

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 29th 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:
PEDRO "PETE" BENAVIDES



The meeting was called to order by Commissioner Garza at 9:33 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 25, 2006 at 4:16 P.M.:

NOTE: Judge Hinojosa joined the meeting at this time.

(1) PUBLIC COMMENTS.

Mr. Dagoberto Barrera requested that the property tax rate not be increased.

Mr. Jack Mahurin presented a petition to the Court objecting to the renaming of Share 28 Road to E.M. Cantu Road.

The Forms and Documentation are as follows:

PRESENTATIONS

(2) PRESENTATION OF THE COURT ORDER SIGNED BY THE DISTRICT JUDGES OF CAMERON COUNTY SETTING THE SALARIES OF THE COURT REPORTERS IN ACCORDANCE WITH ART. 152.905 OF THE VERNON'S CIVIL STATUTES LOCAL GOVERNMENT CODE AT A MEETING SET ON NOVEMBER 9, 2005, RECESSED AND RECONVENED NOVEMBER 29, 2005 IN THE 107TH DISTRICT COURT. (MY-AUDITOR)

Mr. Mark Yates, County Auditor, informed the Court that the District Court Judges met, recessed and then reconvened on November 29, 2005 and approved a salary increase for the Court Reporters of the District Courts. He stated that the Court Order was filed with the District Clerk and then sent to the Budget Officer. He requested the Court's approval on this item.

Judge Hinojosa asked how much of a salary increase the Court Reporters were going to receive.

Mr. Yates replied that there was a reconfiguration of the judicial district and 6 of the 8 Court Reporters lost salary that was being supplemented by Willacy County.

Commissioner Garza asked if the Court Reporters receive an auto allowance.

Mr. Yates replied that Willacy County was providing auto reimbursement.

Judge Hinojosa questioned whether the increase of the salaries would be retroactive to the date of the court order.

Mr. Richard Burst, Legal Counsel, advised the Court that the Attorney General has issued an opinion stating that the court order can only go into effect after the order is adopted by the Commissioners' Court.

Mr. Burst added that adoption of the order requires a budget amendment.

Judge Hinojosa question whether there needs to be an order adopting the court order from the District Judges.

Mr. Burst replied that only a budget amendment is necessary.

Mr. Yates added that the District Judges cannot issue an order that will hinder the budget.

Upon motion by Commissioner Tamayo, second by Commissioner Garza and carried unanimously, the Presentation of the Court Order signed by the District Judges of Cameron County setting the salaries of the Court Reporters in accordance with Art. 152.905 of the Vernon's Civil Statutes Local Government Code at a meeting set on November 9, 2005, recessed and reconvened November 29, 2005 in the 107th District Court was acknowledged.

The Documentation is as follows:

(3) PRESENTATION OF A RESOLUTION RECOGNIZING MR. ANTONIO BRISENO FOR HIS LIFETIME OF ACHIEVEMENT. (COMM. COURT)

Upon motion by Commissioner Tamayo, second by Commissioner Wood and carried unanimously, the Presentation of a Resolution Recognizing Mr. Antonio Briseno for his Lifetime of Achievement was **TABLED**.

(4) PRESENTATION OF A RESOLUTION RECOGNIZING DR. GRAYSON L. SELLERS FOR HIS OUTSTANDING PUBLIC SERVICE THROUGH DENTISTS WHO CARE. (COMM. COURT)

Judge Hinojosa presented Dr. Grayson L. Sellers with the resolution and commended him on all of the work that he has done through Dentists Who Care.

Dr. Grayson thanked the Court for this honor and recognized Dr. Nyla C. Gordon for her work as well.

Upon motion by Commissioner Tamayo, second by Commissioner Wood and carried unanimously, the Presentation of a Resolution Recognizing Dr. Grayson L. Sellers for his Outstanding Public Service through Dentists Who Care was acknowledged.

ACTION ITEMS

(12) CONSIDERATION AND ACTION TO APPROVE CONSTRUCTION MANAGEMENT AT RISK AS THE METHOD FOR CONSTRUCTING THE JAIL ANNEX AND TO ISSUE A REQUEST FOR QUALIFICATIONS FOR CONSTRUCTION MANAGEMENT AT RISK SERVICES FOR THE JAIL ANNEX CONSTRUCTION PROJECT. (OL-SHERIFF)

Mr. Kenneth C. Burns, Burns & Gill Architects, informed the Court that the plans for the Jail Annex Construction Project will be completed within a month. He added that there are four options from which the Court can elect: Design & Build, Competitive Sealed Proposals, Construction Manager as Agent and Construction Manager at Risk. He recommended that the option of Construction Manager at Risk.

