

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 15th day of March 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:

PRESENT:

9:30 A.M.

GILBERTO HINOJOSA
COUNTY JUDGE

PEDRO "PETE" BENAVIDES
COMMISSIONER PRECINCT NO. 1

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:

JOHN WOOD

The meeting was called to order by Judge Pro-tem Pedro "Pete" Benavides at 9:35 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.

The Court considered the following matters as posted and filed for Record in the Office of the County Clerk on March 11, 2005, at 3:50 P.M.:

(1) PUBLIC COMMENTS

None was presented.

Commissioner Tamayo informed that she was given many compliments for work done by the Public Works Department. She complimented Congressman Ruben Hinojosa for the town hall meeting he held, and complimented the mayors of the Cities of Brownsville and Harlingen for their united efforts in trying to recruit the North America Tanker Aircraft Facility. Commissioner Tamayo welcomed the city officials present.

Commissioner Benavides informed that a great ground breaking ceremony was held for the Senior/Teen, WIC, and Headstart Centers.

NOTE: JUDGE HINOJOSA ARRIVED AT THIS TIME.

Judge Hinojosa informed that he was in Austin and had the opportunity to testify before the Senate Committee in charge of the issue of providing limited ordinance making ability and code enforcement for counties. He stated that the Bill was approved by the Senate and would now go before the House of Representatives where there was opposition by the developers. Judge Hinojosa commended Senator Lucio and other representatives for their representation of our community in different issues. He stated that he met with Veronica Gonzalez with regard to the bill concerning street lighting and that it might not apply to the discretionary funding program because it deals with issues on roads that are dedicated as part of their community development program. Judge Hinojosa stated that Cameron County would support the Bill if it was limited solely towards construction that does not mandate the counties to provide the operation cost, noting that this would signify saving with regards to construction cost.

Commissioner Garza commended the Public Works Department for a great job in building a bridge project, and stated that a meeting would be held today with AEP.

Commissioner Tamayo stated that Congressman Hinojosa was asking for \$400,000.00 needed for the Santa Rosa Boys & Girls Club.

Judge Hinojosa stated that a meeting was held with Congressmen Hinojosa who committed to getting some funding for the North Railroad Relocation Project because the House provided funding only for the North Railroad Relocation Project and none for the West Railroad Relocation Project within the Transportation Appropriation Bill, adding that help was requested from Solomon Ortiz to get funding for the West Railroad Relocation Project.

ACTION ITEMS

(6) CONSIDERATION AND ACTION REGARDING A JOINT PUBLIC HEARING BETWEEN THE CAMERON COUNTY COMMISSIONERS COURT AND THE BROWNSVILLE CITY COMMISSION TO CONSIDER AVAILABLE GRANT FUNDING FOR 2005 FROM THE BUREAU OF JUSTICE ASSISTANCE AND DISCUSS POSSIBLE USE OF FUNDS (FB-PD & M)

Judge Hinojosa acknowledged the presence of three Brownsville City Commissioners.

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the Joint Public Hearing between the Cameron County Commissioners Court and the Brownsville City Council to consider available grant funding for 2005 from the Bureau of Justice Assistance and discuss possible use of funds was opened for public comment.

Mr. Frank Bejarano, PD&M Director, informed that the Justice Assistance Grant provides \$124,897.00 that must be shared by the City of Brownsville and Cameron County and that the public hearing was required to discuss the use of funds. He added that an interlocal agreement that specifies how the money would be shared and what it would be used for would be considered on the city's agenda. Mr. Bejarano explained that the public hearing was intended to discuss possible use of funding, adding that the funding could be used for personnel, equipment and training relating to law enforcement. He presented a listing of areas that the funds could be used under JAG, and stated that a request was made by the County Judge's office and that other departments were invited.

Mr. Remi Garza, County Administrative Assistant, stated that Cameron County's JAG funds total \$67,549.00. He explained that attempts have been made to acquire an Indentix Empowering Identification System for the Sheriff's Department, at an estimated cost of \$46,414.00. Mr. Garza the past years, that for the past years and explained that the equipment would enable identification of individuals within 15 to 20 minutes and that the system would be available to all law enforcement agencies for all finger print purpose that they might have.

Judge Hinojosa stated that they have wanted to acquire this system for some time because this would eliminate the thirty day delay encountered for identification, thus decreasing incarceration time.

Commissioner Garza asked if a mobile system was included in the proposal.

