

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 6<sup>th</sup> day of July 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 Adolfo G. Betancourt.

THE COURT MET AT:

PRESENT:

8:30 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

Aide A. Trejo Deputy Clerk

ABSENT:  
PEDRO "PETE" BENAVIDES

EDNA TAMAYO

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The meeting was called to order by Judge Hinojosa at 8:44 A.M. 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 30, 2006 at 3:42 P.M.:

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(1) **PUBLIC COMMENTS.**

None were presented.

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**PRESENTATIONS**

(2) **PRESENTATION OF A RESOLUTION RECOGNIZING JUSTO BARRIENTES' 102<sup>ND</sup> CELEBRATION OF OUR COUNTRY'S BIRTHDAY, THE 4<sup>TH</sup> OF JULY. (COMM. COURT)**

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

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Commissioner Wood commented on the progress of repaving the parking lot in front of the Cameron County Courthouse. He stated that the Brownsville Navigation District has begun the necessary steps to remove the railroad tracks and consequently, the Public Works Department has decided to wait to repave the parking lot until the railroad tracks are removed.

Judge Hinojosa asked for an update as to when the repaving would be done.

Mr. David Garcia, Department of Transportation Assistant Director, stated that a schedule from the Brownsville Rio Grande Railroad on the progress of the removal of the tracks is pending and added that a report will be presented to the Court as soon as possible.

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**ACTION ITEMS**

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

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

**The Documents are as follows:**

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**(4) APPROVAL OF MINUTES FOR:**

**(A) JUNE 20, 2006-REGULAR MEETING**

Upon motion by Commissioner Garza, seconded by Commissioner Wood and carried unanimously, the minutes for the June 20, 2006-Regular Meeting were approved.

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**(5) APPROVAL OF CLAIMS.**

Commissioner Wood moved that the all of the Claims be approved, excluding Warrant No. 00162635.

The motion was seconded by Judge Hinojosa and carried as follows:

AYE: Commissioner Wood and Judge Hinojosa

NAY: None

ABSTAIN: Commissioner Garza as to Warrant No. 00162658, made payable to The Medicine Shoppe, in the amount of \$3,827.97.

Commissioner Garza moved to approve Warrant No. 00162635.

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

AYE: Commissioner Wood and Commissioner Garza

NAY: None

ABSTAIN: Judge Hinojosa as to Warrant No. 00162635, made payable to the Laguna Madre Water District, in the amount of \$15,651.11.

**The Claims and Affidavits are as follows:**

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**(6) CONSIDERATION AND POSSIBLE APPROVAL OF A RESOLUTION DECLARING THE INTENT TO REIMBURSE CERTAIN EXPENDITURES FOR CAMERON COUNTY PARKS. (JM-PARK SYSTEM)**

Judge Hinojosa stated that this resolution is a reimbursement resolution and added that he would like to move forward with architectural work on the parks as they have been in the planning stages for some time.

Commissioner Wood asked if the resolution is for the approval of issuance of any bonds.

Judge Hinojosa stated that a decision has not been made as to the issuance of bonds as a report is pending from Mr. Noe Hinojosa, of Estrada-Hinojosa and Company.

Mr. Javier Mendez, Parks Director, informed the Court that the resolution is for the reimbursement of up to \$6 million dollars.

Judge Hinojosa stated that he has talked to Mr. Noe Hinojosa extensively about this issue and added that Mr. Noe Hinojosa believes that the County can issue \$6 million without any tax consequences.

Commissioner Wood stated that the list of projects provided has projects marked as “not immediately critical” and noted that includes all (3) of the new parks.

Mr. Mendez replied that his staff prioritized the projects in case there was not funding for those particular projects and noted that this list does not include the property in Precinct 3 for the Laureles park.

Commissioner Garza stated that he would like to review a report from Mr. Noe Hinojosa before he makes a commitment. He added that he would like to see a list that includes the park in Laureles and noted that the County should also be looking at partnerships for these parks, especially those within city limits.

Commissioner Wood asked about the maintenance and operating costs of the new parks and how the funding for those costs are to be generated and what sort of impact this will have on the Parks Budget.

Judge Hinojosa stated that the set of priorities are recommendations by staff and have not been approved by the Commissioners’ Court. He voiced his support for the Cameron Park improvements, the Rio Hondo Park, the La Paloma Park and the improvements for Isla Blanca Park.

