

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 21st 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:

10:30 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:

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The meeting was called to order by Judge Pro-tem at 10:35 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 June 17, 2005, at 3:37 P.M.:

(1) PUBLIC COMMENTS

None was presented.

EXECUTIVE SESSION

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

(24) EXECUTIVE SESSION:

- (A) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING CAMERON COUNTY VS. FAULKNER, USA FORMERLY KNOWN AS LANDMARK, PURSUANT TO 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 V.T.C.A. GOVERNMENT CODE, SECTION 551.071(2).
- (C) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING SOLID WASTE DISPOSAL IN CAMERON COUNTY 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 V.T.C.A. GOVERNMENT CODE, SECTION 551.071(2).
- (D) DELIBERATION REGARDING REAL PROPERTY CONCERNING THE POSSIBLE ASSIGNMENT OF DOLPHIN DOVE OYSTER BAR CONCESSION, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.
- (E) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING THE CONCESSION AGREEMENT WITH BRADY'S DUTY FREE AT THE FREE TRADE BRIDGE AT LOS INDIOS, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.

(25) ACTION RELATIVE TO EXECUTIVE SESSION:

NOTE COMMISSIONER TAMAYO DID NOT RETURN TO THE MEETING.

Upon motion by Commissioner Garza, seconded by Commissioner Wood and carried unanimously, the Court reconvened into Regular Session at 11:34 A.M. to discuss the following matters:

- (A) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING CAMERON COUNTY VS. FAULKNER, USA FORMERLY KNOWN AS LANDMARK, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071(1) (A) & (2).

NOTE: COMMISSIONER GARZA WAS NOT PRESENT DURING DISCUSSION OF THIS ITEM.

Commissioner Wood moved to approve settlement with Metro Electric as terms and conditions as set in

Executive Session.

The motion was seconded by Commissioner Benavides and carried unanimously.

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- (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 V.T.C.A. GOVERNMENT CODE, SECTION 551.071(2).**

NOTE: COMMISSIONER GARZA WAS NOT PRESENT DURING DISCUSSION OF THIS ITEM.

Upon motion by Commissioner Wood, seconded by Commissioner Benavides and carried unanimously, the status report by Legal Counsel was acknowledged.

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- (C) **CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING SOLID WASTE DISPOSAL IN CAMERON COUNTY 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 V.T.C.A. GOVERNMENT CODE, SECTION 551.071(2).**

Upon motion by Commissioner Garza, seconded by Commissioner Wood and carried unanimously, Legal Counsel was authorized to negotiate with outside counsel concerning further representation and that Legal Counsel be authorized to proceed as discussed in Executive Session.

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- (D) **DELIBERATION REGARDING REAL PROPERTY CONCERNING THE POSSIBLE ASSIGNMENT OF DOLPHIN DOVE OYSTER BAR CONCESSION, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**

Upon motion by Commissioner Wood, seconded by Commissioner Benavides and carried unanimously, the status report by Director of Parks Department; and Parks Director was directed to diligence and background check on the lessee.

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- (E) **CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING THE CONCESSION AGREEMENT WITH BRADY'S DUTY FREE AT THE FREE TRADE BRIDGE AT LOS INDIOS, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**

Upon motion by Commissioner Wood, seconded by Commissioner Benavides and carried unanimously, the legal counsel was authorized to draft an amended agreement and that such be brought back to the court for review and approval.

(1) **PUBLIC COMMENTS**

Justice of the Peace Linda Salazar invited everyone to the inauguration of her newly remodeled office.

Judge Hinojosa congratulated JP Salazar and her staff for all their hard work and efforts.

The Form is as follow:

Judge Hinojosa said a few words on the passing of Frances Dominsky. He informed that she had worked for the county since January 1, 1985 and noted that it was sad to lose her but he knew that she was in a better place and added that she will be dearly missed by all those who knew her.

Commissioner Garza also noted that Ms. Dominsky was a very special lady and added that she was very instrumental in several aspects of his life relating to helping him with his campaigning, adding that it was a blessing to have known her.