Mr. Garza explained that the mobile system might not be part of the proposal; however, it could be added in the future at less cost.

Commissioner Garza asked what the ongoing cost for yearly maintenance would be, and if the system was used by Brownsville Police Department.

Mr. Garza responded that the maintenance cost was \$260.00 for the first year and about the same figure thereafter.

Mr. Carlos Garcia, Brownsville Chief of Police, that they were in the process of obtaining the system and that a funding source was identified. He stated that the system would be an asset to the county because it processes more inmates than the city.

Commissioner Garza requested that the cost for mobile technology, the ongoing annual maintenance cost and the type of back-up provided by the system.

Mr. Garza requested that the remaining \$10,000.00 be set aside for training for law enforcement and that the additional \$10,000.00 be used for administrative cost, adding that specifics could be provided at a later time according to the agreement.

Mr. Bejarano stated that specific as to split of the money could be given at a later, prior to March 31, 2005.

Judge Hinojosa stated that he does not want to use a lot of the funds towards administrative cost. He suggested that the funds be used to get needed equipment and/or training. Judge Hinojosa asked what the city's request was.

Chief Garcia stated that the \$57,348.00 allocation to the city would be used to purchase 16 Motorola radios in anticipation of new officers to be provided next fiscal year.

City Commissioner Ricardo Longoria stated that he was very enthusiastic about getting the system and about working jointly towards a prosper direction to better serve the community. He apologized for not having a quorum, and thanked the Court for having them here.

City Commissioner Ernesto De Leon expressed support towards working jointly with the county for the betterment of the community.

City Commissioner David Betancourt commented that it was great that the two entities were working together on the project.

Chief Garcia stated that he anticipated support from the city because there was no cost involved.

Mr. Bejarano asked if final details were wanted by next week.

Judge Hinojosa responded in the affirmative.

Upon motion by Commissioner Tamayo, seconded by Commissioner Benavides and carried unanimously, the Joint Public Hearing between the Cameron County Commissioners Court and the Brownsville City Commission to consider available grant funding for 2005 from the Bureau of Justice Assistance and discuss possible use of funds was closed.

(7) **CONSIDERATION AND APPROVAL OF AN INTERLOCAL AGREEMENT BETWEEN CAMERON COUNTY AND THE CITY OF BROWNSVILLE FOR THE 2005 JUSTICE ASSISTANCE GRANT PROGRAM (FB-PD & M)**

Commissioner Benavides moved that the Interlocal Agreement between Cameron County and the City of Brownsville for the 2005 Justice Assistance Grant Program be approved.

The motion was seconded by Commissioner Garza and carried unanimously.

The Agreement is as follows:

(9) **CONSIDERATION AND AUTHORIZATION TO AWARD THE FOOD SERVICE CONTRACT TO ARAMARK INC. FOR THE CAMERON COUNTY DETENTION DIVISION (OL-SHERIFF)**

Sheriff Omar Lucio informed that former Justice of the Peace Salas' wife had a fatal heart attack. He reported that the federal inmate population was 367 as of yesterday. Sheriff Lucio added that everything was in order concerning Aramark Inc.

Commissioner Benavides moved that the awarding of the food service contract to Aramark Inc., for the Cameron County Detention Division be approved.

Mr. Dylbia Jeffries, Contract Attorney, reported that the requested changes were done.

Judge Hinojosa noted the need to address some comments that were placed in the newspaper in order for people to feel comfortable that the right decision was being made without rushing. He stated that based on what he has seen he believes that the county has sufficient protection to ensure that inmates are given proper diet by the food provided by Aramark Inc. Judge Hinojosa requested that Sheriff Lucio inform the court and public that he has done due diligence to feel comfortable to say that Aramark Inc., will provide the service expected once contracted.

Sheriff Lucio stated that several phone calls were made to people regarding the negative comments and that he visited with Sheriff Lopez. He added that Sheriff Olivarez, Nueces County, was in the process of contracting with the same. He stated that information was obtained via the internet concerning problems in Florida and that Aramark Inc., now services their state penitentiary. Sheriff Lucio stated that one major problem was that the union has attempted to get into this area of work in other places. He stated that Aramark Inc. has agreed to the county's requests, that it will employ six county employees and that a 90 day out clause was stipulated in the contract.

Judge Hinojosa questioned the status of the contract where the Aramark Inc., operation in the Florida, and if this was the only area where problems had occurred.

