

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 7th day of June 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:

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:

GILBERTO HINOJOSA

JOHN WOOD

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The meeting was called to order by Judge Pro-tem Pedro "Pete" Benavides at 9:30 A.M. He 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 June 3, 2005, at 4:15 P.M. and Supplemental Agenda posted June 3, 2005, at 5:57 P.M.:

(1) PUBLIC COMMENTS

At this time, Mr. Francisco Sinfuentes, County resident, requested that the Court consider providing salary increases to county employees in order for them to be able to meet the continuous increasing cost of living.

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

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

The documents are as follow:

(3) CONSIDERATION AND POSSIBLE ACTION REGARDING THE PROPOSED DEVELOPMENT OF SOLID WASTE MANAGEMENT FACILITY IN CAMERON COUNTY (COMM. COURT)

Mr. Doug Wright, Commissioners' Court Legal Counsel, reported that there was no additional business and that the Order was prepared.

Commissioner Tamayo moved that the Status Report regarding the proposed development of the solid waste management facility in Cameron County be acknowledged.

The motion was seconded by Commissioner Garza and carried unanimously.

(4) CONSIDERATION AND APPROVAL OF NO CHANGE NOTICE AND RATE ACKNOWLEDGEMENT REGARDING THE TEXAS COUNTY & DISTRICT RETIREMENT SYSTEM. (MY-AUDITOR)

Mr. Mark Yates, County Auditor, reported that this was a standard procedure to notify TCDRS of the county's rates, noting that no changes were done to the rates.

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the no change notice and rate acknowledgement regarding the Texas County & District Retirement System were approved.

The Plan 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. 5: Mr. Mark Yates, County Auditor, presented the following late claims:
Warrant No. 00139394, payment of loan to Road & Bridge Fund, in the amount of \$162,054.11 and Warrant No. 00139395, payable to Mr. Mark Yates in the amount of \$659.41.

Commissioner Garza moved that the "Travel and Consent Items" be approved, inclusive of the late claims.

The motion was seconded by Commissioner Tamayo and carried unanimously.

- (5) **APPROVAL OF CLAIMS;**
- (6) **AUTHORIZATION TO SUBMIT LETTERS OF SUPPORT ON BEHALF OF THE COUNTY JUDGE FOR THE BAHIA GRANDE OF TEXAS PROJECT U.S. ARMY CORPS OF ENGINEERS FEASIBILITY STUDY. (GS-COUNTY JUDGE)**
The Letters follow:
- (7) **AUTHORIZATION TO SUBMIT A GRANT APPLICATION TO THE TEXAS GENERAL LAND OFFICE COASTAL IMPACT ASSISTANCE PROGRAM FOR THE CONSTRUCTION OF PAVILION AND RESTROOM FOR THE LAGUNA HEIGHTS REGIONAL PARK. (JM-PARK SYSTEM)**
The Application follows:
- (8) **AUTHORIZATION TO SOLICIT REQUEST FOR QUALIFICATIONS (RFQ) FOR THE SHORELINE STABILIZATION PROJECT AT ADOLPH THOMAE PARK. (JM-PARK SYSTEM)**
The RFP follows:
- (9) **APPROVAL OF MACHINE FIELD TEST AGREEMENT BETWEEN CAMERON COUNTY AND ALAMO GROUP (USA) INC. (SERVIS RHINO). (LL-VEHICLE MAINTENANCE)**
The Agreement follows:
- (10) **AUTHORIZATION TO OPEN THE FOLLOWING RFP/RFQ FOR: (MF-PURCHASING)**
A. FIRE ALARM SYSTEM INSPECTIONS – ANNUAL BID #1425
B. COUNTY INTERNATIONAL BRIDGES OCCUPANCY INSURANCE – ANNUAL BID #1458
- (11) **AUTHORIZATION FOR PRELIMINARY AND FINAL APPROVAL FOR: (PS-DEPT. OF TRANSPORTATION)**
A. PRECINCT NO. 4- DOMINGUEZ GARDENS SUBDIVISION, BEING 5.667 ACRE TRACT OF LAND COMPRISED OF 1.417 ACRES OF BLOCK 63 AND 4.25 ACRES OF BLOCK 64, OF MCLEOD-HOOD PROPERTIES NUMBER ONE, ACCORDING TO THE MAP THEREOF RECORDED IN VOL. 8, PAGE 57, MAP RECORDS OF CAMERON COUNTY, TEXAS.
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TRAVEL ITEMS

