

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 22nd day of August 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.

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:

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

Aide A. Trejo Deputy Clerk

ABSENT:



The meeting was called to order by Judge Hinojosa at 9:59 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 August 18, 2006 at 4:15 P.M.:

(1) **PUBLIC COMMENTS.**

None were presented.

ACTION ITEMS

(8) **CONSIDERATION AND POSSIBLE ACTION REGARDING THE HAMER ENTERPRISE JUSTICE OF THE PEACE SOFTWARE SYSTEM. (COMM. COURT)**

Justice of the Peace Precinct 2, Place 1 Linda Salazar, informed the Court that the Hamer Enterprise Justice of the Peace Software System is 85% complete. She added that the monthly financial reporting system and the State reporting system is up and running.

Judge Hinojosa asked why the implementation of this system has been so delayed.

Judge Salazar explained that the process of creating the Easy Justice System requires coordination and communication between Mr. Hamer and the JPs and added that there was a time when no one was providing Mr. Hamer with any information as to what Easy Justice was to encompass.

Commissioner Wood stated that he was informed by the County Auditor that the County has a maintenance agreement for Easy Justice and has paid \$15,000. He added that a second invoice for \$15,000 has been received by the Auditor's Office for maintenance on an incomplete system.

Mr. Mark Yates, County Auditor, added that the original agreement between the Justice of the Peaces and Mr. Hamer was to create marketable software. He stated that the agreement was to pay for the maintenance of the system, in 3 installments of \$15,000 each, without having to buy the software.

Mr. Yates informed the Court that the agreement with Mr. Hamer was to create the JP software and then continue with the County Courts at Law and the District Courts. He added that the \$45,000 for the maintenance of the program was to cover the JPs, the County Courts at Law and the District Courts.

Commissioner Tamayo added that she has met with several JPs and is concerned as to who is providing Mr. Hamer with the information for the Easy Justice System and the lack of coordination. She expressed her belief that there was a breakdown in communication with Mr. Hamer.

Mr. Yates responded that there were committees formed to address specific components of the Easy Justice System. He stated that Judge Salazar was in charge of court costs and the usual and customary fines and Judge Dan Sanchez dealt with traffic citations.

Justice of the Peace Precinct 7, Place 2 Dan Sanchez, explained that the purpose of Easy Justice was to create a more efficient program than anything that is currently available. He stated that the JPs should have come forth and informed Mr. Hamer of the day-to-day operations involved in the Justice of the Peace Court System so that those functions could be automated.

Judge Sanchez went on to say that, in the beginning, there were differences of opinion and the development of the program went stagnant. He stated that there was a point where the JPs decided to take control and form committees and he took on the module of traffic and truancy. He added that the JP Courts deal with traffic, civil, truancy, small claims, inquest, administrative hearings and so on and each module is going to take time to develop.

Commissioner Tamayo asked the JPs if they feel that they are better organized and the process of developing each module is more efficient.

Judge Sanchez replied in the affirmative.

Mr. Yates informed the Court that Senate Bill 1863, dealing with the court collections process, required the County to set up the JP Courts Collections which played a part in the delay of Easy Justice.

Justice of the Peace Precinct 5, Place 2 David Wise, expressed his belief that the implementation of this program has been delayed far too long. He added that he has met with other software vendors and their programs are much more sophisticated.

Commissioner Tamayo asked Judge Wise if one of the factors that have led to the delay of the Easy Justice program was the lack of communication between the JPs and Mr. Hamer.

Judge Wise responded that Justice of the Peace Precinct 5, Place 1 Sallie Gonzalez, provided Mr. Hamer with several forms, which should have been integrated into Easy Justice, at the onset of the development of the system. He added that no one knows where those forms are or what happened to them. He expressed his concern with the cost involved if the Court decides to move forward with another vendor.

Commissioner Garza inquired as to the total amount of funds reserved in the budget from the technology fee that is associated with fines in the JP Courts.

Commissioner Wood pointed out that when the development of the Easy Justice System first started, there was \$99,000 in that particular fund.

Mr. Xavier Villarreal, Budget Officer, responded that the fees were used to purchase computers and as partial funding for this project.

Commissioner Garza stated that the fee is a continual fee that is associated with every filing in the JP Courts.

Mr. Yates added that the fee is scheduled to be terminated.