Mr. Eddie responded that the contract in Florida was extended, and that the decision to pull-out operations in Tarrant County was made due to issues with the Sheriff's Department.

Judge Hinojosa asked how long Aramark Inc. had serviced Bexar County.

Mr. Eddie responded that they have served Bexar County for eight years.

Commissioner Tamayo asked if the issues in Tarrant County and Florida were the same.

Mr. Eddie responded negatively.

Sheriff Lucio commented that the issues in Tarrant County pertained to politics.

Judge Hinojosa questioned the projected savings, and if the U.S. Marshal's Office was alright with the county doing this.

Mr. Xavier Villarreal, Budget Officer, responded that the amount totals about half of \$160,000.00.

Sheriff Lucio responded in the affirmative and that no problems were foreseen.

Upon motion by Commissioner Benavides, seconded by Commissioner Garza and carried unanimously, the awarding of the food service contract to Aramark Inc., for the Cameron County Detention Division was approved.

The Contract is as follows:

PRESENTATIONS

(2) **CONSIDERATION AND ACKNOWLEDGEMENT OF THE RACIAL PROFILE REPORT COMPILED BY THE CAMERON COUNTY SHERIFF'S OFFICE FOR MARCH 1, 2004 THRU MARCH 1, 2005 (OL-SHERIFF)**

Commissioner Garza asked if distinction was not made between whites and Hispanics in the reports, in accordance with State Regulation.

Sheriff Omar Lucio responded in the affirmative.

Commissioner Benavides moved that the Racial Profile Report compiled by the Cameron County Sheriff's Office for March 1, 2004 thru March 1, 2005, be approved.

The motion was seconded by Commissioner Tamayo and carried unanimously.

The Report is as follows:

(3) **CONSIDERATION AND POSSIBLE ACTION REGARDING THE CAMERON COUNTY LEGISLATIVE AGENDA, TO INCLUDE PASSAGE OF RESOLUTIONS IN SUPPORT OF OR IN OPPOSITION TO CERTAIN LEGISLATION AFFECTING THE COUNTY'S INTEREST (VDL-COUNTY JUDGE)**

Mr. Remi Garza, County Administrative Assistant, reported that the deadline for filing Bills passed, March 11, 2005 and that Cameron County was successful in submitting or having a plan for at least 99% of its legislative agenda. He stated that the legislative agenda item regarding mandating that water service be terminated for lack of payment for trash collection services was not submitted because Representatives felt that it would be greatly opposed by the Utility Commission. Mr. Garza stated that the present legislation authorizes them to terminate services, yet the issue relate to mandating that service be terminated.

Commissioner Garza questioned if the Bill regarding movement of the Shrimp industry from wildlife to agriculture was introduced.

Mr. Garza responded in the affirmative and explained that two Bills were filed and that he would look into the status of the same. He added that HB 3 passed and did not include any appraisal revenue cap; however, the Conference of Urban Counties believed that it will be resubmitted under separate legislation at a later time.

Judge Hinojosa noted the need to work on Texas Department of Transportation's position that start-up monies for the RMA should not be provided and to examine the Legislature position on the matter. He suggested that the possibility of allowing for the county to get money for gambling be examined.

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the Status Report regarding the Cameron County Legislative Agenda was acknowledged.

The Report is as follow:

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

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the Budget Amendments, Line Item Transfers and/or Salary Schedules were approved.

The documents are as follows:

(5) **IN THE MATTER REGARDING APPROVAL OF
MINUTES FOR:
A JANUARY 25, 2005-REGULAR MEETING
(TABLED)**

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, this Item was **TABLED**.

(10) **CONSIDERATION AND ACTION REGARDING
RENAMING OF THE CAMERON COUNTY PARK
SYSTEM TO THE CAMERON COUNTY PARKS AND
RECREATION DEPARTMENT (JM-PARK SYSTEM)**

Mr. Javier Mendez, Parks System Director, explained that no materials would be reprinted until needed, and that the name change was because the Parks System was more involved in recreation.

Judge Hinojosa expressed support as long as there was no additional cost.

Commissioner Tamayo questioned the reason for renaming the department.

Judge Hinojosa explained that the Parks System was more involved in recreational areas, one being the Boys & Girls Club. He noted the need to avoid additional expenses due to the name change.

Mr. Mendez reiterated that the name would be changed when supplies were reordered.