Judge Hinojosa noted the importance of moving forward on the architectural design for the Cameron Park improvements and the Rio Hondo and La Paloma parks as to not delay progress any further.

Commissioner Garza stated that he would like to see a list that includes the park in Laureles and noted that a majority of the \$6 million is allocated for (2) parks.

Judge Hinojosa voiced his support in purchasing land in Laureles for a park as the community does not have a park for their children to play.

Mr. Mendez stated that he expects the park in Laureles to cost \$230,000 in engineering and architectural services.

Judge Hinojosa asked if there is a reimbursement resolution that includes the Laureles land.

Mr. Mendez replied in the negative and noted that the Laureles park can be added to the resolution.

Commissioner Garza asked about the funding source for the Laureles park as all of the \$6 million is already obligated to other projects.

Judge Hinojosa replied that the \$6 million is not obligated to any particular park and added that a decision as to how to spend the \$6 million is going to be made a later date.

Commissioner Garza noted that if the resolution is approved, then consequently a decision on how to spend the \$6 million has been made.

Judge Hinojosa stated that the resolution does not pertain to the priority list.

Mr. Mendez stated that the Laureles park can be added to the reimbursement resolution and the priority list can be worked out later.

Commissioner Wood suggested that the cost of maintenance and operation be reviewed.

Upon motion by Commissioner Garza, seconded by Commissioner Wood and carried unanimously, the Resolution declaring the intent to reimburse certain expenditures for Cameron County Parks was approved, subject to the inclusion of the park in Laureles.

**The Resolution is as follows:**

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(7) **CONSIDERATION AND POSSIBLE ACTION RELATING TO PROJECT ARCHITECT'S DETERMINATION OF SUBSTANTIAL COMPLETION AND ACCEPTANCE OF THE DANCY BUILDING. (COMM. COURT)**

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

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(8) **CONSIDERATION AND APPROVAL OF RESOLUTION FOR THE APPLICATION OF NET REVENUES OF THE TOLL BRIDGE SYSTEM TO THE PAYMENT OF THE "CAMERON COUNTY, TEXAS LIMITED TAX REFUNDING BONDS, SERIES 2005" AND OTHER MATTERS RELATING THERETO. (MY-AUDITOR)**

Mr. Mark Yates, County Auditor-"In 2005 there were (3) issues refunded; the 1996 A and B and the 2000 issue. The 2000 issue is a pure tax pledge and the others were a combination of revenue and tax. And because we have revenue sharing agreements with (3) other cities, I wanted to make sure that they understood that we were not absolving the toll bridges responsibility to pay that prorated share and it clears up a lot of different arrangements that were there. So what we're requesting is the Court approve this resolution for the intent that the toll bridge pay its prorated share even though that's a one-hundred percent tax pledge."

Judge Hinojosa-"Ok"

Commissioner Wood-"So the other communities that we're partners with understand that we're still partners and they're still partners and they pay their share?"

Mr. Yates-"I don't believe it alters our original interlocal agreements it just puts on record that we're intending to use revenues from the bridge to pay the pure tax pledge."

Commissioner Garza-"Is that a motion?"

Commissioner Wood-"Yes"

Commissioner Garza-"Second"

Judge Hinojosa-"Motion and second, any further discussion? All those in favor signify by stating "aye"

Commissioner Garza and Commissioner Wood-"Aye"

Judge Hinojosa-"All opposed? Motion carries."

**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.**

DISCUSSION CONCERNING CONSENT AND TRAVEL ITEMS:

**Item No. 12 and No. 13:**

Mr. Richard Burst, Legal Counsel, stated he spoke with Mr. Mike Forbes, Purchasing Agent, and Mr. Forbes advised that this purchase lends itself more towards an RFQ than an RFP. He added that whoever is awarded the contract has to follow the State law and regulations of the Department of Health.

Judge Hinojosa questioned whether the language in the agenda item is sufficient to allow for an RFQ.

Mr. Burst replied in the affirmative and added that once the exemption is approved, we can then go out for an RFP or an RFQ or direct negotiations.

Commissioner Wood stated that he was informed that these types of exemptions can be done once a year. He added that according to State law, whenever we go out for these types of requests, an exemption from the bidding process needs to be done as well.