Commissioner Garza responded that the fee has not yet been terminated and fees are still being collected. He asked again how much money is in that fund after expenditures.

Mr. Yates replied that he would get back to Commissioner Garza with the exact amount at a later time.

Commissioner Garza asked if the Easy Justice software needs to be certified by the State.

Mr. Yates responded that the JP Courts need to comply with the court costs and the procedures and follow statutes.

Judge Wise stated that he would like to continue to work with Mr. Hamer and the Easy Justice System and recommended timeframes be put in place so that operations are more streamlined.

Commissioner Garza asked Mr. Rudy Juarez, Chief Information Officer, if the issues with Easy Justice are more operational or lack of communication.

Mr. Juarez replied that this issue is a combination of both and added the Computer Center will address any and all operational issues.

Justice of the Peace Precinct 3, Place 2 David Garza, stated that the issue of whether or not to continue to work with Mr. Hamer needs to be addressed on September 30, 2006, which was the deadline given to Mr. Hamer for completion of the Easy Justice System.

Commissioner Wood stated that the reason this issue has been brought to the Court is due to the fact that the entire program was to be completed within a year's time.

Judge Hinojosa added that there are several issues that need to be worked out including the JP Collections issue and the warrant officer pilot program for the JPs. He added that there are several technological issues that should be addressed so that everyone involved is satisfied with the Easy Justice System. He recommended that this issue be brought back to Commissioners' Court at the end of September.

Justice of the Peace Precinct 7, Place 1 Adam Gonzales, informed the Court that his staff is very pleased with the program. He added that going with another vendor will only waste more time and money and suggested remaining with Mr. Hamer as the program is 85% complete.

NOTE: Commissioner Garza left the meeting at this time.

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the discussion regarding the Hamer Enterprise Justice of the Peace Software System was acknowledged.

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- (10) CONSIDERATION AND AUTHORIZATION TO HOLD A PUBLIC HEARING FOR THE PURPOSE OF DISCONTINUING AND ABANDONING A PORTION OF TRACT 47 ROAD IN PRECINCT NO. 4, DESCRIBED IN VOLUME 513, PAGE 393, OF THE DEED RECORDS, SAID ROAD IS LOCATED IN SUBDIVISION "G" SHARE 19, ESPIRITU SANTO GRANT, CAMERON COUNTY, TEXAS. (PS-DEPT. OF TRANSPORTATION)**

NOTE: Commissioner Garza returned to the meeting at this time.

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the Public Hearing for the purpose discontinuing and abandoning a portion of Tract 47 Road in Precinct No. 4, described in Volume 513, Page 393, of the Deed Records, said road is located in Subdivision "G" Share 19, Espiritu Santo Grant, Cameron County, Texas was opened for public comment.

Mr. Richard Walker, Department of Transportation, informed the Court that there has been no opposition regarding this issue.

Upon motion by Commissioner Tamayo, second by Commissioner Benavides and carried unanimously, the Public Hearing for the purpose discontinuing and abandoning a portion of Tract 47 Road in Precinct No. 4, described in Volume 513, Page 393, of the Deed Records, said road is located in Subdivision "G" Share 19, Espiritu Santo Grant, Cameron County, Texas was closed.

The Documentation is as follows:

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- (11) **CONSIDERATION AND AUTHORIZATION TO ADOPT AN ORDER TO DISCONTINUE AND ABANDON A PORTION OF TRACT 47 ROAD IN PRECINCT NO. 4, DESCRIBED IN VOLUME 513, PAGE 393, OF THE DEED RECORDS, SAID ROAD LOCATED IN SUBDIVISION "G" SHARE 19, ESPIRITU SANTO GRANT, CAMERON COUNTY, TEXAS. (PS-DEPT. OF TRANSPORTATION) (Order No. 200608002)**

Upon motion by Commissioner Tamayo, second by Commissioner Benavides and carried unanimously, authorization to Adopt an Order to discontinue and abandon a portion of Tract 47 Road in Precinct No. 4, described in Volume 513, Page 393, of the Deed Records, said road is located in Subdivision "G" Share 19, Espiritu Santo Grant, Cameron County, Texas was approved.

The Order is as follows:

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

Upon motion by Commissioner Benavides, second by Commissioner Tamayo and carried unanimously, the Budget Amendments, Line Item Transfers and/or Salary Schedules were approved.

