

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 3rd day of JANUARY 2006, 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

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 Pedro "Pete" Benavides at 9:31 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 this 30th day of December, 2005 at 3:00 P.M.:

NOTE: JUDGE HINOJOSA ARRIVED AT THIS TIME.

(1) PUBLIC COMMENTS

None was presented.

EXECUTIVE SESSION

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the Court met in Executive Session at 9:34 A.M. to discuss the following matters:

(25) 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(1) (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 THE 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 SETTLEMENT OFFER OF ABC WASTE COLLECTION, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071 (1)(A).**
- (F) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL FOR CONSIDERATION OF AMENDING THE LICENSE AGREEMENT BETWEEN CAMERON COUNTY AND RED RIVER SERVICES CORPORATION, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071(2).**
- (G) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING JOSE LUIS LOREDO, JR. VS. COUNTY OF CAMERON; CIVIL ACTION NO. B-05-272, TO DISCUSS STATUS OF CASE, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071(2).**
- (H) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING CLAIM OF MARY ELIZABETH OSWALD, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071(1) (A).**
- (I) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING CONCESSION AGREEMENT WITH LAGUNA MADRE ENHANCEMENT GROUP REGARDING PROPERTY AT ISLA BLANCA PARK, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071(2), 551.072 & 551.087.**
- (J) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING THE JOINT VENTURE AGREEMENT WITH THE SOUTH PADRE ISLAND BIRDING AND NATURE CENTER, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071(2).**

Upon motion by Commissioner Garza, seconded by Commissioner Wood and carried unanimously, the court reconvened into Regular Session at 10:51 A.M. to discuss the following matters:

(26) ACTION RELATIVE TO EXECUTIVE SESSION

- (A) **Confer with Commissioners' Court Legal Counsel concerning Cameron County versus Faulkner, USA formerly known as Landmark, approval of Settlement Agreement.**

Commissioner Tamayo moved that the Status Report be acknowledged.

The motion was seconded by Commissioner Wood and carried unanimously.

- (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)**

NOTE: THIS ITEM WAS NOT DISCUSSED.

Upon motion by Commissioner Wood, 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.**

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

The motion was seconded by Commissioner Garza and carried unanimously.

- (D) **Confer with Commissioners' Court Legal Counsel concerning issues relating to the possible acquisition of Real Property for the Dancy Building Renovation Project.**

Upon motion by Commissioner Tamayo, seconded by Commissioner Wood and carried unanimously, the Status Report by Remi Garza, County Administrative Assistant, was acknowledged

- (E) **In the matter regarding confer with Commissioners' Court Legal Counsel concerning settlement offer of ABC Waste Collection. (TABLED)**

NOTE: THIS ITEM WAS NOT DISCUSSED.

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

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

AYE: Commissioners Benavides, Wood, Garza and Judge Hinojosa

NAY: None

ABSTAIN: Commissioner Tamayo

- (F) **Confer with Commissioners' Court Legal Counsel for consideration of amending the License Agreement between Cameron County and Red River Services Corporation.**

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

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

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

AYE: Commissioners Benavides, Wood, Garza and Judge Hinojosa

NAY: None

ABSTAIN: Commissioner Tamayo

- (G) **Confer with Commissioners' Court Legal Counsel Concerning Jose Luis Loreda, Jr. versus County of Cameron; Civil Action No. B-05-272, to discuss status of case.**

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

- (H) **Confer with Commissioners' Court Legal Counsel concerning claim of Mary Elizabeth Oswald.**

Commissioner Wood moved that the Status Report by Legal Counsel be acknowledged and that Legal Counsel be authorized to file suit.

The motion was seconded by Commissioner Wood and carried unanimously.

- (I) **Confer with Commissioners' Court Legal Counsel concerning Concession Agreement with Laguna Madre Enhancement Group Regarding Property at Isla Blanca Park.**

Upon motion by Commissioner Benavides, seconded by Commissioner Wood and carried unanimously, the Status Report by Legal Counsel and developer was acknowledged.

- (J) **In the matter regarding confer with Commissioners' Court Legal Counsel concerning the Joint Venture Agreement with the South Padre Island Birding and Nature Center. (TABLED)**

NOTE: THIS ITEM WAS NOT DISCUSSED.

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

ACTION ITEMS

**(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) **APPROVAL OF MINUTES FOR:**
(A) **SEPTEMBER 27, 2005-REGULAR MEETING**
(B) **OCTOBER 4, 2005-REGULAR MEETING**
(C) **OCTOBER 11, 2005-REGULAR MEETING**

Commissioner Benavides moved that the Minutes of the Regular Meetings held September 27, 2005, October 4, 2005, and October 11, 2005 be approved.