Mr. Burst informed the Court that a law was passed in 1929 and the Supreme Court of Texas first addressed this issue in 1931. He noted that they very strongly worded that it would be "absurd to require governmental entities to go out for a bid for professional services". He added that he has been in discussions with the Attorney General's Office and Ms. Cecilia Thomas, Bid Expert, and Ms. Thomas has stated that a one-time exemption can be done for professional services and advised to simply reference the exemption in the future when the bids are sent out. Ms. Burst expressed caution as there is no written law stating this, only a verbal interpretation from the Attorney General's Office.

**Item No. 14:**

Mr. Frank Bejarano, Program Development & Management Director, informed the Court that his department is applying for new funding and stated that there is an open contract with the Community Development Program for the match to FEMA on the buyout for Del Mar Heights. He added that the contract expires August 3, 2006 and has to be closed out by the end of August in order to qualify for the new funding. He noted that it all goes well, all targeted properties will be purchased.

**Item No. 9:**

Mr. Manuel Villarreal, Human Resources Director, informed the Court that Constable Robles is not present as he is in San Antonio at a workshop that had been previously scheduled.

**Item No. 15:**

Commissioner Garza asked about the issue of security when documents are removed from County property. He asked if there are any provisions in the contract dealing with security issues associated with records.

Mr. Ivy Arroyo, President of Quality Data Imaging, stated that there is a section in the contract that deals with confidentiality of records and the security of removing documents from the Courthouse.

Commissioner Garza stated that Section 3.04 of the contract has items handwritten over and asked if they are typographical errors.

Mr. Richard Burst, Legal Counsel, informed the Court that the contract has been revised.

Mr. Mark Yates, County Auditor, informed the Court that the contract requires the County Clerk to sign off on any requests for destruction of documents so that there is an official record of the inventory of what was destroyed.

Commissioner Wood moved that the "Travel and Consent Items" be approved, with the recommendation by Legal Counsel.

The motion was seconded by Commissioner Garza and carried unanimously.

- (9) **CONSIDERATION AND APPOINTMENT OF AVARISTO ALVAREZ, JR. RESERVE DEPUTY CONSTABLE FOR PRECINCT NO. 3 IN COMPLIANCE WITH THE FINDING THAT IT IS NECESSARY TO APPOINT THE DEPUTY IN ORDER TO PROPERLY HANDLE THE BUSINESS OF THE CONSTABLE'S OFFICE THAT ORIGINATES IN THE CONSTABLE'S PRECINCT AND THAT THE APPOINTMENT IS VALID ONLY THROUGH THE END OF THE FISCAL YEAR IN WHICH THE APPOINTMENT IS MADE OR THE CURRENT TERM OF THE ELECTED CONSTABLE WHICH EVER ENDS SOONER. (MV-HUMAN RESOURCES)**  
**The Documentation is as follows:**
- (10) **CONSIDERATION AND APPROVAL OF A LEASE AGREEMENT BETWEEN CAMERON COUNTY AND THE TEXAS DEPARTMENT OF TRANSPORTATION REGARDING AN ADDITIONAL REGISTRATION AND TITLE SYSTEM WORKSTATION FOR THE HARLINGEN TAX BRANCH OFFICE. (TY-TAX ASSESSOR-COLLECTOR)**  
**The Agreement is as follows:**
- (11) **CONSIDERATION AND AUTHORIZATION OF PAYROLL DEDUCTION REQUESTED BY THE CAMERON COUNTY LAW ENFORCEMENT OFFICERS FOR THE CAMERON COUNTY SHERIFF DEPUTIES ASSOCIATION AND THE COMBINED LAW ENFORCEMENT ASSOCIATION OF TEXAS (CLEAT). (VDL-COUNTY JUDGE)**  
**The Documentation is as follows:**
- (12) **CONSIDERATION AND AUTHORITY TO EXEMPT A HEALTH AND SAFETY ITEM (SEE, V.T.C.A., OCCUPATIONAL CODE, CHAPTER 1954, ASBESTOS HEALTH PROTECTION) FROM THE REQUIREMENTS ESTABLISHED BY SECTION 262.023 OF THE TEXAS COUNTY PURCHASING ACT PURSUANT TO V.T.C.A., LOCAL GOVERNMENT CODE, SECTION 262.024 (A)(2), FOR THE PURPOSE OF ISSUING A REQUEST FOR PROPOSAL FOR AN ASBESTOS SURVEY AS REQUIRED BY THE STATE FOR THE DEL MAR HEIGHTS – FEMA BUYOUT PROJECT – DEMOLITION OF STRUCTURES. (RB-LEGAL)**  
**The Documentation is as follows:**
- (13) **CONSIDERATION AND AUTHORIZATION TO REQUEST FOR PROPOSALS (RFP) AN ASBESTOS SURVEY AS REQUIRED BY THE STATE FOR THE DEL MAR HEIGHTS – FEMA BUYOUT PROJECT – DEMOLITION OF STRUCTURES. (GS-COUNTY JUDGE)**
- (14) **CONSIDERATION AND AUTHORIZATION FOR THE COUNTY'S PD & M DEPARTMENT TO SCHEDULE A PUBLIC HEARING ON JULY 17, 2006, PURSUANT TO THE 2007-2008 TEXAS COMMUNITY DEVELOPMENT PROGRAM. (FB-PD & M)**  
**The Documentation is as follows:**
- (15) **CONSIDERATION AND POSSIBLE APPROVAL OF AN AGREEMENT WITH THE I.E.T. & R., INC. D/B/A QUALITY DATA IMAGING. (RB-LEGAL)**  
**The Agreement is as follows:**