The Documentation is as follows:

(3) APPROVAL OF MINUTES FOR:

(A) AUGUST 1, 2006-REGULAR MEETING

Upon motion by Commissioner Benavides, second by Commissioner Tamayo and carried unanimously, the minutes for the August 1, 2006-Regular Meeting were approved.

(4) APPROVAL OF CLAIMS.

Mr. Mark Yates, County Auditor, presented the following late claims: Warrant No. 00165631, made payable to Commercial Billing Service, in the amount of \$219.81 and Warrant No. 00165632, loan to the West Rail Relocation Project, in the amount of \$10,500.

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

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

AYE: Commissioner Tamayo, Commissioner Wood and Commissioner Garza

NAY: None

ABSTAIN: Commissioner Garza as to Warrant No. 00165455, made payable to The Medicine Shoppe, in the amount of \$724.81.

The Claims and Affidavits are as follows:

(7) **CONSIDERATION AND POSSIBLE ACTION ON THE CONSTRUCTION OF A PUBLIC SAFETY HELICOPTER LANDING SITE ON SOUTH PADRE ISLAND. (GH-COUNTY JUDGE)**

Mr. Jared Hockema, County Judge's Office, asked the Court for permission to use the slab at Isla Blanca Park and to convert it into a public safety helipad. He noted that this site would inevitably save time, money and lives.

Judge Hinojosa added that the helipad would be used only for emergency landings.

Commissioner Garza added that there is air service to the Island at the present time.

Mr. Dewey Cashwell, Town of South Padre Island City Manager, informed the Court that the STEC helicopter lands at the Convention Center.

Mr. Hockema added that the site at the Convention Center would remain in order to provide service to the northern end of South Padre Island and the proposed site at Isla Blanca Park would be for the southern end of South Padre Island. He stated that a partnership with the Town of South Padre Island is being proposed to assist with funding.

Commissioner Garza inquired as to whether the Federal Aviation Administration (FAA) has been contacted.

Mr. Hockema replied in the negative as the Court is the first step in the process for this project. He added that an engineer will be needed to review and test the slab and identify the costs associated with this project.

Mr. Remi Garza, Assistant County Administrator, informed the Court that there are funds available for the project from the interest earned on the County's deposits from the Landmark monies.

Commissioner Wood added that any additional costs will need to be reviewed.

Commissioner Tamayo moved to go forward with the Construction of a Public Safety Helicopter Landing Site on South Padre Island.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Documentation is as follows:

(9) CONSIDERATION AND APPROVAL OF ARCHITECT'S COLOR SELECTIONS FOR THE CAMERON COUNTY/ARROYO CITY LAW ENFORCEMENT FIRE SUBSTATION AND FAMILY LEARNING CENTER. (PS-DEPT. OF TRANSPORTATION)

Mr. Pablo Garcia informed the Court that the architect for this project has selected mesa buff as the color of the perimeter of the building, off-white as the color of the roof, scarlet red as the color of the trim, beige as the color for the base and the tile, and an oak color for the interior doors.

Upon motion by Commissioner Garza, second by Commissioner Wood and carried unanimously, the Architect's Color Selections for the Cameron County/Arroyo City Law Enforcement Fire Substation and Family Learning Center was approved.

(5) DISCUSSION REGARDING THE FISCAL YEAR 2006-2007 BUDGET AND TAX RATE. (XV-BUDGET OFFICER)

Mr. Xavier Villarreal, Budget Officer, informed the Court that at the current tax rate and collection rate of 94% there will be an excess of \$929,801. He added that the expenditures do not include any new positions or cost-of-living increase. He noted that there are funds available within the Parks System Fund and the Road & Bridge Fund for the 3% salary increase.

Mr. Villarreal informed the Court that the notice of the public hearing regarding the tax rate for August 29, 2006 and September 5, 2006 has been published as well as the notice for final adoption of the budget on September 19, 2006.

Upon motion by Commissioner Benavides, seconded by Commissioner Garza and carried unanimously, the Discussion Regarding the Fiscal Year-2007 Budget and Tax Rate was acknowledged.