The motion was seconded by Commissioner Tamayo and carried unanimously.

- (5) **CONSIDERATION AND DESIGNATION OF TIME OF DAY AND DAY OF THE WEEK OF THE COMMISSIONERS' COURT REGULAR MEETING. (GH-COUNTY JUDGE)**

Upon motion by Commissioner Benavides, seconded by Commissioner Wood and carried unanimously, the designation of the Commissioners' Court Regular Meeting at 9:30 A.M. each Tuesday of every week was approved.

- (4) **APPROVAL OF CLAIMS**

Mr. Mark Yates, County Auditor, presented the following late claim: Warrant No. 00151256, payable to El Jardin Water Supply, in the amount of \$17.14.

Commissioner Wood moved that the Claims be approved, inclusive of the late claims.

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

AYE: Commissioners Wood and Benavides

NAY: None

ABSTAIN: Judge Hinojosa as to Warrants No. 00150808, payable to Laguna Madre Water District, in the amount of \$4,918.26, Commissioner Garza as to Warrant No. 00150830, payable in the amount of \$164.41 and Commissioner Tamayo as to Warrant No. 00150665, payable to Red River Services Corporation, in the amount of \$166,899.05.

The claims and affidavits are as follow:

(6) **CONSIDERATION AND ADOPTION OF A RESOLUTION DEDICATING THE PROCEEDINGS OF THE 2006 TERM OF THE CAMERON COUNTY COMMISSIONERS' COURT IN MEMORY OF JUDGE FILEMON B. VELA SR., JUDGE REYNALDO G. GARZA, JUDGE ADOLFO G. BETANCOURT AND JUDGE DARRELL B. HESTER. (COMM. COURT)**

At this time, Judge Hinojosa read the Resolution and explained that the order of the names was set according to the dates of deaths.

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the Resolution dedicating the proceedings of the 2006 Term of the Cameron County Commissioners' Court in memory of Judge Filemon B. Vela Sr., Judge Reynaldo G. Garza, Judge Adolfo G. Betancourt and Judge Darrell B. Hester was adopted.

The Resolution is as follows:

(7) CONSIDERATION AND APPOINTMENT OF COUNTY JUDGE PRO-TEM. (GH-COUNTY JUDGE)

Commissioner Tamayo moved that Commissioner Benavides be appointed County Judge Pro-tem.

The motion was seconded by Commissioner Wood and carried unanimously.

(8) CONSIDERATION AND ACTION REGARDING THE COMPOSITION OF THE SALARY GRIEVANCE COMMITTEE, PURSUANT TO V.T.C.A. LOCAL GOVERNMENT CODE, SECTION 152.014. (GH-COUNTY JUDGE)

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the composition of the Salary Grievance Committee to be of nine (9) members of the general public, pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 152.014, was approved.

(9) CONSIDERATION AND POSSIBLE SELECTION OF A NEW SITE AND TIME FOR THE CAMERON COUNTY COMMISSIONERS' COURT MEETINGS FOR THE YEAR 2006. (DJV-LEGAL)

Mr. Richard Burst, Commissioners' Court Chief Legal Counsel, reported that this item was placed merely to obtain direction from the court on whether any changes were to be done. He explained that no action was needed at this time if the site was to remain as is; however, a seven day notice must be given if the Dancy Building is to be designated as the County Seat.

The clarification was made that the meetings would be held at the courthouse until March 31, 2006 and at the Dancy Building thereafter.

Mr. Burst explained that the proper seven day notice would be done and that the matter would be brought before the court for approval within the month of January.

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

The motion was seconded by Commissioner Tamayo and carried unanimously.

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

Judge Hinojosa reported that as of Friday no amendments were filed and that the extension to the filing deadline has expired.

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

(11) **CONSIDERATION AND ADOPTION OF A RESOLUTION OF THE COMMISSIONERS' COURT OF CAMERON COUNTY, TEXAS AGREEING TO A COST OFFSET FOR THE DANCY BUILDING RESTORATION PROJECT FROM THE TEXAS HISTORICAL COMMISSION, AGREEING TO HELP PRESERVE THE OLD CITY OF BROWNSVILLE CEMETERY, AND PROVIDING FOR RELATED MATTERS. (FB-PD&M)**

Mr. Frank Bejarano, PD&M Director, reported that the resolution outlines the terms between Cameron County and the Texas Historical Commission where Cameron County commits to preserving the cemetery in exchange for the \$300,000.00 grant, noting that the funds were a form of trade off.