Judge Hinojosa asked if the Construction Manager at Risk has the option of rejecting all bids and placing in his bid lower than those submitted.

Mr. Burns replied that the Construction Manager at Risk can bid on the project and has to submit his bid at the same time as the other contractors.

Commissioner Garza asked if there are have been any projects that have used the method of Construction Manager at Risk.

Judge Hinojosa replied that the juvenile boot camp was constructed using this method. He recommended that Mr. Burns meet with Ernesto Hinojosa, the County Auditor, the Purchasing Director and Legal Counsel to determine the best method to construct the Jail Annex Project.

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

TRAVEL ITEMS

Commissioner Garza moved that the "Travel Items" be approved.

The motion was seconded by Commissioner Tamayo and carried unanimously.

(37) 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) COUNTY COURT AT LAW NO. 3 COURT ADMINISTRATOR AND COORDINATOR, TO TRAVEL TO CORPUS CHRISTI, TX, ON 10/24-27/06, TO ATTEND THE 30TH ANNUAL EDUCATION CONFERENCE.**
- (B) ASSISTANT DISTRICT ATTORNEYS (13) AND CRIME VICTIMS' ADVOCATE, TO TRAVEL TO SOUTH PADRE ISLAND, TX, ON 9/13-15/06, TO ATTEND TDCAA'S ANNUAL CRIMINAL & CIVIL LAW UPDATE.**
- (C) PUBLIC HEALTH PREPAREDNESS SUPERVISOR AND CLERK, TO TRAVEL TO KINGSVILLE, TX, ON 9/7/06, TO ATTEND THE PANDEMIC INFLUENZA WORKSHOP.**
- (D) EPIDEMIOLOGIST, TO TRAVEL TO CORPUS CHRISTI, TX, ON 8/24/06, TO ATTEND THE "FUTURE OF THE REGION CONFERENCE."**
- (E) CHIEF PARK RANGER, TO TRAVEL TO CORPUS CHRISTI OR HUNTSVILLE, TX, ON 10/9-13/06 OR 11/6-10/06, TO ATTEND THE TEXAS POLICE CHIEF LEADERSHIP SERIES.**
- (F) COUNTY COURT AT LAW NO. 1 COURT ADMINISTRATOR AND COORDINATOR, TO TRAVEL TO CORPUS CHRISTI, TX, ON 10/24-27/06, TO ATTEND THE 30TH ANNUAL EDUCATION CONFERENCE.**
- (G) VETERANS SERVICE OFFICER, TO TRAVEL TO SAN ANTONIO, TX, ON 8/21-22/06, TO ATTEND A TRANSITIONAL BRIEFING HOSTED BY SOUTH TEXAS VETERANS HOSPITAL DIVISION.**
- (H) ADMINISTRATIVE ASSISTANT ON INTERGOVERNMENTAL AFFAIRS, TO TRAVEL TO EL PASO, TX, ON 9/7/06, TO ATTEND THE TEXAS BORDER COALITION MEETING.**

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- (15) CONSIDERATION AND APPROVAL OF K-9 PROGRAM TO BE INITIATED BY THE CAMERON COUNTY CONSTABLE DEPARTMENT PRECINCT NO. 2. (AG-CONSTABLE PCT. 2) (Contract No. 2006C09021)**

(16) CONSIDERATION AND APPROVAL OF FUNDS FROM FUND 900 FOR K-9 DEPUTY SALARY INCREASE (INCENTIVE). (AG-CONSTABLE PCT. 2)

Commissioner Garza asked for justification as to why a K-9 unit is needed as the City of Brownsville, the Department of Public Safety and the Brownsville Independent School District all have K-9 units.

Judge Hinojosa highlighted the fact that Precinct No. 2 constitutes half the population of Cameron County.

Commissioner Tamayo asked what the guidelines are for funding.

Constable Abel Gomez replied that Fund 90 will be used as the K-9 unit involves law enforcement equipment and training.

Commissioner Tamayo asked Constable Gomez if he feels there is a need for a K-9 unit.

Constable Gomez replied in the affirmative as there has been a large increase of forfeiture funds over the last year.

Commissioner Tamayo moved to approve the K-9 Program to be initiated by the Cameron County Constable Department Precinct No. 2 and Approval of Funds from Fund 900 for K-9 Deputy Salary Increase (Incentive).