## **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) **COMMISSIONER PRECINCT NO. 2, TO TRAVEL TO AUSTIN, TX, ON 8/16-18/06, TO ATTEND TAC ANNUAL CONFERENCE.**



- (B) DISTRICT ATTORNEY'S OFFICE INVESTIGATORS (4), TO TRAVEL TO ROCKPORT, TX, ON 7/24-26/06, TO ATTEND PUBLIC AGENCY TRAINING COUNCIL'S HOMICIDE & QUESTIONED DEATH SCENE DETERMINATION & RECONSTRUCTION SEMINAR.**
- (C) ASSISTANT DISTRICT ATTORNEYS (2), TO TRAVEL TO AUSTIN, TX, ON 7/16-21/06, TO ATTEND TDCAA'S PROSECUTOR TRIAL SKILLS COURSE.**
- (D) ASSISTANT DISTRICT ATTORNEY, TO TRAVEL TO AUSTIN, TX, ON 8/3-4/06, TO ATTEND JUVENILE PROBATION COMMISSION & JUVENILE LAW SECTION OF THE STATE BAR OF TEXAS' NUTS & BOLTS OF JUVENILE LAW SEMINAR.**
- (E) UNIFIED NARCOTICS INTELLIGENCE TASK FORCE ADMINISTRATIVE ASSISTANT, TO TRAVEL TO MCALLEN, TX, ON 8/17/06, TO ATTEND GETTING THE MOST FROM MICROSOFT EXCEL WORKSHOP.**
- (F) COUNTY CLERK, TO TRAVEL TO AUSTIN, TX, ON 8/16-18/06, TO ATTEND THE "TEXAS ASSOCIATION OF COUNTIES CONFERENCE & TRADE SHOW."**
- (G) WIC DIRECTOR, NUTRITION EDUCATION COORDINATOR AND CERTIFYING AUTHORITY/QUALITY ASSURANCE, TO TRAVEL TO HOUSTON, TX, ON 7/10-13/06, TO ATTEND A TEXAS DEPARTMENT OF STATE HEALTH SERVICES TEXAS BREASTFEEDING PROMOTION ACTIVITY (PRINCIPLES OF LACTATION MANAGEMENT-LEVEL I).**
- (H) HEALTH ADMINISTRATOR AND ASSISTANT HEALTH ADMINISTRATOR, TO TRAVEL TO AUSTIN, TX, ON 7/16-19/06, TO ATTEND THE STATE PUBLIC HEALTH SYSTEM ASSESSMENT (SPHSA) CONFERENCE.**