The Documentation is as follows:

(6) CONSIDERATION AND AUTHORIZATION TO EXEMPT ALL FUTURE PROFESSIONAL SERVICE CONTRACTS FROM THE COUNTY PURCHASING ACT, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 262.024(A)(4). (RB-LEGAL) (Order No. 2006O08001)

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, Authorization To Exempt All Future Professional Service Contracts From The County Purchasing Act, Pursuant To V.T.C.A. Government Code, Section 262.024(A)(4) was approved.

The Order 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. 17:

Mr. Remi Garza, Assistant County Administrator, requested that this Item be **TABLED**.

Item No. 25:

Judge Hinojosa recommended the following persons for the evaluation committees for the (A) Debris Management – Removal & Disposal – Post-Hurricane Disaster Recovery Operations-RFP #060704 and (B) Collection, Characterization, Packaging, Transportation and Disposal of Hazardous Waste during Post-Hurricane/Disaster Recovery-RFP #060705: Tom Hushen, Emergency Management Director, Javier Mendez, Parks Director and Pete Sepulveda, Department of Transportation Director.

Commissioner Benavides moved that the “Travel and Consent Items” be approved, with the recommendations on Item No. 25 and tabling Item No. 17.

The motion was seconded by Commissioner Garza and carried unanimously.

- (12) **CONSIDERATION AND ADOPTION OF A RESOLUTION OF APPRECIATION FOR THE EFFORTS AND CONTRIBUTIONS OF DR. JAMES W. SIMPSON TO CAMERON COUNTY. (DG- COMM. PCT. 3) (Resolution No. 2006R08001)**
The Resolution is as follows:
- (13) **CONSIDERATION AND ACKNOWLEDGEMENT OF DISTRICT CLERK’S APRIL, MAY AND JUNE’S 2006 MONTHLY FEE, FINES AND CRIMINAL REPORTS. (ADLG-DISTRICT CLERK)**
The Report is as follows:
- (14) **CONSIDERATION AND AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE PEDERSON SUBDIVISION/SH 100 SANITARY SEWER IMPROVEMENT PROJECT (TCDP CONTRACT NO. 725165). (FB-PD & M)**
The Documentation is as follows:
- (15) **CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 1 TO CONSTRUCTION CONTRACT WITH CORNETT CONSTRUCTION FOR THE BREEDLOVE ROAD AREA WATER IMPROVEMENT PROJECT (TCDP CONTRACT NO. 724055) CHANGING THE METHOD USED TO CROSS PARALLEL DRAINAGE AND IRRIGATION DITCHES. (FB-PD & M)**
The Change Order is as follows:
- (16) **CONSIDERATION AND ACTION TO AWARD LOW BID IN THE AMOUNT OF \$253,000.00 TO THE 5125 COMPANY AND AUTHORIZE CONSTRUCTION CONTRACT NEGOTIATION FOR THE LOUISIANA ROAD AND DAKOTA VILLAGE NOS. 1 AND 2 WATER IMPROVEMENT PROJECT (TCDP CONTRACT NO. 725165). (FB-PD & M)**
The Documentation is as follows
- (17) **CONSIDERATION AND APPROVAL OF THE MEDICAL SERVICES AGREEMENT WITH VICTOR M. GONZALEZ, JR. M.D. FOR PHYSICIAN AT THE CAMERON COUNTY JAIL. (YS-HEALTH) (Contract No. 2006C08001) (TABLED)**
- (18) **CONSIDERATION AND APPOINTMENT OF CLEMENTE CANTU, RESERVE DEPUTY CONSTABLE FOR PRECINCT NO. 4 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:

- (19) **CONSIDERATION AND POSSIBLE APPROVAL OF AGREEMENTS FOR POST-HURRICANE/DISASTER RECOVERY OPERATIONS – DAMAGE ASSESSMENT SERVICES WITH THE FOLLOWING: AMBIOTEC CIVIL ENGINEERING GROUP, INC. (BROWNSVILLE), CARTER & BURGESS, INC. (FORT WORTH), DOS LOGISTICS (DONNA), GOLDSTON ENGINEERING, INC. (CORPUS CHRISTI), GONZALEZ ENGINEERING & SURVEYING, INC. (BROWNSVILLE), HDR/SHINER MOSELEY AND ASSOCIATES, INC. (CORPUS CHRISTI), LNV ENGINEERING, INC. (CORPUS CHRISTI), NAISMITH ENGINEERING, INC. (BROWNSVILLE), RVE, INC. (CORPUS CHRISTI), S & B INFRASTRUCTURE, INC. (MCALLEN), SUNLAND GROUP (HOUSTON), TEDSI INFRASTRUCTURE GROUP (MISSION). (TH-EMERGENCY MANAGEMENT) (Contract No. 2006C08003-AMBIOTEC CIVIL ENGINEERING GROUP, INC.) (Contract No. 2006C08004-CARTER & BURGESS, INC.) (Contract No. 2006C08005-DOS LOGISTICS) (Contract No. 2006C08006-GOLDSTON ENGINEERING, INC.) (Contract No. 2006C08007-GONZALEZ ENGINEERING & SURVEYING, INC.) (Contract No. 2006C08008-HDR/SHINER MOSELEY AND ASSOCIATES, INC.), (Contract No. 2006C08009-LNV ENGINEERING, INC.), (Contract No. 2006C08010-NAISMITH ENGINEERING, INC.), (Contract No. 2006C08011-RVE, INC.), (Contract No. 2006C08012-S & B INFRASTRUCTURE, INC.), (Contract No. 2006C08013-SUNLAND GROUP), (Contract No. 2006C08014-TEDSI INFRASTRUCTURE GROUP)**

The Agreements are as follows:

- (20) **CONSIDERATION AND POSSIBLE APPROVAL OF SIGN APPLICATION PERMIT FOR WALTER & JACKIE CONRAD, D/B/A WOODY’S BEACH SHACK TO BE PLACED OVER WINDOWS IN FRONT OF BUILDING. (JM-PARK SYSTEM)**

The Documentation is as follows:

- (21) **CONSIDERATION AND POSSIBLE APPROVAL OF SIGN APPLICATION PERMIT FOR WALTER & JACKIE CONRAD, D/B/A WOODY’S BEACH SHACK TO BE PLACED IN FRONT OF BUILDING ON SOUTH PADRE BOULEVARD. (JM-PARK SYSTEM)**

The Documentation is as follows:

- (22) **CONSIDERATION AND POSSIBLE APPROVAL OF SIGN APPLICATION PERMIT FOR WALTER & JACKIE CONRAD, D/B/A WOODY’S BEACH SHACK TO BE PLACED ON SIDE OF BUILDING. (JM-PARK SYSTEM)**

The Documentation is as follows:

- (23) **CONSIDERATION AND ADOPTION OF A RESOLUTION RECOGNIZING MS. ISABEL BOSWELL FOR HER MANY CONTRIBUTIONS TO THE COMMUNITY. (COMM. COURT)
(Resolution No. 2006R09011)**

- (24) **CONSIDERATION AND ADOPTION OF A RESOLUTION RECOGNIZING MR. ANTONIO BRISENO FOR HIS LIFETIME OF ACHIEVEMENT. (COMM. COURT)**

- (25) **CONSIDERATION AND AUTHORIZATION TO OPEN THE FOLLOWING RFP AND SELECTION OF POSSIBLE EVALUATION COMMITTEE BY COMMISSIONERS’ COURT FOR: (MF-PURCHASING)**

(A) DEBRIS MANAGEMENT – REMOVAL & DISPOSAL – POST-HURRICANE DISASTER RECOVERY OPERATIONS-RFP #060704

(B) COLLECTION, CHARACTERIZATION, PACKAGING, TRANSPORTATION AND DISPOSAL OF HAZARDOUS WASTE DURING POST-HURRICANE/DISASTER RECOVERY-RFP #060705

- (26) **CONSIDERATION AND ACCEPTANCE OF A RIGHT OF ENTRY FOR PRIMERA ROAD, PARCEL 5, IN THE PRIMERA, PRECINCT NO. 4 AREA. (PS-DEPT. OF TRANSPORTATION)**