PRESENTATIONS

(2) **PRESENTATION ON THE STATUS OF THE COUNTY LEGISLATIVE AGENDA DURING THE 79TH LEGISLATIVE SESSION. (VDL-COUNTY JUDGE)**

Mr. Remi Garza, County Assistant Administrator, presented and highlighted the following information regarding the Legislative Agenda during the 79th Legislative Session.

Commissioner Benavides moved to acknowledge the presentation on the status of the County Legislative Agenda during the 79th Legislative Session.

Commissioner Wood seconded the motion and carried unanimously.

The Information is as follow:

(3) PRESENTATION AND POSSIBLE ACTION ON THE STATUS OF THE HARLINGEN ANNEX BUILDING, PORT ISABEL ANNEX BUILDING, LEVIS BUILDING, VEHICLE MAINTENANCE FACILITY, SOCIAL SERVICES BUILDING AND DANCY BUILDING. (PS-DEPT. OF TRANSPORTATION)

Upon motion by Commissioner Garza and seconded by Commissioner Benavides the presentation on the status of the Harlingen Annex Building, Port Isabel Annex Building, Levis Building, Vehicle Maintenance Facility, Social Services Building and Dancy Building be **ACKNOWLEDGED**.

The Information is as Follow:

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

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

Commissioner Garza seconded the motion and carried unanimously.

The Documents are as follows:

(5) APPROVAL OF MINUTES FOR:

(A) APRIL 5, 2005-REGULAR MEETING

(B) APRIL 12, 2005-REGULAR MEETING

Commissioner Garza stated that on the minutes for the April 5, 2005 Regular meeting pages 42-43 should not be included in the minutes adding that he would approve them subject to the changes been made.

Commissioner Garza moved that this Minutes for the April 5, 2005 Regular Meeting and the Minutes for the April 12, 2005 Regular Meeting be **APPROVED** subject to the changes to be made on the Minutes for the April; 5,2005 Regular Meeting.

**(6) CONSIDERATION AND AUTHORIZATION TO
CREATE POSITION OF SECRETARIAL POSITION
FOR CONSTABLE PRECINCT NO. 2. (AG-
CONSTABLE PCT. 2)**

Commissioner Garza moved that the creation of a position of secretarial position for the Constable Precinct No.2 be **APPROVED.**

Commissioner Benavides seconded the motion and carried unanimously.

The Information is as follows:

(7) **CONSIDERATION AND POSSIBLE ACTION
REGARDING THE AGREEMENT FOR FINANCIAL
ADVISORY SERVICES BETWEEN CAMERON
COUNTY AND ESTRADA HINOJOSA & COMPANY.
(COMM. COURT)**

Commissioner Wood moved that the agreement for Financial Advisory Services between Cameron County and Estrada Hinojosa & Company be **APPROVED**.

Commissioner Garza seconded the motion and carried unanimously.

The Agreement is as follows:

(9) CONSIDERATION AND ADOPTION OF A RESOLUTION AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION. (COMM. COURT)

Commissioner Garza moved that a resolution authorizing publication of notice of intention to issue certificates of obligation be **ADOPTED**.

Commissioner Wood seconded the motion and carried unanimously.

The Resolution is as follow:

(8) CONSIDERATION AND AUTHORIZATION TO EXECUTE A LANDLORD AND MORTGAGE WAIVER WITH ALFONSO SALAZAR D/B/A SEA RANCH GROCERY AND TACKLE. (JM-PARK SYSTEM)

Commissioner Wood moved that this item be **TABLED**.

Commissioner Garza seconded the motion and carried unanimously.

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

Commissioner Wood moved that this item be **TABLED**.

Commissioner Garza seconded the motion and carried unanimously.

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

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

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

Aye-Commissioners Benavides, Wood, and Judge Hinojosa

Nay-None

Abstain-Commissioner Garza as to warrant No. 00140192 payable to the Medicine Shoppe in the amount of \$2,037.63;

Item No. 21-Mr. Remi Garza requested that the Sheriffs Office and the District Attorneys Office appoint a designee from their offices to participate in such reviews.

