

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 3rd day of April 2006, there was conducted a SPECIAL 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.

BE IT FURTHER RESOLVED, that the Cameron County Commissioners' Court wishes to dedicate its proceedings in memory of Judge Reynaldo G. Garza.

THE COURT MET AT:

PRESENT:

1:00 P.M.

GILBERTO HINOJOSA
COUNTY JUDGE

PEDRO "PETE" BENAVIDES
COMMISSIONER PRECINCT NO. 1

JOHN WOOD
COMMISSIONER PRECINCT NO. 2

COMMISSIONER, PRECINCT NO. 3

COMMISSIONER, PRECINCT NO. 4

JOE G. RIVERA
COUNTY CLERK

AIDE A. TREJO Deputy Clerk

ABSENT:
DAVID A. GARZA

EDNA TAMAYO

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The meeting was called to order by Judge Hinojosa at 1:04 P.M. Judge Hinojosa 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 30, 2006 at 2:22 P.M.:

(1) **PUBLIC COMMENTS.**

None was presented.

ACTION ITEMS:

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

Upon motion by Commissioner Woods, seconded by Commissioner Benavides and carried unanimously, Budget Amendments, Line Items Transfers and/or Salary Schedules were **approved**.

The Documentation is as follows:

(3) APPROVAL OF CLAIMS.

Commissioner Benavides moved that the Claims be approved. The motion was seconded by Commissioner Wood and carried as follows:

AYE: Commissioner Benavides and Commissioner Wood

NAY: None

ABSTAIN: Judge Hinojosa as to Warrant No. 00156876, payable to Southwest Key Program La Esperanza, in the amount of \$69,880.00 and Warrant No. 00156777, payable to Laguna Madre Water District, in the amount of \$8,572.02.

The Claims and Affidavits are as follows:

**(4) CONSIDERATION AND AUTHORIZATION TO CREATE A PARK
KEEPER POSITION FOR 83-662 BUDGET – ADOLPH THOMAE
JR. COUNTY PARK. (JM-PARK SYSTEM)**

Upon motion by Commissioner Benavides, seconded by Commissioner Wood and carried unanimously, the motion to Create a Park Keeper Position for 83-662 Budget-Adolph Thomae Jr. County Park was **approved**.

The Salary Schedule is as follows:

(5) CONSIDERATION AND AUTHORIZATION TO NEGOTIATE A CONTRACT FOR CONSULTING SERVICES TO IMPLEMENT THE CAMERON COUNTY CIVIL SERVICE SYSTEM-RFQ #060205.(MV-HUMAN RESOURCES)

Mr. Manuel Villarreal, Human Resources Director, stated that the Evaluation Committee for the selection of the civil service consultant, which included Remi Garza, Javier De Leon, Mike Forbes and himself reviewed (2) proposals; one being from Mark E. Sossi of Brownsville, TX and the other from Lynn Pham & Ross, LLP of Fort Worth, TX. He let it be known that it is the opinion of the Evaluation Committee that Lynn Pham & Ross, LLP is the better choice due in part to them having all the qualifications and meeting all the requirements of the RFQ.

Richard Burst, Commissioners' Court Legal Counsel, added that Lynn Pham & Ross, LLP has represented the County throughout the years and has representation all over the state of Texas.

Commissioner Wood noted that he would like to see a local firm awarded the RFQ, but understood that Mark E. Sossi is interested in the legal structure of the civil service system and the RFQ included classification, testing and salary structure. Commissioner Wood asked if it is possible to transfer to a local attorney once the structure is set up.

Mr. Burst added that it is possible to transfer to a local attorney once the structure is in place except when the issue of grievances occurs. He stated that Lynn Pham & Ross, LLP have ex-city managers and such that deal with the set up of the salary structure and the job classification and attorneys of the firm set up the legal end of the structure.

Commissioner Wood then suggested that Lynn Pham & Ross, LLP be awarded the set up of the salary structure and the job classification and then have transfer the legal aspects over to a local attorney.

Mr. Burst responded by stating he spoke with Mark E. Sossi and Lynn Pham & Ross, LLP in regards to the legalities and Mr. Sossi expressed his interest in dealing solely with the legal aspect.

Judge Hinojosa wanted clarification as to whether or not the RFQ was to hire a firm for a civil service commission or to set up the structure.

Mr. Villarreal answered that the RFQ is for the set up of the structure only.

Commissioner Benavides asked how long it takes to set up the structure.

Mr. Villarreal answered that it typically takes 4-6 months to set up the structure and the County has to complete all of the set up within the next 2 months. He added that and Lynn Pham & Ross, LLP has stated that they can meet the timeline that the County is under to complete the set up of the structure.

Upon motion by Commissioner Benavides, seconded by Commissioner Wood and carried unanimously, the authorization to negotiate a contract for Consulting Services to Implement the Cameron County Civil Service System was **approved**.

The Tabulation is as follows:

(3) APPROVAL OF CLAIMS.

Upon motion by Commissioner Wood, seconded by Commissioner Benavides and carried unanimously, Item No. 3 was reopened.

