

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 20th day of September 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:

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The meeting was called to order by Judge Pro-tem Benavides at 9:50 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 September 16, 2005, at 4:14 P.M.:

Commissioner Tamayo asked that a moment of silence be held in memory of Mr. Carlos Vela.

EXECUTIVE SESSION

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the Court met in Executive Session at 9:58 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, APPROVAL OF SETTLEMENT AGREEMENT, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071(A) (B) & (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 THE PROPOSED SOLID WASTE MANAGEMENT FACILITY SITE EAST OF LOS FRESNOS PROPOSED BY CONSOLIDATED WASTE INDUSTRIES, INC., PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071(1)(A)&(2).**
- D. CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING ISSUES RELATING TO POSSIBLE ACQUISITION OF REAL PROPERTY FOR THE DANCY BUILDING RENOVATION PROJECT, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**
- E. CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING DISPUTED MEDICAL INSURANCE CLAIMS, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071(1)(A)&(2).**
- F. CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING CONTRACT ISSUES WITH THE TOWN OF RANCHO VIEJO ON RADIO EQUIPMENT WITH THE INTER-OPERABLE SAFETY RADIO COMMUNICATIONS SYSTEM, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071 (1) (A) & (2).**
- G. CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING ISSUES ON A PORTION OF ROAD 773, BETWEEN LOTS 5 AND 6, IN SUBDIVISION OF BLOCKS 231 & 232 OF SAN BENITO LAND AND WATER COMPANY SUBDIVISION, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**

(25) ACTION RELATIVE TO EXECUTIVE SESSION:

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the Court reconvened into Regular Session at 11:32 A.M. to discuss the following matters:

- A. CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING CAMERON COUNTY VS. FAULKNER, USA FORMERLY KNOWN AS LANDMARK, APPROVAL OF**

SETTLEMENT AGREEMENT, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071(A) (B) & (2).

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

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).

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

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., PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071(1)(A)&(2).

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

D. CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING ISSUES RELATING TO POSSIBLE ACQUISITION OF REAL PROPERTY FOR THE DANCY BUILDING RENOVATION PROJECT, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.

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

E. CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING DISPUTED MEDICAL INSURANCE CLAIMS, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071(1)(A)&(2).

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously the status report of Legal Counsel was acknowledged and Legal Counsel was authorized to proceed as discussed in Executive Session.

F. CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING CONTRACT ISSUES WITH THE TOWN OF RANCHO VIEJO ON RADIO EQUIPMENT WITH THE INTER-OPERABLE SAFETY RADIO COMMUNICATIONS SYSTEM, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071 (1) (A) & (2).

Upon motion by Commissioner Garza seconded by Commissioner Tamayo and carried unanimously acknowledge report from Emergency Management Department regarding how to proceed with current Contract.

G. CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING ISSUES ON A PORTION OF ROAD 773, BETWEEN LOTS 5 AND 6, IN SUBDIVISION OF BLOCKS 231 & 232 OF SAN BENITO LAND AND WATER COMPANY SUBDIVISION, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.

Upon motion by Commissioner Garza, seconded by Commissioner Wood and carried unanimously Legal Department was authorized to proceed as discussed in Executive Session in regards to the sale of the property.

(1) PUBLIC COMMENTS

County Court at Law No. 2 Judge Elia C. Lopez, addressed the court regarding the County Court reporters salaries in comparison to what District Court Reporters salaries. She added that this was her 5th time before the court asking for this same issue and asked that the court considered giving them a salary of at least \$65,000 to also include benefits as she noted their current salary is \$52,000 has no benefits.

The Form is as follow:

At this time Judge Hinojosa commented on an editorial published in the Brownsville Herald regarding the 4% salary increase for all county employees. He noted that this newspaper was criticizing such action taken by the Commissioners Court. Judge Hinojosa added that the increase was done in order to keep up with the inflation rate and informed that even with the increase County employees are still behind, referring to the pay rates, compared to other Counties across the State. He stated that county employees deserved the raise due to their hard work and all their efforts.