Commissioner Garza asked if the plans were to include provision, funding, and planning of recreational functions and if the department would do this as a Parks & Recreation System.

Mr. Mendez responded in the affirmative. He explained that a league would have to be created in order to schedule all games on the fields.

Commissioner Tamayo stated that the department would coordinate events along with volunteers.

Commissioner Garza commented that Mr. Mendez was undertaking a totally different component.

Commissioner Tamayo noted that coordination would be critical.

Mr. Mendez stated that there were problems at Cameron Park regarding scheduled use of the soccer field.

Commissioner Tamayo moved that the renaming of the Cameron County Park System to the Cameron County Parks and Recreation Department be authorized, pursuant to there being no extra cost.

The motion was seconded by Commissioner Garza and carried unanimously.

(11) IN THE MATTER REGARDING CONSIDERATION AND APPROVAL OF RESOLUTION SETTING THE MAXIMUM SPEED LIMIT ON CARMEN AVENUE FROM AVENIDA ESCANDON TO FM 1732, FOR THE PORTION OF THE ROAD THAT LIES WITHIN THE CAMERON COUNTY JURISDICTION (PS-DEPT. OF TRANSPORTATION) (TABLED)

Mr. David Garcia, Department of Transportation Assistant Director, requested that this Item be tabled due to the need to hold a public hearing on April 2, 2005.

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, this Item was **TABLED**.

(12) CONSIDERATION AND ADOPTION OF A RESOLUTION REGARDING THE LOCATION OF AN EADS, NORTH AMERICA TANKER AIRCRAFT FACILITY IN CAMERON COUNTY (COMM. COURT)

Judge Hinojosa explained that he met with the Rio Grande Valley Chamber of Commerce, the Mayors of Brownsville and Harlingen and representatives from the Governor's Office to discuss the submission of an application regarding the airbus facility in Cameron County. He stated that the mayors were committed to a regional approach for the project, and that the matter was placed on the agenda to get a sense of direction from the Court. Judge Hinojosa stated that three airports in Cameron County meet the design requested by EADS, including the Cameron County Airport. He stated that the facility create about 1,500 job employments.

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the Resolution regarding the location of an EADS, North America Tanker Aircraft Facility in Cameron County was adopted.

The Resolution is as follows:

(13) CONSIDERATION AND APPOINTMENT OF MR. TOMAS GONZALEZ TO THE TROPICAL MENTAL HEALTH AND MENTAL RETARDATION BOARD OF DIRECTORS (RG-COUNTY JUDGE)

Commissioner Benavides moved that Dr. Tomas Gonzalez be appointed to the Tropical Mental and Mental Retardation Board of Directors.

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

AYE: Commissioners Benavides, Garza and Judge Hinojosa,

NAY: None

ABSTAIN: Commissioner Tamayo

Commissioner Garza applauded Dr. Gonzalez willingness to serve.

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

DISCUSSION CONCERNING THE FOLLOWING CONSENT ITEMS:

ITEM NO. 18: Commissioner Tamayo questioned the Change Order.
Mr. Frank Bejarano, PD&M Director, explained that the Change Order was a reduction in the final cost of the project due to unused materials and that it would credit the East Rio Hondo Water Supply.

ITEM NO. 15: Commissioner Garza asked if the concern was addressed by this.
Commissioner Benavides responded in the affirmative.
Mr. Javier Mendez, Parks System Director, asked if the Court wanted to provide the labor in addition to the material.
Mr. Doug Wright, Commissioners' Court Legal Counsel, advised that there was a legitimate public purpose to maintaining the road.

Commissioner Garza moved that the "Travel and Consent Items" be approved.

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

AYE: Commissioners Benavides, Garza and Tamayo

NAY: None,

ABSTAIN: Judge Hinojosa as to Warrant No. 00134442, payable to the Laguna Madre Water District, in the amount of \$235.84.