Judge Hinojosa clarified that the \$300,000.00 was in addition to funds previously received.

Commissioner Garza moved that the Resolution of the Commissioners' Court of Cameron County, Texas agreeing to a cost offset for the Dancy Building Restoration Project from the Texas Historical Commission, agreeing to help preserve the old City of Brownsville Cemetery, and providing for related matters was adopted.

The motion was seconded by Commissioner Wood and carried unanimously.

The Resolution 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

Commissioner Benavides moved that the "Travel and Consent Items" be approved, and that Item No. 18 be TABLED.

The motion was seconded by Commissioner Garza and carried unanimously.

- (12) **ADOPTION OF A RESOLUTION HONORING MR. DANNY GOMEZ FOR 30 YEARS OF SERVICE. (COMM. COURT)**
The Resolution follows:
- (13) **ADOPTION OF A RESOLUTION HONORING JUSTICE OF THE PEACE SALLIE GONZALEZ FOR 30 YEARS OF SERVICE. (COMM. COURT)**
The Resolution follows:
- (14) **ADOPTION OF A RESOLUTION SUPPORTING THE RIO GRANDE RIVER FLOOD CONTROL SYSTEM REHABILITATION. (COMM. COURT)**
The Resolution follows:
- (15) **APPROVAL OF ADDITIONAL COMPUTER FOR THE PROGRAM DEVELOPMENT AND MANAGEMENT DEPARTMENT TO BE INCLUDED ON THE EQUIPMENT LIST. (RG-COUNTY JUDGE)**
- (16) **AUTHORIZATION OF RENEWAL CONTRACTS FOR SOUTH TEXAS PARTNERSHIP, SOUTHWEST BORDER HIGH INTENSITY DRUG TRAFFICKING AREA KNOWN AS "HIDTA" FOR 2006 AND ALSO DECEMBER, 2005. (AV-DA)**
The contracts follow:
- (17) **AUTHORIZATION TO UTILIZE TDIR-TEXAS DEPARTMENT OF INFORMATION RESOURCES FOR THE PURCHASE OF COMPUTERS & LICENSES APPROVED ON THE 2005-2006 EQUIPMENT LIST. (RJ-COMPUTER CENTER)**
- (18) **IN THE MATTER REGARDING CONSIDERATION AND POSSIBLE APPROVAL OF AMENDMENT TO THE JOINT VENTURE AGREEMENT WITH THE SOUTH PADRE ISLAND ECONOMIC DEVELOPMENT CORPORATION REGARDING THE SOUTH PADRE ISLAND BIRDING AND NATURE CENTER. (DJV-LEGAL) (TABLED)**
- (19) **AUTHORIZATION TO ENTER INTO A LICENSE AGREEMENT WITH THE DEPARTMENT OF HOMELAND SECURITY, U.S. COAST GUARD FOR REMOVAL AND HAULING OF DREDGE SPOILS LOCATED AT THE SOUTH PADRE ISLAND STATION. (JM-PARK SYSTEM)**
The Agreement follows:
- (20) **AUTHORIZATION TO INITIATE THE DRAWING PROCESS ON LETTER OF CREDIT FOR LA GLORIA CANAL SUBDIVISION PHASE II, PRECINCT NO. 4, FOR UNBUILT SEPTIC SYSTEMS. (PS-DEPT. OF TRANSPORTATION)**
- (21) **AUTHORIZATION TO INITIATE THE DRAWING PROCESS ON LETTER OF CREDIT FOR RAMON SUBDIVISION, PRECINCT NO. 4, FOR UNBUILT SEPTIC SYSTEMS. (PS-DEPT. OF TRANSPORTATION)**