- (9) **CONSIDERATION AND APPOINTMENT OF AVARISTO ALVAREZ, JR. RESERVE DEPUTY CONSTABLE FOR PRECINCT NO. 3 IN COMPLIANCE WITH THE FINDING THAT IT IS NECESSARY TO APPOINT THE DEPUTY IN ORDER TO PROPERLY HANDLE THE BUSINESS OF THE CONSTABLE'S OFFICE THAT ORIGINATES IN THE CONSTABLE'S PRECINCT AND THAT THE APPOINTMENT IS VALID ONLY THROUGH THE END OF THE FISCAL YEAR IN WHICH THE APPOINTMENT IS MADE OR THE CURRENT TERM OF THE ELECTED CONSTABLE WHICH EVER ENDS SOONER. (MV-HUMAN RESOURCES)**

**The Documentation is as follows:**

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**The Documentation is as follows:**

- (14) **CONSIDERATION AND AUTHORIZATION FOR THE COUNTY'S PD & M DEPARTMENT TO SCHEDULE A PUBLIC HEARING ON JULY 17, 2006, PURSUANT TO THE 2007-2008 TEXAS COMMUNITY DEVELOPMENT PROGRAM. (FB-PD & M)**  
**The Documentation is as follows:**

- (15) **CONSIDERATION AND POSSIBLE APPROVAL OF AN AGREEMENT WITH THE I.E.T. & R., INC.  
D/B/A QUALITY DATA IMAGING. (RB-LEGAL)**  
**The Agreement is as follows:**

## **EXECUTIVE SESSION**

Upon motion by Commissioner Garza, seconded by Commissioner Wood and carried unanimously, the Court met in Executive Session at 9:19 A.M. to discuss the following matters:

**(17) EXECUTIVE SESSION:**

- (A) 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.**
- (B) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL REGARDING THE DANCY BUILDING RENOVATION CONTRACT, 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 V.T.C.A. GOVERNMENT CODE, SECTION 551.071 (2).**
- (C) DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF LAND FOR A PROPOSED PARK IN LA PALOMA, PRECINCT NO. 4, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**
- (D) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING CAMERON COUNTY VS. BFI WASTE COLLECTION, ET. AL., CAUSE NO. 2005-07-3905-A, FOR DISCUSSION ON STATUS OF CASE, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071(1) (A).**
- (E) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING BFI WASTE SERVICES OF TEXAS, L.P. VS. COUNTY OF CAMERON AND RED RIVER SERVICE CORPORATION OF TEXAS, INC., CAUSE NO. B-05-279, FOR DISCUSSION ON STATUS OF CASE, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071(1) (A).**
- (F) DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF RIGHT OF WAY FOR THE WEST RAIL PROJECT, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**
- (G) DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF LAND FOR A PROPOSED PARK IN THE COMMUNITY OF LAURELES PRECINCT NO. 3, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**
- (H) DELIBERATION REGARDING REAL PROPERTY CONCERNING THE POSSIBLE CONCESSION LEASE BETWEEN CAMERON COUNTY AND AFFILIATED MANAGEMENT SYSTEMS, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071 (2).**
- (I) DELIBERATION REGARDING REAL PROPERTY CONCERNING THE POSSIBLE ACQUISITION OF PROPERTY IN PORT ISABEL, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**
- (J) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING POSSIBLE AMENDMENT TO THE JOINT VENTURE AGREEMENT WITH THE SOUTH PADRE ISLAND ECONOMIC DEVELOPMENT CORPORATION REGARDING THE SOUTH PADRE ISLAND BIRDING AND NATURE CENTER, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071(2).**



- (K) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING ISSUES RELATED TO THE CONCESSION LEASE WITH WALTER AND JACKIE CONRAD, D/B/A WOODY AND DICK'S BEACH SHACK, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071(2).**
- (L) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING DISCUSSION ON ARRANGEMENTS FOR FORENSIC TESTIMONY WITH PATHOLOGISTS FROM VALLEY BAPTIST MEDICAL CENTER, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071(2).**
- (M) DELIBERATION REGARDING REAL PROPERTY CONCERNING THE CAMERON COUNTY ANNEX IN HARLINGEN, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**

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Upon motion by Commissioner Garza, seconded by Commissioner Wood and carried unanimously, the Court reconvened into Regular Session at 10:15 A.M. to discuss the following matters:

**(18) ACTION RELATIVE TO EXECUTIVE SESSION:**

- (A) 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 Wood, seconded by Commissioner Garza and carried unanimously, the Status Report by the Public Works Property Manager was acknowledged.