Mark Yates, County Auditor, presented the following late claims:

Warrant No. 156941 payable to Cameron County Jury Fund in the amount of \$5,220.00 and Warrant No. 156942 payable to HAVA in the amount of \$9,000.00.

Commissioner Wood moved that the Claims be approved, inclusive of the late claims. The motion was seconded by Commissioner Benavides 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.

DISCUSSION CONCERNING THE FOLLOWING CONSENT AND TRAVEL ITEMS:

ITEM NO. 6: Judge Hinojosa added that the same plan has been in place for several years and suggested that the proposal be opened for others to bid. He suggested the Insurance Committee recommend when to request proposals and which kind of plan is best.

Mark Yates stated that the current Cafeteria Plan begins October 1st and the current Insurance Plan begins September 1st. He suggested the Insurance Committee meet and try to figure out a way to align both plans to make it easier for employees to make decisions in regards to their plans at the same time.

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

The motion was seconded by Commissioner Benavides and carried unanimously.

- (6) **CONSIDERATION AND ACTION OF REVISION OF SECTION 125 CAFETERIA PLAN TO REFLECT THE CHANGES TO THE DEFINITION OF A "DEPENDENT" UNDER THE INTERNAL REVENUE CODE. (MV-HUMAN RESOURCES)**
The Documents are as follows:
- (7) **CONSIDERATION AND AUTHORIZATION TO SOLICIT BIDS FOR THE CONSTRUCTION OF THE ADOLPH THOMAE PARK – SHORELINE STABILIZATION PROJECT. (JM-PARK SYSTEM)**
- (8) **CONSIDERATION AND APPROVAL OF CELL PHONE ALLOWANCE FOR THE CAMERON COUNTY PROGRAM DEVELOPMENT & MANAGEMENT DEPARTMENT DIRECTOR. (FB-PD & M)**
- (9) **CONSIDERATION AND APPROVAL OF TIME EXTENSION FROM MARCH 30, 2006 TO MARCH 30, 2007 FOR PROVIDING SEWER (SEPTIC SYSTEMS) AND WATER (WATER WELLS) FACILITIES AT CLOSNER-GARCIA SUBDIVISION, PRECINCT 4. (PS-DEPT. OF TRANSPORTATION)**
The Documents are as follows:
- (10) **CONSIDERATION AND AUTHORIZATION TO OPEN THE FOLLOWING BIDS/RFP/RFQ FOR FIRE EXTINGUISHERS & SYSTEMS MAINTENANCE & REPAIRS – ANNUAL BID #1430.(MF-AUDITOR)**
- (11) **CONSIDERATION AND ADOPTION OF A PROCLAMATION DESIGNATING APRIL 2ND THROUGH APRIL 8TH, 2006 AS THE 'WEEK OF THE YOUNG CHILD' IN CAMERON COUNTY.(COMM.CT)**
The Proclamation is as follows:
- (12) **CONSIDERATION AND ADOPTION OF PROCLAMATION DESIGNATING THE MONTH OF APRIL AS "CHILD ABUSE PREVENTION MONTH" IN CAMERON COUNTY.(COMM.CT.)**
The Proclamation is as follows:
- (13) **CONSIDERATION AND ADOPTION OF A RESOLUTION HONORING HAP FAIRHART FOR HIS OUTSTANDING PUBLIC SERVICE.(COMM.CT.)**

- (14) **CONSIDERATION AND ADOPTION OF A RESOLUTION HONORING DAVID WINDSTEAD FOR HIS OUTSTANDING PUBLIC SERVICE.(COMM.CT)**
- (15) **CONSIDERATION AND ADOPTION OF A RESOLUTION RECOGNIZING THE SEVENTH ANNUAL OBSERVANCE OF CESAR CHAVEZ DAY IN CAMERON COUNTY.(COM.CT)**

TRAVEL ITEMS:

- (16) **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) **TAX ASSESSOR-COLLECTOR AND ADMINISTRATIVE ASSISTANT, TO TRAVEL TO SAN ANTONIO, TX, ON 4/17-21/06, TO ATTEND THE “2006 ATPA ANNUAL CONFERENCE.”**
- (B) **COMPUTER CENTER NETWORK ADMINISTRATOR, TO TRAVEL TO DALLAS, TX, ON 4/9-14/06, TO ATTEND MANAGING HP STORAGEWORKS ENTERPRISE VIRTUAL ARRAY.**
- (C) **HEALTH DEPARTMENT ASSISTANT ADMINISTRATOR, TO TRAVEL TO ST. LOUIS, MISSOURI, ON 4/10-12/06, TO ATTEND THE NATIONAL PUBLIC HEALTH PERFORMANCE STANDARDS PROGRAM 4TH ANNUAL TRAINING WORKSHOP.**
- (D) **DISTRICT CLERKS DEPUTIES (4), TO TRAVEL TO HOUSTON, TEXAS, ON 4/3-4/06, TO PICKUP DOCUMENTS (412) BOXES LOCATED AT LASON IN HOUSTON, TEXAS.**

- (6) CONSIDERATION AND ACTION OF REVISION OF SECTION 125 CAFETERIA PLAN TO REFLECT THE CHANGES TO THE DEFINITION OF A “DEPENDENT” UNDER THE INTERNAL REVENUE CODE. (MV-HUMAN RESOURCES)**
The Documents are as follows:

- (9) **CONSIDERATION AND APPROVAL OF TIME EXTENSION FROM MARCH 30, 2006 TO MARCH 30, 2007 FOR PROVIDING SEWER (SEPTIC SYSTEMS) AND WATER (WATER WELLS) FACILITIES AT CLOSNER-GARCIA SUBDIVISION, PRECINCT 4. (PS-DEPT. OF TRANSPORTATION)**
The Documents are as follows:

- (11) **CONSIDERATION AND ADOPTION OF A PROCLAMATION DESIGNATING APRIL 2ND THROUGH APRIL 8TH, 2006 AS THE 'WEEK OF THE YOUNG CHILD' IN CAMERON COUNTY.(COMM.CT)**
The Proclamation is as follows:

- (12) **CONSIDERATION AND ADOPTION OF PROCLAMATION DESIGNATING THE MONTH OF APRIL AS “CHILD ABUSE PREVENTION MONTH” IN CAMERON COUNTY.(COMM.CT.)**
The Proclamation is as follows:

EXECUTIVE SESSION

Upon motion by Commissioner Benavides, seconded by Commissioner Wood and carried unanimously, the

Court met in Executive Session at 1:18 P.M. to discuss the following matters:

(17) 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 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.**
- (D) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING COUNTY OF CAMERON VS. BFI WASTE COLLECTION, ET.AL., CAUSE NO. 2005-07-3905-A, FOR DISCUSSION OF CASE AND AUTHORITY FOR SETTLEMENT WITH ABC WASTE COLLECTION, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071(1)(A).**
- (E) DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 124B FOR PRIMERA ROAD PROJECT IN THE PRIMERA, PCT 4 AREA, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**
- (F) DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 163, FOR PRIMERA ROAD PROJECT IN THE PRIMERA, PCT. 4 AREA, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**
- (G) DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 124A FOR PRIMERA ROAD PROJECT IN THE PRIMERA, PCT. 4, AREA, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**
- (H) DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 152, FOR PRIMERA ROAD PROJECT IN THE PRIMERA, PCT. 4 AREA, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**
- (I) DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 46 FOR PRIMERA ROAD PROJECT IN THE PRIMERA, PCT. 4 AREA, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**

Upon motion by Commissioner Benavides, seconded by Commissioner Wood and carried unanimously, the

Court reconvened into Regular Session at 1:54 P.M. to discuss the following matters:

(18) ACTION RELATIVE TO 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).**

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

- (C) 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 Benavides, seconded by Commissioner Wood and carried unanimously, the Status Report by David Garcia, Department of Transportation, was acknowledged.

- (D) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING COUNTY OF CAMERON VS. BFI WASTE COLLECTION, ET.AL., CAUSE NO. 2005-07-3905-A, FOR DISCUSSION OF CASE AND AUTHORITY FOR SETTLEMENT WITH ABC WASTE COLLECTION, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071(1)(A).**

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

- (E) DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 124B FOR PRIMERA ROAD PROJECT IN THE PRIMERA, PCT 4 AREA, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**

Commissioner Wood motioned to acquire Parcel 124B for Primera Road Project in the Primera, Pct.4 Area, Pursuant to Government Code, Section 551.072 for \$525.00.

The motion was seconded by Commissioner Benavides and carried unanimously.

- (F) DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 163, FOR PRIMERA ROAD PROJECT IN THE PRIMERA, PCT. 4 AREA, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**

Commissioner Wood motioned to acquire Parcel 163 for Primera Road Project in the Primera, Pct.4 Area, Pursuant to Government Code, Section 551.072 for \$14,648.00.

The motion was seconded by Commissioner Benavides and carried unanimously.

(G) DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 124A FOR PRIMERA ROAD PROJECT IN THE PRIMERA, PCT. 4, AREA, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.

Commissioner Wood motioned to acquire Parcel 124A for Primera Road Project in the Primera, Pct.4 Area, Pursuant to Government Code, Section 551.072 for \$911.00.

The motion was seconded by Commissioner Benavides and carried unanimously.

(H) DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 152, FOR PRIMERA ROAD PROJECT IN THE PRIMERA, PCT. 4 AREA, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.

Commissioner Wood motioned to acquire Parcel 152 for Primera Road Project in the Primera, Pct.4 Area, Pursuant to Government Code, Section 551.072 for \$2,067.00.

The motion was seconded by Commissioner Benavides and carried unanimously.

(I) DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 46 FOR PRIMERA ROAD PROJECT IN THE PRIMERA, PCT. 4 AREA, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.

Commissioner Benavides motioned to acquire Parcel 46 for Primera Road Project in the Primera, Pct.4 Area, Pursuant to Government Code, Section 551.072 for \$5,220.00.

The motion was seconded by Commissioner Wood and carried unanimously.

There being no further business to come before the Court, upon motion by Commissioner Benavides, seconded by Commissioner Wood and carried unanimously, the meeting was **ADJOURNED** at 1:58 P.M.

APPROVED this 3rd day of **May 2006**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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