The motion was second by Judge Hinojosa and carried unanimously.

The Contract and Documentation is as follows:

(13) **CONSIDERATION AND POSSIBLE AUTHORIZATION TO EXECUTE AN ARCHITECTURAL AGREEMENT BETWEEN GOMEZ, MENDEZ, SAENZ AND CAMERON COUNTY (PARKS) FOR THE DESIGN AND PROJECT COORDINATION OF LA ESPERANZA PARK RENOVATION, RIO HONDO, LA PALOMA, AND LAURELES PARK AND THE AQUATIC FACILITY RENOVATIONS FOR SANTA ROSA, SANTA MARIA, AND DON ESPERANZA PARKS. (JM-PARK SYSTEM)**

Judge Hinojosa recommended that this item be limited to Rio Hondo Park, La Paloma Park and the La Esperanza Park Renovation.

Commissioner Tamayo moved to authorize the execution of an architectural agreement between Gomez, Mendez, Saenz and Cameron County (Parks) for the design and project coordination of La Esperanza Park Renovation, Rio Hondo and La Paloma Park.

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

AYE: Commissioner Tamayo and Commissioner Garza

NAY: Commissioner Wood

The Agreement is as follows:

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

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

The Documentation is as follows:

(6) APPROVAL OF MINUTES FOR:

(A) AUGUST 8, 2006-REGULAR MEETING

Upon motion by Commissioner Wood, second by Commissioner Garza and carried unanimously, the minutes for the August 8, 2006-Regular Meeting were approved.

(7) APPROVAL OF CLAIMS.

Mr. Mark Yates, County Auditor, requested that Warrant No. 00165884, made payable to Joe R. Jones Construction Inc., in the amount of \$180,420 be deleted from the Claims.

Commissioner Garza moved that the Claims be approved, with the deletion of Warrant No. 00165884.

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

AYE: Commissioner Garza and Commissioner Wood

NAY: None

ABSTAIN: Commissioner Tamayo as to Warrant No. 00165935, made payable to Red River Service Corporation, in the amount of \$161.45 and Judge Hinojosa as to Warrant No. 00165890, made payable to Laguna Madre Water District, in the amount of \$26,908.26 and Warrant No. 00165968, made payable to Southwest Key Program La Esperanza, in the amount of \$10,519.80

The Claims and Affidavits are as follows:

**(17) CONSIDERATION AND SELECTION OF OPTION FOR THE
VETERANS BRIDGE EXPANSION PROJECT. (PS-DEPT. OF
TRANSPORTATION)**

Upon motion by Commissioner Tamayo, second by Commissioner Wood and carried unanimously, the recommended option from Mr. Pete Sepulveda, Department of Transportation Director, of 622 ft at 15 miles per hour was approved.

The Documentation is as follows:

(18) CONSIDERATION AND AUTHORIZATION TO HOLD A PUBLIC HEARING REGARDING SETTING SPEED LIMIT ON TED HUNT ROAD BETWEEN FM 510 AND FM 106 AT 45 MPH. (PS-DEPT. OF TRANSPORTATION)

Upon motion by Commissioner Wood, second by Commissioner Garza and carried unanimously, the Public Hearing regarding setting Speed Limit on Ted Hunt Road between FM 510 and FM 106 at 45 mph (miles per hour) was opened.

Mr. Pete Sepulveda, Department of Transportation Director, informed the Court that the Engineering Staff has recommended that the speed limit be set at 45 mph.

Upon motion by Commissioner Tamayo, second by Commissioner Garza and carried unanimously, the Public Hearing regarding setting Speed Limit on Ted Hunt Road between FM 510 and FM 106 at 45 mph (miles per hour) was closed.

The Documentation is as follows:

(19) **CONSIDERATION AND APPROVAL OF RESOLUTION
SETTING SPEED LIMIT ON TED HUNT ROAD BETWEEN FM
510 AND FM 106 AT 45 MPH. (PS-DEPT. OF
TRANSPORTATION)**

Upon motion by Commissioner Wood, second by Commissioner Garza and carried unanimously, the Resolution setting Speed Limit on Ted Hunt Road between FM 510 and FM 106 at 45 mph was approved.

The Resolution is as follows:

**(8) CONSIDERATION AND AUTHORIZATION TO HOLD A
PUBLIC HEARING REGARDING THE PROPOSED TAX RATE
FOR 2006-2007 FISCAL YEAR. (XV-BUDGET OFFICER)**

Upon motion by Commissioner Tamayo, second by Commissioner Garza and carried unanimously, the Public Hearing regarding the Proposed Tax Rate for the 2006-2007 Fiscal Year was opened.

