows without county involvement.

Mr. Luffer responded in the affirmative, and explained that the project would be a county-wide effort to modernize flood maps.

Commissioner Garza asked what the next step would be.

Mr. Luffer stated that they met with Congressmen and Senators in Washington, DC, to request additional funding from FEMA.

Mr. Sepulveda requested direction on whether to secure services of TEDSI Infrastructure to conduct the studies since they were already representing three other counties.

Mr. Luffer stated that funding provided from FEMA would be 80%/20%, adding that 20% could be offset.

Judge Hinojosa asked if Cameron County has spent any money, and Mr. Sepulveda responded negatively.

Mr. Luffer explained that existing maps and data prepared by other entities could be used as leverage.

Judge Hinojosa suggested that the Department of Transportation and TEDSI Infrastructure be authorized to secure FEMA funding to modernize flood maps.

Mr. Sepulveda asked if the Court wanted the interlocal agreement with other counties.

Mr. Luffer stated that Willacy and Star Counties were discussed; however, their funding was not set up until 2008-2009 Fiscal Year.

Judge Hinojosa suggested that the interlocal be pursued as part of the motion although it would not be required and that Mr. Sepulveda address the Court upon beneficial developments arising on a regional approach.

Commissioner Benavides moved that contractual negotiations with TEDSI Infrastructure be authorized, and that the Department of Transportation and TEDSI Infrastructure be authorized to secure FEMA Funding to modernize maps.

The motion was seconded by Commissioner Wood and carried unanimously.

(8) CONSIDERATION AND AUTHORIZATION TO REQUEST PROPOSALS FOR ARCHITECTURAL SERVICES, PURSUANT TO THE PROPOSED RESTORATION PLAN FOR THE SANTA MARIA CHURCH (FB-PD & M)

Judge Hinojosa stated that Commissioner Tamayo, Mr. Frank Bejarano, PD&M Director, Mr. Richard Burst, Legal Counsel, and Mr. Solis, Diocese Representative met to discuss the project. He explained that questions concerning its legality were raised because the project involves a church. Judge Hinojosa stated that the lease hold interest was needed from the Diocese for the duration of the study and asked if it was provided.

Mr. Frank Bejarano, PD&M, Director, responded negatively, and explained that legal was working with the legal section of the Diocese.

Mrs. Dylbia Jeffries, Contract Attorney, explained that Mr. David Garza, Legal Counsel for the Diocese, requested that the matter not proceed until he speaks to the Bishop.

Judge Hinojosa asked if proposals could be requested subject to the issue with lease hold interest being resolved, and Mr. Bejarano responded in the affirmative.

Commissioner Tamayo moved that request for proposals for architectural services be approved pursuant to the proposed restoration plan for the Santa Maria Church be approved and subject to the lease hold interest in favor of the county for the property in question for the duration time of the study being provided by the Diocese.

Mr. Bejarano explained that the lease hold interest was needed for the duration time of the study to overcome a legal challenge, and requested approval of an option to renew the lease once the study was complete.

Commissioner Garza noted the need to ensure that county residents have a stake in the project since this precludes the county from investing in a church.

Judge Hinojosa explained that the county's interests consist of an ownership issue to be addressed by the lease hold interest for the time needed to do the architectural services with a right to renew it if both parties agree to the proposed restoration. He added that the second county interest was the technical legal issue of ownership, adding that the church sits on land leased long-term to the county. Judge Hinojosa explained that the project was being done because the deteriorating church has historical significance to the community and that the Diocese understands that the county's intent was to restore and keep the church as a museum, while preserving its religious sanctity and opening it to the public.

Commissioner Tamayo stated that people were positively excited about the project, thus she hoped that the legalities could be addressed in order to move forward.

Commissioner Garza expressed support for the project. He explained that individuals were concerned about the information center/museum concept and that he told them that the issue was that the church was not getting enough attention and would be gone if something was not done.

Judge Hinojosa pointed that the Alamo, a Catholic Mission, is now the number one museum in Texas and that this was an example of how religious sites cannot be separated from the history of our community.