ACTION ITEMS

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

Upon motion by Commissioner Garza and seconded by Commissioner Wood and carried unanimously the Budget Amendments, Line Item Transfers and/or salary schedules were **APPROVED**.

The Documents are as follows:

(3) APPROVAL OF CLAIMS.

Upon motion by Commissioner Garza and seconded by Commissioner Tamayo this item was **APPROVED.**

The Information is as follows:

(4) **CONSIDERATION AND ACTION ON
RECOMMENDATIONS OF CAMERON COUNTY
SALARY GRIEVANCE COMMITTEE. (GH-COUNTY
JUDGE)**

Judge Hinojosa informed that the Cameron County Salary Grievance Committee had unanimously approved the salary increase of \$90,000 /yr for Sheriff Omar Lucio, and also the request from Justice of the Peace David Wise. He noted that once the Grievance committee unanimously approves a request it becomes an automatic increase in salary, adding that it was the law.

Commissioner Garza moved to approve the recommendation of the grievance committee.

Commissioner Benavides seconded the motion and carried unanimously.

(10) **CONSIDERATION AND ADOPTION OF AN ORDER
IMPLEMENTING A TAX FREEZE ON THE DISABLED AND
ELDERLY CITIZENS OF CAMERON COUNTY, PURSUANT
TO THE TEXAS CONSTITUTION, ARTICLE VIII, SECTION 1-
b(h). (COMM. COURT)**

Commissioner Garza moved that an order implementing a tax freeze on the disabled and elderly citizens of Cameron County be **ADOPTED**.

Commissioner Tamayo seconded the motion and carried unanimously.

The Order is as follow:

(5) **CONSIDERATION AND ADOPTION OF THE BUDGETS FOR THE CAMERON COUNTY GENERAL FUND, COURTHOUSE SECURITY FUND, THE SPECIAL ROAD AND BRIDGE FUND, THE LAW LIBRARY FUND, THE EMPLOYEE BENEFITS FUND, THE CHILD SUPPORT FUNDS, THE FIFTH JUDICIAL ADMINISTRATIVE REGION FUNDS, THE DEBT SERVICE FUNDS, THE INTERNATIONAL TOLL BRIDGE SYSTEM FUNDS, THE PARK SYSTEM FUNDS, THE AIRPORT FUNDS FOR THE FISCAL YEAR 2005-2006. (XV-BUDGET OFFICER)**

Mr. Xavier Villarreal, Budget Officer, presented and highlighted the following report regarding the adoption of the budgets for the Cameron County General Fund, Courthouse Security Fund, the Special Road and Bridge Fund, the Law Library Fund, the Employee Benefits Fund, the Child Support Funds, the Fifth Judicial Administrative Region Funds, the Debt Service Funds, the International Toll Bridge System Funds, the Park System Funds, the Airport Funds for the Fiscal Year 2005-2006.

Commissioner Garza congratulated Mr. Pete Sepulveda, Department of Transportation Director, for being able to juggle and create new positions with the budget he has been allocated and invited other departments to visit with him and learn from Mr. Sepulveda.

Upon motion by Commissioner Tamayo and seconded by Commissioner Garza and carried unanimously this item was **APPROVED**.

The Information is as follows:

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

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

The motion was seconded by Commissioner Tamayo and carried unanimously.

(8) CONSIDERATION AND AUTHORIZATION TO PURCHASE PHONE SERVICES AND ACCESSORIES FOR TWO (2) CELL PHONES. (OL-SHERIFF)(TABLED)

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

Commissioner Tamayo seconded the motion and carried unanimously.

(9) CONSIDERATION AND AUTHORIZATION FOR THE SHERIFF'S DEPARTMENT TO WORK (STEP) DWI GRANT AS PER AMENDED RESOLUTION FROM THE TEXAS DEPARTMENT OF TRANSPORTATION FOR A SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (DESIGNATION SOURCE OF REQUIRED MATCH). (OL-SHERIFF)(TABLED)

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

Commissioner Tamayo seconded the motion seconded the motion and carried unanimously.