Mr. Xavier Villarreal, Budget Officer, informed the Court that a notice was published on August 20, 2006 setting the date of the public hearing at August 29, 2006 and September 5, 2006.

Ms. Pearl Fry asked the Court to consider lowering the tax rate to the effective rate.

Upon motion by Commissioner Garza, second by Commissioner Tamayo and carried unanimously, the Public Hearing regarding the Proposed Tax Rate for the 2006-2007 Fiscal Year was closed.

The Documentation is as follows:

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

Mr. Xavier Villarreal, Budget Officer, informed the Court that he is working with the Auditor on determining non-tax revenue.

Commissioner Garza asked how many federal inmates the County is currently housing.

Mr. Villarreal replied that there are currently (278) federal inmates being housed by Cameron County.

Commissioner Garza asked how many beds are vacant at the Cameron County Jail.

Mr. Gus Reyna, Sheriff's Office, replied that there are (100) vacant beds.

Upon motion by Commissioner Tamayo, second by Commissioner Garza and carried unanimously, the Presentation by Xavier Villarreal, Budget Officer, was acknowledged.

(10) CONSIDERATION AND AUTHORIZATION TO HOLD A PUBLIC HEARING REGARDING THE SETTING OF ELECTED OFFICIALS SALARIES FOR 2006-2007 FISCAL YEAR. (XV-BUDGET OFFICER)

Upon motion by Commissioner Garza, second by Commissioner Tamayo and carried unanimously, the Public Hearing regarding the setting of Elected Officials Salaries for the 2006-2007 Fiscal Year was opened.

Mr. Xavier Villarreal, Budget Officer, informed the Court that the notice ran in the newspaper detailing the Elected Official Salaries for the 2006-2007 Fiscal Year.

Upon motion by Commissioner Tamayo, second by Commissioner Garza and carried unanimously, the Public Hearing regarding the setting of Elected Officials Salaries for the 2006-2007 Fiscal Year was closed.

(11) CONSIDERATION AND ACTION REGARDING THE SETTING OF ELECTED OFFICIALS' COMPENSATION. (XV-BUDGET OFFICER)

Mr. Xavier Villarreal, Budget Officer, stated that the list shows a 3% cost-of-living increase.

Commissioner Garza moved to set the Elected Officials' Compensation at a maximum increase of 3%.

The motion was second by Commissioner Tamayo and carried unanimously.

The Documentation is as follows:

**(14) CONSIDERATION AND POSSIBLE ACTION REGARDING
ORDER ADOPTING CHANGES TO THE DUNE PROTECTION
PLAN. (COMM. COURT) (Order No. 2006O08004)**

Upon motion by Commissioner Tamayo, second by Commissioner Garza and carried unanimously, the Order adopting changes to the Dune Protection Plan 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 ITEMS:

Item No. 28:

Commissioner Garza asked if the Agreement somehow affects the Dune Protection Plan, Item No. 14.

Richard Burst, Legal Counsel, suggested that this item be approved, subject to review by Counsel.

Item No. 25:

Commissioner Wood asked why the “New Year’s Day” holiday is being observed on Monday, January 2, 2007.

Commissioner Tamayo noted that January 1st is on Monday and January 2nd is on Tuesday.

Judge Hinojosa asked if the holiday is being observed on Tuesday and or on Monday.

Mr. Remi Garza, Assistant County Administrator, clarified that the item should read “Monday, January 1, 2007”.

Commissioner Tamayo moved to approve the October 1, 2006 – September 30, 2007 Holidays Schedule with the amendment from “January 2, 2007” to “January 1, 2007”.

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

AYE: Commissioner Tamayo, Commissioner Garza and Commissioner

NAY: Commissioner Wood

Commissioner Garza moved that the “Consent Items” be approved, excluding Item No. 25 and tabling Item No. 28.

The motion was seconded by Commissioner Tamayo and carried unanimously.