(12) 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. DIRECTOR DEPARTMENT OF TRANSPORTATION AND COUNTY JUDGE, TO TRAVEL TO WASHINGTON, D.C., ON JUNE/7-8/, 2005;; TO MEET WITH ELECTED OFFICIALS TO DISCUSS WEST RAIL AND NORTH RAIL PROJECTS, ALONG WITH PENDING APPROPRIATIONS OF COUNTY PROJECTS.
- B. ASSISTANT DIRECTOR OF DEPARTMENT OF TRANSPORTATION AND COMMISSIONER PRECINCT NO. 2, TO TRAVEL TO WASHINGTON, D.C., ON JUNE/7-9/, 2005;; TO MEET WITH ELECTED OFFICIALS TO DISCUSS WEST RAIL AND NORTH RAIL PROJECTS, ALONG WITH PENDING APPROPRIATIONS OF COUNTY PROJECTS.
- C. DIRECTOR OF DEPARTMENT OF TRANSPORTATION, TO TRAVEL TO SAN ANTONIO, TEXAS, ON JUNE/1/, 2005;; TO MEET WITH CONSULTANTS ON THE NORTH RAIL PROJECT.
- D. SHERIFF'S DEPARTMENT EMPLOYEES (2), TO TRAVEL TO SAN ANTONIO, TEXAS, ON JUNE/6/, 2005;; TO VIEW & PICK UP ARMY SURPLUS.
- E. SHERIFF'S DEPARTMENT EMPLOYEE, TO TRAVEL TO AUSTIN, TEXAS, ON JUNE/9-10/, 2005;; TO ATTEND STRATEGIC NATIONAL STOCKPILE FUNCTION LEAD TRAINING.
- F. TAX ASSESSOR-COLLECTOR'S OFFICE EMPLOYEES (3), TO TRAVEL TO NEW ORLEANS, LA, ON 7/31-8/5/, 2005;; TO ATTEND THE "53RD ANNUAL INTERNATIONAL ASSOCIATION OF AUTO THEFT INVESTIGATORS TRAINING SEMINAR."
- G. DEPARTMENT OF HEALTH AND HUMAN SERVICES ADMINISTRATOR AND ASSISTANT HEALTH ADMINISTRATOR, TO TRAVEL TO LAREDO, TEXAS, ON JUNE/21-24/, 2005;; TO ATTEND THE 63RD ANNUAL MEETING "BINATIONAL HEALTH TO FOSTER DEVELOPMENT."
- H. PD & M FISCAL ANALYST/MANAGER, TO TRAVEL TO SOUTH PADRE ISLAND, TEXAS, ON JUNE/22-24/, 2005;; TO ATTEND THE MOMENTUM 2005 GOVERNMENTAL PURCHASING SEMINAR.
- I. PD & M CD COORDINATOR, TO TRAVEL TO MERCEDES, TEXAS, ON JUNE/8/, 2005;; TO ATTEND LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL PROFESSIONAL ADVISORY REVIEW PANEL MEETING.
- J. JUVENILE PROBATION EMPLOYEES (7), TO TRAVEL TO AUSTIN, TEXAS, ON JUNE/27-7/1/, 2005;; TO PARTICIPATE IN THE DRUG EDUCATION FOR YOUTH SUMMER CAMP.
- K. ELECTIONS ADMINISTRATOR, TO TRAVEL TO NEW YORK, NY, ON 7/1-5/, 2005;; TO ATTEND ANNUAL CONFERENCE AND EDUCATION SESSIONS BY IACREOT.
- L. HUMAN RESOURCES/SAFETY RISK MANAGEMENT EMPLOYEES (2), TO TRAVEL TO WESLACO, TEXAS, ON 7/7-9/, 2005;; TO ATTEND MENTAL HEALTH OFFICER COURSE.
- M. CRIME VICTIM COORDINATOR AND VICTIM ADVOCATE, TO TRAVEL TO DALLAS, TEXAS, ON 8/15-18/, 2005;; TO ATTEND THE 17TH ANNUAL CRIMES AGAINST CHILDREN CONFERENCE.
- N. JUSTICE OF THE PEACE PRECINCT 7, PLACE 1, TO TRAVEL TO AUSTIN, TEXAS, ON JUNE/26-29/, 2005;; TO ATTEND JUSTICE OF THE PEACE SEMINAR.
- O. JUSTICE OF THE PEACE PRECINCT 3, PLACE 1, TO TRAVEL TO AUSTIN, TEXAS, ON JUNE/26-29/, 2005;; TO ATTEND JUSTICE OF THE PEACE SEMINAR.

- (6) AUTHORIZATION TO SUBMIT LETTERS OF SUPPORT ON BEHALF OF THE COUNTY JUDGE FOR THE BAHIA GRANDE OF TEXAS PROJECT U.S. ARMY CORPS OF ENGINEERS FEASIBILITY STUDY. (GS-COUNTY JUDGE)**
The letters follow:

- (7) AUTHORIZATION TO SUBMIT A GRANT APPLICATION TO THE TEXAS GENERAL LAND OFFICE COASTAL IMPACT ASSISTANCE PROGRAM FOR THE CONSTRUCTION OF PAVILION AND RESTROOM FOR THE LAGUNA HEIGHTS REGIONAL PARK. (JM-PARK SYSTEM)**
The application follows:

- (8) AUTHORIZATION TO SOLICIT REQUEST FOR QUALIFICATIONS (RFQ) FOR THE SHORELINE STABILIZATION PROJECT AT ADOLPH THOMAE PARK. (JM-PARK SYSTEM)
The RFP follows:**

- (9) APPROVAL OF MACHINE FIELD TEST AGREEMENT BETWEEN CAMERON COUNTY AND ALAMO GROUP (USA) INC. (SERVIS RHINO). (LL-VEHICLE MAINTENANCE)**
The agreement follows:

SUPPLEMENTAL CONSENT ITEMS

(1) CONSIDERATION AND RE-AUTHORIZATION OF THE PURCHASE OF INTEROPERABLE COMMUNICATION EQUIPMENT FOR THE CAMERON COUNTY JUVENILE PROBATION DEPARTMENT (TR-JUVENILE)

Mr. Remi Garza, County Administrative Assistant, explained that the minutes of the Court did not indicate approval of the purchase of the interoperable communication equipment and that the matter was placed before the court at the request of the Auditor's Office.