(11) CONSIDERATION AND ADOPTION OF RESOLUTION ALLOWING THE CAMERON COUNTY REGIONAL MOBILITY AUTHORITY TO CONDUCT ADDITIONAL STUDIES FOR THE SECOND CAUSEWAY PROJECT. (GH-COUNTY JUDGE)

Mr. Pete Sepulveda, Department of Transportation Director, explained that South Padre Island wanted to amend the language to the Resolution to include Technical Studies in addition to the Toll Feasibility Studies, noting that TXDoT did not have a problem with the changes. He recommended approval of the Resolution although it was not available at this time, and stated that it would go before South Padre Island next week for approval.

Commissioner Garza moved that Resolution allowing the Cameron County Regional Mobility Authority to conduct additional studies for the Second Causeway Project be adopted, inclusive of language to include Toll Feasibility Studies.

The motion was seconded by Commissioner Tamayo and carried unanimously.

The Resolution is as follows:

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- (12) **CONSIDERATION AND APPROVAL OF LEASE AGREEMENT FOR OFFICE SPACE BETWEEN CAMERON COUNTY DRUG ENFORCEMENT TASK FORCE AND CAMERON COUNTY. (AV-DA)TABLED**

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

The motion was seconded by Commissioner Garza 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 Garza moved that the "Travel and Consent Items" be approved

The motion was seconded by Commissioner Tamayo and carried unanimously.

- (13) **CONSIDERATION AND ACKNOWLEDGEMENT OF THE ADDITION OF CHARLES E. MATTINGLY, JR. AND THE DELETION OF JOHN T. BLAYLOCK FROM THE FOLLOWING ACCOUNTS WITH FIRST NATIONAL BANK: EMERGENCY IMPREST DEBIT CARD ACCOUNT NO. 80011586, EMERGENCY IMPREST NOW ACCOUNT NO. 80002757 AND RESTITUTION ACCOUNT NO. 80002749. (EG-TREASURER)**
- (14) **CONSIDERATION AND APPROVAL OF BUSINESS WEB BANKING EMPLOYEE FORMS WITH THE FIRST NATIONAL BANK AUTHORIZING 2 EMPLOYEES FROM MUTUAL OF OMAHA TO "ONLY VIEW" THE MOO ACCOUNT. (EG-TREASURER)**
- (15) **CONSIDERATION AND AUTHORIZATION TO OPEN THE FOLLOWING ACCOUNT WITH FIRST NATIONAL BANK: CAMERON COUNTY, EL SALADO SEWER PROJECT, FUND NO. 340. (EG-TREASURER)**
- (16) **CONSIDERATION AND POSSIBLE APPROVAL OF CONTRACT WITH LEGAL SERVICES WITH ALEJANDRO SOLIS TO SERVE AS INTERPRETER FOR THE JUDICIAL DISTRICT COURTS. (DJV-LEGAL)**
The Contract is as follow:
- (17) **CONSIDERATION AND AUTHORIZATION FOR CAMERON COUNTY TO ACCEPT THE FOLLOWING GRANTS: SEXUAL ASSAULT INTERVENTION PROGRAM, JUVENILE DELINQUENCY DETERRENCE INITIATIVE THROUGH EARLY INTERVENTION AND PURCHASE OF JUVENILE JUSTICE ALTERNATIVES AWARDED TO THE CAMERON COUNTY JUVENILE PROBATION DEPARTMENT. (TR-JUVENILE)**
The Information is as follow:
- (18) **CONSIDERATION AND AUTHORIZATION TO UTILIZE TEXAS ASSOCIATION OF SCHOOL BOARDS (TASB) – REGION 1 PURCHASING AGREEMENT FOR DIETARY DISH SOAP/CLEANER. (MF-PURCHASING)**