Commissioner Tamayo emphasized that the church would fall if something was not done by the county via this process. She stated that her explanation to the individual would be that she would rather see the church restored as much as possible to its originality and that only its function would change.

Mr. Bejarano explained that the study would look at an adaptive reuse of the church such as a museum or a public information center, amongst others, and would provide a cost estimate.

Judge Hinojosa asked if there would be any other use of the church other than a museum.

Mr. Bejarano stated that the consultants would identify possible uses of the building and their costs.

Judge Hinojosa clarified that certain uses of the church may be allowed. He explained that marriage ceremonies were held throughout Cameron County and that he did not know if marriage ceremonies held in religious manner would be a precluded function. Judge Hinojosa stated that the consultants should decide and that the function should be part of negotiations with the Diocese.

Commissioner Tamayo noted the need to stay within the boundaries of legalities.

Commissioner Garza stated that Mr. Sam Lozano, Former Mayor of Harlingen, expressed such concerns.

Upon motion duly made by Commissioner Tamayo that request for proposals for architectural services be approved, pursuant to the proposed restoration plan for the Santa Maria Church and subject to the lease hold interest in favor of the county for the property in question for the duration time of the study being provided by the Diocese.

The motion was seconded by Commissioner Garza and carried unanimously.

The RFP is as follows:

CONSENT ITEMS

ALL ITEMS UNDER THE CONSENT AGENDA ARE HEARD COLLECTIVELY UNLESS OPPOSITION IS PRESENTED, IN WHICH CASE THE CONTESTED ITEM WILL BE CONSIDERED, DISCUSSED, AND APPROPRIATE ACTION TAKEN SEPARATELY

ITEM NO. 10: Mr. Javier Mendez, Parks System Director, requested that this item be tabled for a week.

ITEM NO. 17: Commissioner Benavides suggested that this item be tabled due to concerns expressed by employees regarding the equipment not being adequate and to further review the issue prior to approval.

Judge Hinojosa asked that the Director of Transportation and Commissioner Benavides talk to ensure that Commissioner Benavides has a "comfort level."

Mr. Pete Sepulveda, Department of Transportation Director, explained that Mr. Ernesto Hinojosa, County Engineer, and he saw the equipment in action in the City of San Benito, and that Mr. Hinojosa originally expressed the same concern that the equipment might not be what was needed. He stated that the price also made a difference and that the Bomack, priced at \$250,000.00, supercedes the needs of the county. Mr. Sepulveda stated that the Asphalt Zipper AZ480HD was sufficient for the county with the recommendation that sufficient and proper training be provided to a limited number of operators and preventive maintenance be given.

Commissioner Garza suggested that Commissioner Benavides consult with Mr. Mario Marroquin, City of San Benito employee, whom was in charge of the same type of machine being considered by the county. He added that the City of San Benito has had the machine for some time with minimal maintenance provided because of limited number of operators. Commissioner Garza suggested that the purchase of two small machines be considered if the concern was the size.

ITEM NO. 18: Commissioner Wood requested that the Mobile Data Networking System be included.

Commissioner Tamayo moved that the "Travel and Consent Items" be approved, and that Items Nos. 10 and 17 be **TABLED**.

The motion was seconded by Commissioner Garza and carried as follows:

AYE: Commissioners Benavides, Wood, Garza and Tamayo,

NAY: None.

ABSTAIN: Judge Hinojosa as to Warrant No. 00131988, payable to Laguna Madre Water District, in the amount of \$3,670.79.

(9) APPROVAL OF CLAIMS.