**(14) APPROVAL OF CLAIMS;
The Affidavit follows:**

**(15) APPROVAL OF AN EASEMENT TO ALLOW CRAIG ATCHISON PROPER INGRESS AND EGRESS THROUGH BROWNE ROAD PARK. (JM-PARK SYSTEM)
The Easement follows:**

- (16) **AUTHORIZATION TO REQUEST PROPOSALS FOR DEMOLITION AND ASBESTOS REMEDIATION OF THE FORMER JEREMIAHS RIVERRIDE PROPERTY LOCATED AT THE ISLA BLANCA PARK. (JM-PARK SYSTEM)**
- (17) **AUTHORIZATION TO EXECUTE A LICENSE AGREEMENT BETWEEN CAMERON COUNTY AND BRENDA DAVOREN, PRESIDENT AND SOUTH PADRE ISLAND KITE BOARDING INC. (JM-PARK SYSTEM)**
The Agreement follows:
- (18) **APPROVAL OF CHANGE ORDER NO. 1 TO CONSTRUCTION CONTRACT WITH CORNETT CONSTRUCTION, INC. FOR THE ARROYO COLORADO WATERLINE REPLACEMENT PROJECT (TCDP CONTRACT NO. 723109). (FB-PD & M)**
The Change Order follows:
- (19) **AUTHORIZATION TO PURCHASE MASS STORAGE TAPE DRIVE UTILIZING STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES INTER-LOCAL COOPERATIVE PURCHASING AGREEMENT CONTRACTS (TDIR). (RJ-COMPUTER CENTER)**
- (20) **ACTION FOR THE APPOINTMENT OF ALEX G. MENDOZA AS DEPUTY CONSTABLE IN PRECINCT 5 IN COMPLIANCE WITH THE FINDING THAT IT IS NECESSARY TO APPOINT THE DEPUTY IN ORDER TO PROPERLY HANDLE THE BUSINESS OF THE CONSTABLE'S OFFICE THAT ORIGINATES IN THE CONSTABLE'S PRECINCT AND THAT THE APPOINTMENT IS VALID ONLY THROUGH THE END OF THE FISCAL YEAR IN WHICH THE APPOINTMENT IS MADE OR THE CURRENT TERM OF THE ELECTED CONSTABLE WHICH EVER ENDS SOONER. (MV-HUMAN RESOURCES)**
- (21) **ACTION FOR THE APPOINTMENT OF JOSE CARLOS JUAREZ AS RESERVE DEPUTY CONSTABLE IN PRECINCT NO. 1 IN COMPLIANCE WITH THE FINDING THAT IT IS NECESSARY TO APPOINT THE RESERVE DEPUTY IN ORDER TO PROPERLY HANDLE THE BUSINESS OF THE CONSTABLE'S OFFICE THAT ORIGINATES IN THE CONSTABLE'S PRECINCT AND THAT THE APPOINTMENT IS VALID ONLY THROUGH THE END OF THE FISCAL YEAR IN WHICH THE APPOINTMENT IS MADE OR THE CURRENT TERM OF THE ELECTED CONSTABLE WHICH EVER ENDS SOONER. (MV-HUMAN RESOURCES)**
- (22) **AUTHORIZATION TO RENEW THE FOLLOWING BIDS/RFP'S: (MF-PURCHASING)**
A. ROAD MATERIALS: LIQUID STABILIZER – ANNUAL BID NO. 2574 WITH ROAD BOND USA/J.B. INDUSTRIES/ARROW MAGNOLIA
B. ROAD MATERIALS: COLD PATCH – ANNUAL BID NO. 2566 WITH BALLENGER
C. DRINKING WATER – ANNUAL BID NO. 2550 WITH ST. JOSEPH'S WATER
The Tabulations follow:
- (23) **AUTHORIZATION TO OPEN THE FOLLOWING BIDS/RFP'S/ RFQ FOR: (MF-PURCHASING)**
A. ROAD MATERIALS: DRAINAGE – ANNUAL BID NO. 2520
B. FOOD: MEATS – ANNUAL BID NO. 2170-2
C. RECYCLER/RECLAIMER MACHINE – BID NO. 050202
D. NATURAL GAS SUPPLY & TRANSMISSION (COUNTY JAIL OLMITO) – ANNUAL BID NO. 2435
- (24) **AUTHORIZATION TO INITIATE THE DRAWING PROCESS ON LETTER OF CREDIT FOR PALOMAR SUBDIVISION, PRECINCT 4, FOR UNBUILT SEPTIC SYSTEMS. (PS-DEPT. OF TRANSPORTATION)**
- (25) **AUTHORIZATION TO INITIATE THE DRAWING PROCESS ON LETTER OF CREDIT FOR THE HEATHER SUBDIVISION, PRECINCT 3, FOR UNBUILT SEPTIC SYSTEMS. (PS-DEPT. OF TRANSPORTATION)**