- (B) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL REGARDING THE DANCY BUILDING RENOVATION CONTRACT, 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 V.T.C.A. GOVERNMENT CODE, SECTION 551.071 (2).**

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

- (C) DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF LAND FOR A PROPOSED PARK IN LA PALOMA, PRECINCT NO. 4, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**

Upon motion by Commissioner Wood, seconded by Commissioner Garza and carried unanimously, the Status Report by Javier Mendez, Parks Director, was acknowledged.

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

- (E) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING BFI WASTE SERVICES OF TEXAS, L.P. VS. COUNTY OF CAMERON AND RED RIVER SERVICE CORPORATION OF TEXAS, INC., CAUSE NO. B-05-279, FOR DISCUSSION ON STATUS OF CASE, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071(1) (A).**

Upon motion by Commissioner Garza, seconded by Commissioner Wood and carried unanimously, the Status Report by Legal Counsel was acknowledged and authorization to proceed as directed in Executive Session was approved.

**(F) DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF RIGHT OF WAY FOR THE WEST RAIL PROJECT, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**

Commissioner Wood moved to authorize the acquisition of the property for \$87,003.00, based on the appraisal provided.

The motion was seconded by Commissioner Garza and carried unanimously.

**(G) DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF LAND FOR A PROPOSED PARK IN THE COMMUNITY OF LAURELES PRECINCT NO. 3, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**

Commissioner Wood moved to authorize negotiations of a contract for the purchase of the property for \$120,000.00, to be funded from reserves and to be reimbursed by bond proceeds.

The motion was seconded by Commissioner Garza and carried unanimously.

**(H) DELIBERATION REGARDING REAL PROPERTY CONCERNING THE POSSIBLE CONCESSION LEASE BETWEEN CAMERON COUNTY AND AFFILIATED MANAGEMENT SYSTEMS, 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 Status Report by Legal Counsel was acknowledged and authorization to table this Item for (2) weeks was approved.

**(I) DELIBERATION REGARDING REAL PROPERTY CONCERNING THE POSSIBLE ACQUISITION OF PROPERTY IN PORT ISABEL, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**

Upon motion by Commissioner Garza, seconded by Commissioner Wood and carried unanimously, authorization to purchase property for \$110,000 was approved.

**(J) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING POSSIBLE AMENDMENT TO THE JOINT VENTURE AGREEMENT WITH THE SOUTH PADRE ISLAND ECONOMIC DEVELOPMENT CORPORATION REGARDING THE SOUTH PADRE ISLAND BIRDING AND NATURE CENTER, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071(2).**

Upon motion by Commissioner Wood, seconded by Commissioner Garza and carried unanimously, the Status Report by Legal Counsel was acknowledged and authorization to proceed as directed in Executive Session was approved.

- (K) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING ISSUES RELATED TO THE CONCESSION LEASE WITH WALTER AND JACKIE CONRAD, D/B/A WOODY AND DICK'S BEACH SHACK, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071(2).**

Upon motion by Commissioner Wood, seconded by Commissioner Garza and carried unanimously, the Status Report was acknowledged and authorization to negotiate a contract was approved.

- (M) DELIBERATION REGARDING REAL PROPERTY CONCERNING THE CAMERON COUNTY ANNEX IN HARLINGEN, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**

Upon motion by Commissioner Garza, seconded by Commissioner Wood and carried unanimously, the Status Report by the Public Works Property Manager was acknowledged.

- (L) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING DISCUSSION ON ARRANGEMENTS FOR FORENSIC TESTIMONY WITH PATHOLOGISTS FROM VALLEY BAPTIST MEDICAL CENTER, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071(2).**

Commissioner Wood moved to authorize Commissioners' Court Legal Counsel, with the District Attorney's Office, to begin negotiations of a contract with Valley Baptist Medical Center with the provision of forensic services with pathologists.

The motion was seconded by Commissioner Garza and carried unanimously.

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There being no further business to come before the Court, upon motion by Commissioner Wood, seconded by Commissioner Garza and carried unanimously, the meeting was **ADJOURNED** at 10:22 A.M.

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**APPROVED** this 18<sup>th</sup> day of **July 2006**.

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**GILBERTO HINOJOSA**  
**COUNTY JUDGE**

**ATTEST:**

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