The Affidavit follows:

(10) IN THE MATTER REGARDING AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH AMBIOTEC FOR ASBESTOS SERVICES PERTAINING TO THE JEREMIAHS. (JM-PARK SYSTEM)(TABLED)

(11) AUTHORIZATION FOR THE CAMERON COUNTY (PARKS) TO ENTER INTO A NATIONAL RECREATIONAL TRAILS GRANT FUND AGREEMENT WITH THE TEXAS PARKS AND WILDLIFE DEPARTMENT FOR LAGUNA HEIGHTS COMMUNITY PARK. (JM-PARK SYSTEM)

The Agreement follows:

(12) APPROVAL OF MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CAMERON COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE UNIVERSITY OF TEXAS AT BROWNSVILLE (UTB). (YS-HEALTH)

The MOU follows:

- (13) APPROVAL OF A RESOLUTION AUTHORIZING THE CAMERON COUNTY JUVENILE PROBATION DEPARTMENT TO SUBMIT A GRANT APPLICATION TO THE TEXAS ALCOHOLIC BEVERAGE COMMISSION FOR THE “ENFORCING UNDERAGE DRINKING LAWS THROUGH PEER SUPPORT PROGRAM”. (TR-JUVENILE)
The Resolution follows:
- (14) APPROVAL OF A RESOLUTION AUTHORIZING THE CAMERON COUNTY JUVENILE PROBATION DEPARTMENT TO SUBMIT A GRANT APPLICATION TO THE STATE OF TEXAS OFFICE OF THE GOVERNOR FOR THE “VICTIMS OF CRIME ACTS GRANT”. (TR-JUVENILE)
The Resolution follows:
- (15) AUTHORIZATION TO ACCEPT PARCEL 8, FOR US 83 EXPRESSWAY, LOCATED AT THE INTERSECTION OF US 83 EXPRESSWAY AND WHITE RANCH ROAD IN THE HARLINGEN PRECINCT 4 AREA. (EH-TRANSPORTATION)
- (16) APPROVAL OF TIME EXTENSION FROM JANUARY 9, 2005 TO JANUARY 9, 2006 FOR PROVIDING SEWER FACILITIES (SEPTIC SYSTEMS) AT RAMON SUBDIVISION, PRECINCT 4. (PS-TRANSPORTATION)
- (17) AUTHORIZATION TO PURCHASE ASPHALT ZIPPER AZ480HD UTILIZING H-GAC CONTRACT. (PS-DEPT. OF TRANSPORTATION)(TABLED)
- (18) APPROVAL OF LIST OF FEDERAL PROJECTS FOR FISCAL YEAR 2006 TO BE SUBMITTED TO FEDERAL DELEGATION FOR FUNDING CONSIDERATION. (PS-TRANSPORTATION)
The list follows:
- (19) PRELIMINARY AND FINAL APPROVAL FOR: (PS-DEPT. OF TRANSPORTATION)
A. PRECINCT NO. 4- SERGIO LOPEZ SUBDIVISION – BEING 5.0 ACRES OF LAND OUT OF BLOCK THIRTY-TWO (32), STUART PLACE SUBDIVISION SURVEY 295, CAMERON COUNTY, TEXAS ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 5, PAGE 6, MAP RECORDS OF CAMERON COUNTY, TEXAS.
- (20) PRELIMINARY APPROVAL FOR: (PS-DEPT. OF TRANSPORTATION)
A. PRECINCT NO. 4- HERON COVE SUBDIVISION – BEING 18.29 ACRES, ALL OF LOT 20, WEST ARROYO CITY SUBDIVISION, CAMERON COUNTY, TEXAS, ACCORDING TO MAP THEREOF RECORDED IN CAB. 1, SLOT 925-B OF THE MAP RECORDS OF CAMERON COUNTY, TEXAS.
- (21) FINAL APPROVAL FOR: (PS-DEPT. OF TRANSPORTATION)
A. PRECINCT NO. 4- CERRO SAN PEDRO – BEING 1.419 ACRES OF LAND COMPRISED OF TRACT I (1.152 AC.) AND TRACT II (0.267 AC.) OUT OF BLOCK 58, ADAMS GARDENS SUBDIVISION “B”, CAMERON COUNTY, TEXAS, ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 10, PAGE 2 OF THE MAP RECORDS OF CAMERON COUNTY, TEXAS.
- (22) AUTHORIZATION TO RENEW THE FOLLOWING BIDS/RFP’S: (MF-PURCHASING)
1. MOSQUITO INSECTICIDE – ANNUAL BID #2430 (B&G, PUBLIC HEALTH, UNIVAR)
2. ROAD MATERIALS EMULSION OILS – ANNUAL BID #2540 (EAGLE)
- (23) AUTHORIZATION TO OPEN THE FOLLOWING BIDS/RFP’S: (MF-PURCHASING)
1. DUMP TRUCK 2 – 3 C.Y. – BID #050106
2. DUMP TRUCKS 12 – 14 C.Y. (QTY. -2) – BID #050105
3. TRACTORS (QTY. – 2) – BID #050102
4. MOTORGRADER – BID #050102
5. ROLLERS (QTY. – 2) – BID 050103