- (26) **APPROVAL OF TIME EXTENSION, FROM MARCH 7, 2005 TO SEPTEMBER 30, 2007, FOR PROVIDING SEWER FACILITIES (SEPTIC SYSTEMS) AT COTTON ACRES SUBDIVISION, PRECINCT 4. (PS-DEPT. OF TRANSPORTATION)**
- (27) **AUTHORIZATION FOR FINAL APPROVAL FOR: (PS-DEPT. OF TRANSPORTATION)**
A. **PRECINCT 3-SOUTH BOWIE SUBDIVISION PHASE II, BEING A 56.896 ACRE TRACT OF LAND, MORE OR LESS, OUT OF BLOCK (105) ONE HUNDRED FIVE, SAN BENITO LAND AND WATER COMPANY SUBDIVISION, CAMERON COUNTY, TEXAS AS PER PLAT RECORDED IN VOLUME 1, PAGE 6 OF THE MAP RECORDS OF CAMERON COUNTY, TEXAS.**

TRAVEL ITEMS

- (28) **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) Two employees of Justice of the Peace Precinct 2, Place 1 to attend the "Texas Justice Court Training Seminar," in Lakeway, Texas, March 21-23, 2005;
 - (B) Unified Narcotics Intelligence Task Force Director to attend the "Financial Review Committee for FY 06 Budgets," in San Antonio, Texas, March 28-30, 2005;
 - (C) County and District Attorney to attend Financial Review Committee for FY 06 Budgets," in San Antonio, Texas, March 28-29, 2005;
 - (D) Juvenile Probation Department and two Brownsville Police Department Early Intervention Officers to attend the "School Resource Officer Training," in Reno, Nevada, May 11-15, 2005;
 - (E) Two County Extension Agents to attend the "Joint Rio Grande Basin Initiatives Annual Conference," in Alpine, Texas, May 11-15, 2005;
 - (F) County Extension Agent to attend the "Gulf States Commission 55th Annual Spring Meeting," in Point Clear, Alabama, March 14-16, 2005;
 - (G) Department of Health and Human Services Peer Counselors (2) to attend a "Lactation Counseling and Problem Solving Training," in Corpus Christi, Texas, April 28-29, 2005;
 - (H) Department of Health and Human Services Registered Dietitian/Certifying Authority to attend the "Texas WIC 2005 Nutrition and Breastfeeding Conference/Obtain Continuing Education," in Austin, Texas, April 18-21, 2005;
 - (I) Elections Administrator and Elections Employees (2) to attend "Focus Group Meeting," in Austin, Texas, March 22, 2005; and
 - (J) PD & M Employee to attend the "Lower Rio Grande Valley Development Council Solid Waste Advisory Committee Meeting," in Weslaco, Texas, March 23, 2005.
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**(14) APPROVAL OF CLAIMS;
The Affidavit follows:**

- (15) APPROVAL OF AN EASEMENT TO ALLOW CRAIG ATCHISON PROPER INGRESS AND EGRESS THROUGH BROWNE ROAD PARK. (JM-PARK SYSTEM)**
The Easement follows:

- (17) AUTHORIZATION TO EXECUTE A LICENSE AGREEMENT BETWEEN CAMERON COUNTY AND BRENDA DAVOREN, PRESIDENT AND SOUTH PADRE ISLAND KITE BOARDING INC. (JM-PARK SYSTEM)**
The Agreement follows:

- (18) APPROVAL OF CHANGE ORDER NO. 1 TO CONSTRUCTION CONTRACT WITH CORNETT CONSTRUCTION, INC. FOR THE ARROYO COLORADO WATERLINE REPLACEMENT PROJECT (TCDP CONTRACT NO. 723109). (FB-PD & M)**
The Change Order follows:

- (22) AUTHORIZATION TO RENEW THE FOLLOWING BIDS/RFP'S: (MF-PURCHASING)**
- A. ROAD MATERIALS: LIQUID STABILIZER – ANNUAL BID NO. 2574 WITH ROAD BOND USA/J.B. INDUSTRIES/ARROW MAGNOLIA**
 - B. ROAD MATERIALS: COLD PATCH – ANNUAL BID NO. 2566 WITH BALLENGER**
 - C. DRINKING WATER – ANNUAL BID NO. 2550 WITH ST. JOSEPH'S WATER**
- The Tabulations follow:**

EXECUTIVE SESSION

Upon motion by Commissioner Benavides, seconded by Commissioner Garza and carried unanimously, the Court met in Executive Session at 10:49 A.M. to discuss the following matters:

(29) EXECUTIVE SESSION:

- (A) 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);
- (B) 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);
- (C) Confer with Commissioners' Court Legal Counsel concerning Rolando Garza versus Cameron County in the 103rd District Court; Cause No. 2004-11-5547-D, for approval of settlement; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(A) & (2);
- (D) Deliberation regarding real property concerning the possible amendments to the current terms of the concession with Costa Rica Bar & Grill; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(2);
- (E) Deliberation regarding contractual negotiations for solid waste garbage collection services in Cameron County 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 (2);
- (F) Confer with Commissioners' Court Legal Counsel concerning traffic regulations-weight and load limits, 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 the Open Meetings Act; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(2); and
- (G) To deliberate economic development negotiations regarding Project Foxtrot; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.087 (1) & (2).

(30) ACTION RELATIVE TO EXECUTIVE SESSION

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the Court reconvened into Regular Session at 11:35 A.M. to discuss the following matters:

- (A) Confer with Commissioners' Court Legal Counsel concerning Cameron County versus Faulkner, USA, formerly known as Landmark.**
- (B) Confer with Commissioners' Court Legal Counsel concerning issues regarding the Cameron County Detention Centers and the Cameron County Sheriff's Administration Building.**

Commissioner Tamayo moved that the Status Report by the County Judge be acknowledged.

The motion was seconded by Commissioner Garza and carried unanimously.

- (C) **Confer with Commissioners' Court Legal Counsel concerning the case styled Rolando Garza versus Cameron County in the 103rd District Court; Cause No. 2004-11-5547-D, for approval of settlement.**

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, that the settlement in the amount of \$18,229.00 be approved for the case styled Rolando Garza versus Cameron County in the 103rd District Court; Cause No. 2004-11-5547-D and the issuance of claims was authorized

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- (D) **Deliberation regarding real property concerning the possible amendments to the current terms of the concession with Costa Rica Bar & Grill.**

Commissioner Tamayo moved that advertisement for concessions on track 1 and 2 be authorized.

The motion was seconded by Commissioner Garza and carried unanimously.

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- (E) **Deliberation regarding contractual negotiations for solid waste garbage collection services in Cameron County 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.**

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the Status Report by Legal Counsel was acknowledged.

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- (8) **CONSIDERATION AND APPROVAL TO AWARD CONTRACT TO RED RIVER SERVICE CORPORATION FOR SOLID WASTE GARBAGE COLLECTION SERVICES IN CAMERON COUNTY (GS-COUNTY JUDGE)**

Commissioner Benavides moved that the contract for solid waste garbage collection services in Cameron County be awarded to Red River Service Corporation.

The motion was seconded by Commissioner Tamayo.

Judge Hinojosa stated that the contract was being awarded to Red River Service Corporation, and that provision of waste garbage collection services could be of most benefit or a disaster for both Cameron County and Red River Services Corporation, adding that the results were up to said corporation. Judge Hinojosa explained that other counties would want to provide the same services upon Red River Service Corporation executing the contract in the manner believed that it should be executed. He stated that no other county has provided the before because requiring rural residents to engage in garbage collection services was a scary proposition. Judge Hinojosa stated that upon the contract being executed correctly the county would give the best of recommendations for Red River

Service Corporation; however, upon the services not being favorable then the county would make it noted. Judge Hinojosa noted that a lot was riding on the execution of the contract for waste garbage collection services, which were really needed in rural areas to improve the quality of life, to clean the community, to decrease present cost and to improve the area of health in the community. He requested that Red River Service Corporation not let the county down because it would be a disaster for members of the Court and for them as well.

Mr. David Cooper, Red River Service Corporation, responded that the county would not be let down.

Upon motion duly made by Commissioner Benavides that the contract for solid waste garbage collection services in Cameron County be awarded to Red River Service Corporation.

The motion was seconded by Commissioner Tamayo and carried unanimously.

The Contract is as follows:

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- (F) In the matter regarding confer with Commissioners' Court Legal Counsel concerning traffic regulations-weight and load limits, 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 the Open Meetings Act. (TABLED)
- (G) In the matter regarding to deliberate economic development negotiations regarding Project Foxtrot. (TABLED)

Upon motion by Commissioner Benavides, seconded by Commissioner Garza and carried unanimously, these items were **TABLED**.

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 11:43 A.M.

APPROVED this 24th day of May 2005.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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