Mr. Xavier Villarreal, Budget Officer, clarified that funding was available within the department's budget.

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the purchase of Interoperable Communication Equipment [25 radios] for the Cameron County Juvenile Probation Department was authorized.

EXECUTIVE SESSION

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the Court met in Executive Session at 10:35 A.M. to discuss the following matters:

(13) 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 the proposed solid waste management facility site east of Los Fresnos proposed by Consolidated Waste Industries, Inc. on 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);
- D. Confer with Commissioners' Court Legal Counsel concerning County Regulations of Transportation of Waste, pursuant to V.T.C.A. Health and Safety Code, Chapter 368 on 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);
- E. Confer with Commissioners' Court Legal Counsel concerning Honeywell Contract for Fire Inspection on Carrizalez Rucker Center on 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 Anthony Mena versus Salvador Carmona, et al; Case No. M-05-109, for discussion and authority for legal representation of individuals; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(A);
- G. Confer with Commissioners' Court Legal Counsel concerning claim of Javier Alejandro Garza, for discussion and authority to represent the county; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(A);
- H. Deliberation regarding Real Property concerning acquisition of Parcel 7, for Us 83 Expressway Project in the La Feria, Precinct No. 4 Area; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- I. Deliberation regarding billing agreements with water supply corporations and CCN's for solid waste garbage collection services in Cameron County; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(2);
- J. Deliberation regarding Real Property concerning: a possible concession agreement with Costa Rica's Food and Spirits Inc. and Agico Properties for the SPI Suites, Convention Hotel Development; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072; and
- K. 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.

(14) ACTION RELATIVE TO EXECUTIVE SESSION:

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the Court reconvened into Regular Session at 10:35 A.M. to discuss the following matters:

- A. Confer with Commissioners' Court Legal Counsel concerning Cameron County versus Faulkner, USA, formerly known as Landmark.**

Commissioner Garza moved that the Status Report by Legal Counsel be acknowledged.

The motion was seconded by Commissioner Tamayo and carried unanimously.

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- B. 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)**

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

- C. **Confer with Commissioners' Court Legal Counsel concerning the proposed solid waste management facility site east of Los Fresnos proposed by Consolidated Waste Industries, Inc. on 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.**

Commissioner Garza moved that the Status Report be acknowledged.

The motion was seconded by Commissioner Tamayo and carried unanimously.

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- D. **Confer with Commissioners' Court Legal Counsel concerning county regulations of transportation of waste, Pursuant to V.T.C.A. Health And Safety Code, Chapter 368 on 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 Tama and carried unanimously, the Status Report by Legal Counsel was acknowledged.

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- E. **Confer with Commissioners' Court Legal Counsel concerning Honeywell Contract for Fire Inspection on Carrizalez Rucker Center on 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 Garza moved that the Status Report by Legal Counsel be acknowledged, that Legal Counsel be instructed to write a letter to encourage Honeywell to bid on future contracts or awards and that no binding contract is in place.

The motion was seconded by Commissioner Tamayo and carried unanimously.

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- F. **In the matter regarding confer with Commissioners' Court Legal Counsel concerning Anthony Mena versus Salvador Carmona, et al; Case No. M-05-109, for discussion and authority for legal representation of individuals. (TABLED)**

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

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- G. **Confer with Commissioners' Court Legal Counsel concerning claim of Javier Alejandro Garza, for discussion and authority to represent the county.**

Commissioner Garza moved that Legal Counsel be authorized to represent county and that the Status Report by Legal Counsel be acknowledged.

The motion was seconded by Commissioner Tamayo and carried unanimously.

H. Deliberation regarding Real Property concerning acquisition of Parcel 7, for US 83 Expressway Project in the La Feria.

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the offer for Parcel 7 was accepted.

I. Deliberation regarding billing agreements with water supply corporations and CCN's for solid waste garbage collection services in Cameron County.

Commissioner Garza moved that the Status Report by Legal Counsel and Grace Salinas, County Judge's Office, be acknowledged.

The motion was seconded by Commissioner Tamayo and carried unanimously.

J. Deliberation regarding Real Property concerning a possible concession agreement with Costa Rica's Food and Spirits Inc. and Agico Properties for the SPI Suites, Convention Hotel Development.

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

K. 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 Garza moved that the Status Report be acknowledged.

The motion was seconded by Commissioner Tamayo and carried unanimously.

There being no further business to come before the Court, upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the meeting was **ADJOURNED** at 10:44 A.M.

APPROVED this 23rd day of **August 2005**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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