- (22) **AUTHORIZATION FOR PRELIMINARY AND FINAL APPROVAL FOR: (PS-DEPT. OF TRANSPORTATION)**
- A. **PRECINCT NO. 4- VERDE ESTATES SUBDIVISION, BEING 19.74 ACRES OUT OF BLOCK SIXTY-EIGHT (68) OF THE MINNESOTA-TEXAS LAND AND IRRIGATION COMPANY'S SUBDIVISION, CAMERON COUNTY, TEXAS AS RECORDED IN VOLUME 2, PAGE 38 OF THE MAP RECORDS OF CAMERON COUNTY, TEXAS.**
- B. **PRECINCT NO. 4- ROJAS GARDENS SUBDIVISION, BEING 1.83 ACRE TRACT OF LAND OUT OF A CERTAIN 3.13 ACRE TRACT OUT OF BLOCK 72, SAN BENITO LAND & WATER COMPANY SUBDIVISION ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 1, PAGE 6 OF THE MAP RECORDS OF CAMERON COUNTY, TEXAS.**
- (23) **AUTHORIZATION FOR FINAL APPROVAL FOR: (PS-DEPT. OF TRANSPORTATION)**
- A. **PRECINCT NO. 2- M. A. M. GARDENS SUBDIVISION, BEING 5.938 ACRES OF LAND OUT OF 32.62 ACRE TRACT COMPRISED OF 2.055 ACRES OUT OF BLOCK 179, FRESNOS LAND AND IRRIGATION COMPANY'S SUBDIVISION, AS DESCRIBED IN DEED TO PEDRO YZAGUIRRE, DATES SEPT. 10, 1951, FROM F.C. RICHEY (CAMERON COUNTY DEED RED. VOL. 523 PAGE 178), AND 3.883 ACRES OUT OF THE 32.62 BLOCK 178 OF SAID FRESNOS LAND AND IRRIGATION COMPANY SUBDIVISION AS DESCRIBED IN DEED TO PEDRO YZAGUIRRE AND WIFE, HELEN MAHON (CAMERON COUNTY, DEED RECORDS VOLUME 661, PAGES 486 AND 487) IN SHARE 22, ESPIRITU SANTO GRANT, CAMERON COUNTY, TEXAS ACCORDING TO MAP OF PLAT OF SAID SUBDIVISION THEREOF RECORDED IN VOLUME 3, PAGE 9A, MAP RECORDS OF CAMERON COUNTY, TEXAS.**

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) **138TH DISTRICT JUDGE, TO TRAVEL TO SAN ANTONIO, TX, ON 1/22-24/06, TO ATTEND THE 2006 WINTER REGIONAL CONFERENCE REGIONS 3, 4, 5, 6, 7, & 9.**
- (B) **ASSISTANT DISTRICT ATTORNEYS (7), TO TRAVEL TO AUSTIN, TX, ON 1/8-13/06, TO ATTEND TDCAA'S PROSECUTOR TRIAL SKILLS COURSE.**
- (C) **COMMISSIONER PRECINCT NO. 2, TO TRAVEL TO SAN ANTONIO, TX, ON 1/12-14/06, TO ATTEND THE FEDERAL RESERVE BANK CONFERENCE ON CROSS-BORDER COMMERCE.**
- (D) **CHIEF JUVENILE PROBATION OFFICER, TO TRAVEL TO AUSTIN, TX, ON 1/10-13/06, TO ATTEND "2006 CHIEF'S SUMMIT."**
- (E) **JUVENILE PROBATION STAFF PSYCHOLOGIST, TO TRAVEL TO AUSTIN, TX, ON 1/10-13/06, TO ATTEND "PROJECT ASPECT (ACHIEVING SUBSTANCE ABUSE PREVENTION THROUGH EFFECTIVE COGNITIVE TRAINING)."**
- (F) **JUSTICE OF THE PEACE CLERK, TO TRAVEL TO AUSTIN, TX, ON 1/23-25/06, TO ATTEND THE ANNUAL 18 HOUR EXPERIENCED COURT CLERK EDUCATION SEMINAR.**

- (12) ADOPTION OF A RESOLUTION HONORING MR. DANNY GOMEZ FOR 30 YEARS OF SERVICE. (COMM. COURT)**
The Resolution follows:

- (13) **ADOPTION OF A RESOLUTION HONORING JUSTICE OF THE PEACE SALLIE GONZALEZ FOR 30 YEARS OF SERVICE. (COMM. COURT)**
The Resolution follows:

- (14) ADOPTION OF A RESOLUTION SUPPORTING THE RIO GRANDE RIVER FLOOD CONTROL SYSTEM REHABILITATION. (COMM. COURT)**
The Resolution follows:

- (16) AUTHORIZATION OF RENEWAL CONTRACTS FOR SOUTH TEXAS PARTNERSHIP, SOUTHWEST BORDER HIGH INTENSITY DRUG TRAFFICKING AREA KNOWN AS "HIDTA" FOR 2006 AND ALSO DECEMBER, 2005. (AV-DA)**
The contracts follow:

- (19) **AUTHORIZATION TO ENTER INTO A LICENSE AGREEMENT WITH THE DEPARTMENT OF HOMELAND SECURITY, U.S. COAST GUARD FOR REMOVAL AND HAULING OF DREDGE SPOILS LOCATED AT THE SOUTH PADRE ISLAND STATION. (JM-PARK SYSTEM)**
The Agreement 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 11:15 A.M.

APPROVED this 28th day of **MARCH 2006**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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