- (19) **CONSIDERATION AND AUTHORIZATION TO OPEN THE FOLLOWING RFP/RFQ FOR: (MF-PURCHASING)**
A. **VETERANS BRIDGE EXPANSION ENGINEERING SERVICES FOR THE VETERANS INTERNATIONAL BRIDGE AT LOS TOMATES – RFQ #050803 AND SELECTION OF EVALUATION COMMITTEE MEMBERS.**
- (20) **CONSIDERATION AND AUTHORIZATION TO ACCEPT RIGHT OF ENTRY AND POSSESSION OF PARCEL 2, FOR THE REPLACEMENT OF THE BRIDGE AT SEARCY RANCH ROAD IN THE PRECINCT NO. 4 AREA. (PS-DEPT. OF TRANSPORTATION)**
- (21) **CONSIDERATION AND AUTHORIZATION FOR PRELIMINARY APPROVAL FOR: (PS-DEPT. OF TRANSPORTATION)**
A. **PRECINCT NO. 4- BROWNSTONE SUBDIVISION, BEING 20.00 ACRES OUT OF BLOCK 216 OF ADAMS GARDENS SUBDIVISION, CAMERON COUNTY, TEXAS AS RECORDED IN VOLUME 10, PAGE 3 OF THE MAP RECORDS OF CAMERON COUNTY, TEXAS.**
- (22) **CONSIDERATION AND AUTHORIZATION FOR FINAL APPROVAL FOR: (PS-DEPT. OF TRANSPORTATION)**
A. **PRECINCT NO. 3- LA BUENA VISTA SUBDIVISION, BEING 20.00 ACRES SAME BEING ALL OF BLOCK SIXTY-THREE (63), AND BLOCK SIXTY-SIX (66), BAYSIDE GARDENS OF THE BOX RANCH SUBDIVISION, CAMERON COUNTY, TEXAS AS RECORDED IN VOLUME 7, PAGE 46 OF THE MAP RECORDS OF CAMERON COUNTY, TEXAS.**

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. **Director Or Assistant Director Of Department Of Transportation, To Travel To Victoria, Tx, On 9/16/05, To Attend The Alliance For I-69 Board Of Directors Meeting.**
- B. **Sheriff's Office Jail Captain, Lieutenant And Maintenance Employees (2), To Travel To San Antonio, Tx, On 10/16-21/05, To Attend South Steel's Training Program.**
- C. **Weed And Seed Coordinator, To Travel To Grand Prairie, Tx, On 9/26-28/05, To Attend Training On Bomb Investigations Techniques In Order To Assist The Brownsville Police Department In Addressing Matters Of Home Land Security Under The Current Weed And Seed Grant.**
- D. **Pd & M Cd Coordinator, To Travel To Weslaco, Tx, On 9/27/05, To Attend The Lower Rio Grande Valley Development Council Meeting To Discuss The Fy 2006-2007 Regional Funding Plan.**
- E. **County Extension Agent, To Travel To College Station, Tx, On 10/4-5/05, To Attend The Sea Grant Researcher Conference.**

- (16) CONSIDERATION AND POSSIBLE APPROVAL OF CONTRACT WITH LEGAL SERVICES WITH ALEJANDRO SOLIS TO SERVE AS INTERPRETER FOR THE JUDICIAL DISTRICT COURTS. (DJV-LEGAL)
The Contract is as follow:**

- (17) **CONSIDERATION AND AUTHORIZATION FOR CAMERON COUNTY TO ACCEPT THE FOLLOWING GRANTS: SEXUAL ASSAULT INTERVENTION PROGRAM, JUVENILE DELINQUENCY DETERRENCE INITIATIVE THROUGH EARLY INTERVENTION AND PURCHASE OF JUVENILE JUSTICE ALTERNATIVES AWARDED TO THE CAMERON COUNTY JUVENILE PROBATION DEPARTMENT. (TR-JUVENILE)**

The Information is as follow:

(6) CONSIDERATION AND SETTING OF THE COUNTY TAX RATE FOR THE 2005-2006 FISCAL YEAR AT .358191 PER \$100 VALUATION. (XV-BUDGET OFFICER)

Commissioner Garza-“I move the property taxes be increased by the adoption of the tax rate of \$0.358191.”

Commissioner Tamayo-“Second”

Judge Hinojosa-“Motion by Commissioner Garza and seconded by Commissioner Tamayo, those in favor signify by stating “Aye””

Commissioners Benavides, Wood, Garza and Tamayo-“Aye”

Judge Hinojosa-“All those opposed? .Motion carries”

The Information is as follows:

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 1:35P.M.

APPROVED this 19th day of **December 2005**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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