TRAVEL ITEMS

(24) CONSIDERATIONS AND AUTHORIZATION TO TRAVEL/OR APPROVAL OF TRAVEL EXPENSE FOR THE FOLLOWING (PLEASE NOTE: TRAVEL REQUESTS ARE SUBJECT TO ALL APPLICABLE COUNTY POLICIES):

- (A) Unified Narcotics Intelligence Task Force Agent to attend the “Cleris V 3.0 Minimum Data Entry Training,” in Austin, Texas, March 20-21, 2005;
 - (B) Unified Narcotics Intelligence Task Force Agent the “Cleris V3.0 Minimum Data Entry Training,” in Austin, Texas, February 7-8 2005;
 - (C) Director of Transportation to attend the “Border Trade Alliance Conference and meetings with Senate and Congress Staff regarding the West Rail and North Rails Project,” in Washington, DC, February 13-16, 2005;
 - (D) PD&M CD Coordinator to attend the “TDJCA Colonia Self-help Center Program Training,” in San Antonio, Texas, February 3-4, 2005;
 - (E) PD&M CD Coordinator to attend the “Rio Grande Valley Empowerment Zone 10 Year Recognition Dinner,” in McAllen, Texas, February 24, 2005; and
 - (F) County Judge employee to attend meetings during the 79th Legislative Session in Austin, Texas, February 6-11, 2005, and February 14-18, 2005.
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- (9) **APPROVAL OF CLAIMS.**
The Affidavit is as follows:

- (11) **AUTHORIZATION FOR THE CAMERON COUNTY (PARKS) TO ENTER INTO A NATIONAL RECREATIONAL TRAILS GRANT FUND AGREEMENT WITH THE TEXAS PARKS AND WILDLIFE DEPARTMENT FOR LAGUNA HEIGHTS COMMUNITY PARK. (JM-PARK SYSTEM)**

The Agreement is as follows:

- (12) **APPROVAL OF MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CAMERON COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE UNIVERSITY OF TEXAS AT BROWNSVILLE (UTB). (YS-HEALTH)**
The MOU is as follows:

- (13) **APPROVAL OF A RESOLUTION AUTHORIZING THE CAMERON COUNTY JUVENILE PROBATION DEPARTMENT TO SUBMIT A GRANT APPLICATION TO THE TEXAS ALCOHOLIC BEVERAGE COMMISSION FOR THE “ENFORCING UNDERAGE DRINKING LAWS THROUGH PEER SUPPORT PROGRAM.” (TR-JUVENILE)**
The Resolution is as follows:

- (14) **APPROVAL OF A RESOLUTION AUTHORIZING THE CAMERON COUNTY JUVENILE PROBATION DEPARTMENT TO SUBMIT A GRANT APPLICATION TO THE STATE OF TEXAS OFFICE OF THE GOVERNOR FOR THE “VICTIMS OF CRIME ACTS GRANT”. (TR-JUVENILE)**
The Resolution is as follows:

- (18) **APPROVAL OF LIST OF FEDERAL PROJECTS FOR FISCAL YEAR 2006 TO BE SUBMITTED TO FEDERAL DELEGATION FOR FUNDING CONSIDERATION. (PS-TRANSPORTATION)**
The list is as follows:

EXECUTIVE SESSION

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the Court met in Executive Session at 10:50 A.M. to discuss the following matters:

(25) EXECUTIVE SESSION:

- A. Confer with Commissioners' Court Legal Counsel concerning issues relating to the Dancy Building Renovation Project on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this Chapter; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)&(2) and 551.072;
- B. Confer with Commissioners' Court Legal Counsel concerning Michael McGhee Scott versus Yolanda Deleon, Criminal District Attorney and Cameron County, Texas, in the 107th District Court; Cause No. 03-01-122-A, for discussion of status of case and possible settlement; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(A)&(B);
- C. Confer with Commissioners' Court Legal Counsel concerning Raymundo Mendieta versus Cameron County in the 197th District Court; Cause No. 2005-01-251-C, authority to represent the county and authorization to remove the case to Federal Court; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(A)&(2);
- D. Confer with Commissioners' Court Legal Counsel concerning issues regarding the Del Mar Heights Buyout Properties; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- E. Confer with Commissioners' Court Legal Counsel concerning issues regarding the Cameron County Detention Centers and the Cameron County Sheriff's Administration Building; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(2); and,
- F. Confer with Commissioners' Court Legal Counsel concerning Cameron County versus Faulkner, USA, formerly known as Landmark; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A)&(2).

Upon motion by Commissioner Benavides, seconded by Commissioner Wood and carried unanimously, the Court reconvened into Regular Session at 11:13 A.M., to discuss the following matters:

(26) ACTION RELATIVE TO EXECUTIVE SESSION:

- A. **Confer with Commissioners' Court Legal Counsel concerning issues relating to the Dancy Building Renovation Project on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this Chapter.**

Commissioner Tamayo moved that the Status Report by Mr. Frank Bejarano, PD&M Director, be acknowledged and that he be authorized to draft and submit a letter to the Texas Historical Commission explaining the County's interest in the property and responding to the nomination for the State Archeological Landmark for the Brownsville Cemetery.

The motion was seconded by Commissioner Wood and carried unanimously.

- B. Confer with Commissioners' Court Legal Counsel concerning the case styled Michael McGhee Scott versus Yolanda Deleon, Criminal District Attorney and Cameron County, Texas, in the 107th District Court; Cause No. 03-01-122-A, for discussion of status of case and possible settlement.**

Upon motion by Commissioner Wood, seconded by Commissioner Tamayo and carried unanimously, the Status Report by Legal Counsel was acknowledged and he was authorized to make counter-offer settlement pursuant to discussions in Executive Session.

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- C. Confer with Commissioners' Court Legal Counsel concerning the case styled Raymundo Mendieta versus Cameron County in the 197th District Court; Cause No. 2005-01-251-C, authority to represent the county and authorization to remove the case to Federal Court.**

Commissioner Garza moved that Legal Counsel be authorized to represent the county on the case styled Raymundo Mendieta versus Cameron County in the 197th District Court; Cause No. 2005-01-251-C, and to authorize Legal Counsel to remove the case to Federal Court.

The motion was seconded by Commissioner Wood and carried unanimously.

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- D. Confer with Commissioners' Court Legal Counsel concerning issues regarding the Del Mar Heights Buyout Properties.**

Commissioner Garza moved that the sales of properties be authorized and that the County Judge be authorized to sign the contract of sale with Mr. Amado Zepeda, Block 30, lots 4 and 5, and Mrs. Maria Guadalupe Guevara, Block 6, lot 9.

The motion was seconded by Commissioner Wood and carried unanimously.

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- E. In the matter regarding confer with Commissioners' Court Legal Counsel concerning issues regarding the Cameron County Detention Centers and the Cameron County Sheriff's Administration Building. (TABLED)**

- F. In the matter regarding confer with Commissioners' Court Legal Counsel concerning Cameron County versus Faulkner, USA, formerly known as Landmark. (TABLED)**

NOTE: These items were not discussed in Executive Session.

Upon motion by Commissioner Wood, seconded by Commissioner Tamayo and carried unanimously these Items were **TABLED**.

Commissioner Garza commented that county cell phones were not working at this time.

There being no further business to come before the Court, upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the meeting was **ADJOURNED** at 11:15 A.M.

APPROVED this 12th day of **April 2005**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

JOE G. RIVERA,
COUNTY CLERK AND EX-OFFICIO CLERK
OF THE COMMISSIONERS' COURT OF
CAMERON COUNTY, TEXAS