TRAVEL ITEMS

- (27) **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) **JUVENILE PROBATION EMPLOYEES (4), TO TRAVEL TO AUSTIN, TX, ON 10/18-20/06, TO ATTEND "TJPC TITLE 4-IV FISCAL, ELIGIBILITY AND CASE MANAGEMENT TRAINING."**
 - (B) **SHERIFF'S DEPARTMENT CHIEF JAIL ADMINISTRATOR, TO TRAVEL TO AUSTIN, TX, ON 8/15-18/06, TO ATTEND 2006 ANNUAL CONFERENCE TEXAS ASSOCIATION OF COUNTIES.**
 - (C) **ASSISTANT HEALTH ADMINISTRATOR, TO TRAVEL TO AUSTIN, TX, ON 9/4-6/06, TO ATTEND A TOWARD 2010-ELIMINATING CHILD LEAD POISONING MEETING.**
 - (D) **357TH DISTRICT COURT ADMINISTRATOR AND COORDINATOR, TO TRAVEL TO CORPUS CHRISTI, TX, ON 10/24-27/06, TO ATTEND THE TEXAS ASSOCIATION FOR COURT ADMINISTRATION EDUCATION CONFERENCE.**
 - (E) **SHERIFF'S DEPARTMENT INVESTIGATORS (2), TO TRAVEL TO DALLAS, TX, ON 8/20-24/06, TO ATTEND 18TH ANNUAL CRIME AGAINST CHILDREN CONFERENCE.**

- (12) CONSIDERATION AND ADOPTION OF A RESOLUTION OF APPRECIATION FOR THE EFFORTS AND CONTRIBUTIONS OF DR. JAMES W. SIMPSON TO CAMERON COUNTY. (DG- COMM. PCT. 3)
(Resolution No. 2006R08001)
The Resolution is as follows:**

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The Documentation is as follows:

- (15) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 1 TO CONSTRUCTION CONTRACT WITH CORNETT CONSTRUCTION FOR THE BREEDLOVE ROAD AREA WATER IMPROVEMENT PROJECT (TCDP CONTRACT NO. 724055) CHANGING THE METHOD USED TO CROSS PARALLEL DRAINAGE AND IRRIGATION DITCHES. (FB-PD & M)**
The Change Order is as follows:

- (16) CONSIDERATION AND ACTION TO AWARD LOW BID IN THE AMOUNT OF \$253,000.00 TO THE 5125 COMPANY AND AUTHORIZE CONSTRUCTION CONTRACT NEGOTIATION FOR THE LOUISIANA ROAD AND DAKOTA VILLAGE NOS. 1 AND 2 WATER IMPROVEMENT PROJECT (TCDP CONTRACT NO. 725165). (FB-PD & M)**
The Documentation is as follows

- (18) **CONSIDERATION AND APPOINTMENT OF CLEMENTE CANTU, RESERVE DEPUTY CONSTABLE FOR PRECINCT NO. 4 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:

- (19) **CONSIDERATION AND POSSIBLE APPROVAL OF AGREEMENTS FOR POST-HURRICANE/DISASTER RECOVERY OPERATIONS – DAMAGE ASSESSMENT SERVICES WITH THE FOLLOWING: AMBIOTEC CIVIL ENGINEERING GROUP, INC. (BROWNSVILLE), CARTER & BURGESS, INC. (FORT WORTH), DOS LOGISTICS (DONNA), GOLDSTON ENGINEERING, INC. (CORPUS CHRISTI), GONZALEZ ENGINEERING & SURVEYING, INC. (BROWNSVILLE), HDR/SHINER MOSELEY AND ASSOCIATES, INC. (CORPUS CHRISTI), LNV ENGINEERING, INC. (CORPUS CHRISTI), NAISMITH ENGINEERING, INC. (BROWNSVILLE), RVE, INC. (CORPUS CHRISTI), S & B INFRASTRUCTURE, INC. (MCALLEN), SUNLAND GROUP (HOUSTON), TEDSI INFRASTRUCTURE GROUP (MISSION). (TH-EMERGENCY MANAGEMENT) (Contract No. 2006C08003-AMBIOTEC CIVIL ENGINEERING GROUP, INC.) (Contract No. 2006C08004-CARTER & BURGESS, INC.) (Contract No. 2006C08005-DOS LOGISTICS) (Contract No. 2006C08006-GOLDSTON ENGINEERING, INC.) (Contract No. 2006C08007-GONZALEZ ENGINEERING & SURVEYING, INC.) (Contract No. 2006C08008-HDR/SHINER MOSELEY AND ASSOCIATES, INC.), (Contract No. 2006C08009-LNV ENGINEERING, INC.), (Contract No. 2006C08010-NAISMITH ENGINEERING, INC.), (Contract No. 2006C08011-RVE, INC.), (Contract No. 2006C08012-S & B INFRASTRUCTURE, INC.), (Contract No. 2006C08013-SUNLAND GROUP), (Contract No. 2006C08014-TEDSI INFRASTRUCTURE GROUP)**