- (11) **APPROVAL OF CLAIMS.**
The Claims and Affidavit are as follow:
- (12) **CONSIDERATION AND APPROVAL OF RESOLUTION AUTHORIZING THE SHERIFF'S DEPARTMENT TO APPLY TO THE TEXAS DEPARTMENT OF TRANSPORTATION FOR A TEXAS TRAFFIC SAFETY PROGRAM GRANT AGREEMENT. (OL-SHERIFF)**
The Resolution is as follows:
- (13) **CONSIDERATION AND AUTHORIZATION FOR ADMINISTRATIVE ASSISTANT ON INTERGOVERNMENTAL AFFAIRS TO TRAVEL TO AUSTIN, TX, IN THE EVENT THE GOVERNOR CALLS A SPECIAL SESSION BETWEEN JUNE 20-JULY 31, 2005. (VDLF-COUNTY JUDGE)**
- (14) **CONSIDERATION AND POSSIBLE APPROVAL OF LEGAL SERVICES AGREEMENT WITH LOUIS SOROLA TO PROVIDE LEGAL REPRESENTATION TO THE INDIGENT RESPONDENTS OF THE MASTERS COURT, AND TO APPEAR BEFORE THE MASTERS COURT ON MOTIONS TO ENFORCE CHILD SUPPORT. (DJV-LEGAL)**
The Agreement is as Follows:
- (15) **CONSIDERATION AND AUTHORIZATION TO ISSUE A BEACH VENDORS PERMIT TO FRANCISCO TORRES, D/B/A EL REY DEL ELOTE #1. (JM-PARK SYSTEM)**
- (16) **CONSIDERATION AND AUTHORIZATION TO ISSUE A BEACH VENDORS PERMIT TO FRANCISCO TORRES, D/B/A EL REY DEL ELOTE #2. (JM-PARK SYSTEM)**
- (17) **CONSIDERATION AND AUTHORIZATION TO ISSUE A BEACH VENDORS PERMIT TO MARIA SALAZAR, D/B/A RUBY'S ELOTE #1. (JM-PARK SYSTEM)**
- (18) **CONSIDERATION AND AUTHORIZATION TO AWARD BID TO WALTER R. AND JACKY CONRAD, D/B/A W.C. ENTERPRISES FOR THE CONCESSION AT ANDY BOWIE PARK. (JM-PARK SYSTEM)**
- (19) **CONSIDERATION AND ADOPTION OF A GRANT RESOLUTION AUTHORIZING AND DIRECTING THE CAMERON COUNTY JUDGE TO MAKE APPLICATION FOR GRANT ASSISTANCE UNDER THE RULES AND REGULATIONS OF RURAL UTILITIES SERVICE, A DEPARTMENT OF THE UNITED STATES DEPARTMENT OF AGRICULTURE. (COMM. COURT)**
The Information is as follow:
- (20) **CONSIDERATION AND APPROVAL TO AMEND CONTRACT BETWEEN THE CAMERON COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE DEPARTMENT OF STATE HEALTH SERVICES FOR THE FY05 LOCAL PUBLIC HEALTH PREPAREDNESS WORK PLAN AND BUDGET. (YS-HEALTH)**
The Amendment is as follow:
- (21) **CONSIDERATION AND AUTHORIZATION TO OPEN THE FOLLOWING BIDS/RFP'S/ RFQ FOR: (MY-AUDITOR)**
A. **INDEPENDENT AUDITORS – ANNUAL RFP #1220 AND POSSIBLE SELECTION AND APPROVAL OF EVALUATION COMMITTEE: RECOMMENDED XAVIER VILLARREAL, YVETTE SALINAS, OMAR LUCIO, ARMANDO VILLALOBOS AND REMI GARZA.**
- (22) **CONSIDERATION AND AUTHORIZATION TO AWARD THE FOLLOWING BIDS/RFP/RFQ FOR: (MF-PURCHASING)**
A. **FIRE ALARM SYSTEMS INSPECTION & REPAIRS – ANNUAL BID #1425 TO ARGUS, SUPERIOR, SECURITY INTL.**