The Agreements are as follows:

- (20) **CONSIDERATION AND POSSIBLE APPROVAL OF SIGN APPLICATION PERMIT FOR WALTER & JACKIE CONRAD, D/B/A WOODY'S BEACH SHACK TO BE PLACED OVER WINDOWS IN FRONT OF BUILDING. (JM-PARK SYSTEM)**

The Documentation is as follows:

- (21) **CONSIDERATION AND POSSIBLE APPROVAL OF SIGN APPLICATION PERMIT FOR WALTER & JACKIE CONRAD, D/B/A WOODY'S BEACH SHACK TO BE PLACED IN FRONT OF BUILDING ON SOUTH PADRE BOULEVARD. (JM-PARK SYSTEM)**
The Documentation is as follows:

- (22) CONSIDERATION AND POSSIBLE APPROVAL OF SIGN APPLICATION PERMIT FOR WALTER & JACKIE CONRAD, D/B/A WOODY'S BEACH SHACK TO BE PLACED ON SIDE OF BUILDING. (JM-PARK SYSTEM)**
The Documentation is as follows:

EXECUTIVE SESSION

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the Court met in Executive Session at 11:05 A.M. to discuss the following matters:

(28) 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) 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.**
- (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 RED RIVER SOLID WASTE COLLECTION CONTRACT ABOUT ISSUE OF NONCOMPLIANCE OR OF DEFAULT 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).**
- (E) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING LIQUIDATED DAMAGES UNDER THE JOE R. JONES, INC. 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).**
- (F) DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 19, FOR FM 106 (GENERAL BRANT ROAD) IN THE PRECINCT NO. 3 AREA, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**

Upon motion by Commissioner Wood, seconded by Commissioner Garza and carried unanimously, the Court reconvened into Regular Session at 11:35 A.M. to discuss the following matters:

(29) 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 Garza, seconded by Commissioner Tamayo and carried unanimously, the Status Report was acknowledged and acknowledgement of the signing of the lease was approved.

(B) 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.

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

(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 Tamayo, seconded by Commissioner Garza and carried unanimously, acknowledgement of the signing of the agreement was approved.

(D) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING RED RIVER SOLID WASTE COLLECTION CONTRACT ABOUT ISSUE OF NONCOMPLIANCE OR OF DEFAULT 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).

Commissioner Garza moved to authorize Legal Counsel to proceed as directed in Executive Session and to deny \$896,000.00

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

AYE: Commissioner Garza, Commissioner Wood and Commissioner Benavides

NAY: None

ABSTAIN: Commissioner Tamayo

Judge Hinojosa added that Commissioner Tamayo was not present during the discussion of this item in Executive Session.

The Affidavit is as follows:

(E) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING LIQUIDATED DAMAGES UNDER THE JOE R. JONES, INC. 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 Tamayo and carried unanimously, authorization to allow Legal Counsel to proceed as directed in Executive Session was approved.

(F) DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 19, FOR FM 106 (GENERAL BRANT ROAD) IN THE PRECINCT NO. 3 AREA, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.

Upon motion by Commissioner Wood, seconded by Commissioner Tamayo and carried unanimously, authorization to purchase the property for \$2,291 was approved.

- (D) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING RED RIVER SOLID WASTE COLLECTION CONTRACT ABOUT ISSUE OF NONCOMPLIANCE OR OF DEFAULT 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).**

Commissioner Garza moved to authorize Legal Counsel to proceed as directed in Executive Session and to deny \$896,000.00

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

AYE: Commissioner Garza, Commissioner Wood and Commissioner Benavides

NAY: None

ABSTAIN: Commissioner Tamayo

Judge Hinojosa added that Commissioner Tamayo was not present during the discussion of this item in Executive Session.

The Affidavit is as follows:

There being no further business to come before the Court, upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the meeting was **ADJOURNED** at 11:40 A.M.

APPROVED this 26th day of **September 2006**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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