TRAVEL ITEMS

- (23) 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 EMPLOYEE, TO TRAVEL TO CINCINNATI, OH, ON 6/26-7/2/05, TO ATTEND CATS & PAC COURSE.
 - B. DISTRICT ATTORNEY'S OFFICE EMPLOYEES (8), TO TRAVEL TO AUSTIN, TX, ON 7/10-15/05, TO ATTEND TDCAA'S PROSECUTOR TRIAL SKILLS COURSE.
 - C. DISTRICT ATTORNEY'S OFFICE EMPLOYEE, TO TRAVEL TO AUSTIN, TX, ON 7/6-8/05, TO ATTEND TEXAS JUVENILE PROBATION COMMISSION'S POST-LEGISLATIVE CONFERENCE.
 - D. DISTRICT ATTORNEY'S OFFICE EMPLOYEE, TO TRAVEL TO CORPUS CHRISTI, TX, ON 7/17-21/05, TO ATTEND THE 31ST ANNUAL TEXAS BAR CLE ADVANCED CRIMINAL LAW COURSE.
 - E. COUNTY JUDGE EMPLOYEES (2), TO TRAVEL TO AUSTIN, TX, ON 8/9-12/05, TO ATTEND THE TEXAS ASSOCIATION OF COUNTIES POST LEGISLATIVE ANNUAL CONFERENCE.
 - F. DIRECTOR OF DEPARTMENT OF TRANSPORTATION, TO TRAVEL TO HOUSTON, TX, ON 6/10/05, TO MEET WITH CONSULTANTS REGARDING THE WEST RAIL PROJECT.
 - G. SHERIFF & CHIEF, TO TRAVEL TO NEW ORLEANS, LA, ON 7/30-8/5/05, TO ATTEND THE INTERNATIONAL ASSOCIATION OF AUTO THEFT INVESTIGATORS.
 - H. COUNTY COURT AT LAW NO. 1 EMPLOYEE, TO TRAVEL TO AUSTIN, TX, ON 6/20-24/05, TO ATTEND PDP TRIAL COURT COORDINATION.
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(11) APPROVAL OF CLAIMS.

The Claims and Affidavit are as follow:

- (12) **CONSIDERATION AND APPROVAL OF RESOLUTION AUTHORIZING THE SHERIFF'S DEPARTMENT TO APPLY TO THE TEXAS DEPARTMENT OF TRANSPORTATION FOR A TEXAS TRAFFIC SAFETY PROGRAM GRANT AGREEMENT. (OL-SHERIFF)**

The Resolution is as follows:

- (14) **CONSIDERATION AND POSSIBLE APPROVAL OF LEGAL SERVICES AGREEMENT WITH LOUIS SOROLA TO PROVIDE LEGAL REPRESENTATION TO THE INDIGENT RESPONDENTS OF THE MASTERS COURT, AND TO APPEAR BEFORE THE MASTERS COURT ON MOTIONS TO ENFORCE CHILD SUPPORT. (DJV-LEGAL)**

The Agreement is as Follows:

- (19) **CONSIDERATION AND ADOPTION OF A GRANT RESOLUTION AUTHORIZING AND DIRECTING THE CAMERON COUNTY JUDGE TO MAKE APPLICATION FOR GRANT ASSISTANCE UNDER THE RULES AND REGULATIONS OF RURAL UTILITIES SERVICE, A DEPARTMENT OF THE UNITED STATES DEPARTMENT OF AGRICULTURE. (COMM. COURT)**

The Information is as follow:

- (20) CONSIDERATION AND APPROVAL TO AMEND CONTRACT BETWEEN THE CAMERON COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE DEPARTMENT OF STATE HEALTH SERVICES FOR THE FY05 LOCAL PUBLIC HEALTH PREPAREDNESS WORK PLAN AND BUDGET. (YS-HEALTH)**

The Amendment is as follow:

There being no further business to come before the Court, upon motion by Commissioner Garza, seconded by Commissioner Benavides and carried unanimously, the meeting was **ADJOURNED** at 1:10 P.M.

APPROVED this 11th day of **October 2005**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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