- (20) **CONSIDERATION AND AUTHORIZATION FOR THE DISTRICT CLERK’S OFFICE TO ENTER INTO CONTRACT (07-C0018) BETWEEN THE OFFICE OF THE ATTORNEY GENERAL AND THE DISTRICT CLERK’S OFFICE – CHILD SUPPORT DIVISION. (ADLG-DISTRICT CLERK)**
- (21) **CONSIDERATION AND POSSIBLE APPROVAL OF AN AGREEMENT WITH THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER FOR A MEDICAL MOBILE CLINIC. (YS-HEALTH) (Contract No. 2006C08015)**
The Contract is as follows:
- (22) **CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN CAMERON COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES REGIONAL AND LOCAL SERVICES SECTION TO PROVIDE ESSENTIAL PUBLIC HEALTH SERVICES IN CAMERON COUNTY. (YS-HEALTH) (Contract No. 2006C08016)**
The Contract is as follows:

- (23) **CONSIDERATION AND ACTION AUTHORIZING THE COUNTY JUDGE TO ORDER THE NOVEMBER 7, 2006 GENERAL ELECTION FOR THE PURPOSE OF ELECTING COUNTY OFFICERS AS REQUIRED BY ARTICLE XVI, SECTION 65 OF THE TEXAS CONSTITUTION AND CHAPTER 3, SUBSECTION 3.004 (1) OF THE TEXAS ELECTION CODE. (RO-ELECTIONS) (Order No. 2006O9006)**
The Order is as follows:
- (24) **CONSIDERATION AND ACKNOWLEDGEMENT OF THE PARTICIPATION OF THE CITY OF SAN BENITO IN THE CAMERON COUNTY COMPREHENSIVE EMERGENCY PLAN. (TH-EMERGENCY MANAGEMENT)**
The Documentation is as follows:
- (25) **CONSIDERATION AND APPROVAL FOR THE OCTOBER 1, 2006 – SEPTEMBER 30, 2007 HOLIDAYS SCHEDULE. (MV-HUMAN RESOURCES) (ACTION TAKEN SEPARATELY)**
The Documentation is as follows:
- (26) **CONSIDERATION AND ADOPTION OF A RESOLUTION HONORING MR. GEORGE M. VILLARREAL, MR. ALBERTO VILLARREAL, MR. FRANK VILLARREAL, MR. JUAN VILLARREAL, MR. CRISANTO VILLARREAL AND MR. ROBERT VILLARREAL FOR THEIR OUTSTANDING PATRIOTISM. (COMM. COURT)**
- (27) **CONSIDERATION AND APPROVAL OF AN UPDATE TO THE RACIAL PROFILING REPORT SUBMITTED BY THE CAMERON COUNTY PARK RANGER DIVISION. (JM-PARK SYSTEM)**
The Documentation is as follows:
- (28) **CONSIDERATION AND AUTHORIZATION TO EXECUTE A LICENSE AGREEMENT BETWEEN CAMERON COUNTY (PARKS AND RECREATION) AND KENNETH L. CADENA, GUNNERY SERGEANT FOR THE U.S. MARINE CORPS. TO USE ANDY BOWIE PARK TO CONDUCT AMPHIBIOUS TRAINING AND SET UP A COMMAND ELEMENT. (JM-PARK SYSTEM) (TABLED)**
The Documentation is as follows:
- (29) **CONSIDERATION AND AUTHORIZATION TO AWARD BID FOR FUEL – ANNUAL BID #2280 TO OIL PATCH/SS PARTNERS. (MF-PURCHASING)**
The Documentation is as follows:
- (30) **CONSIDERATION AND AUTHORIZATION TO RENEW STOCK & COPIER PAPER & ENVELOPES – ANNUAL BID #2460 FOR ONE (1) ADDITIONAL YEAR WITH XPEDX AND GULF COAST PAPER. (MF-PURCHASING)**
The Documentation is as follows:
- (31) **CONSIDERATION AND AUTHORIZATION TO AWARD BUILDING SUPPLIES: PAINT, VARNISH, STAIN – ANNUAL BID #2008 TO MCCOYS AND STELLAR KWAL. (MF-PURCHASING)**
The Documentation is as follows:
- (32) **CONSIDERATION AND AUTHORIZATION TO ACCEPT HERON COVE CIRCLE AND HERON COVE DRIVE LOCATED IN THE HERON COVE SUBDIVISION, PRECINCT NO. 4, AS RECORDED IN CABINET 1, PAGE 2518-B, 2519-A & 2520-B OF THE CAMERON COUNTY MAP RECORDS, CAMERON COUNTY, TEXAS INTO THE COUNTY ROAD SYSTEM. (PS-DEPT. OF TRANSPORTATION)**
The Documentation is as follows:
- (33) **CONSIDERATION AND AUTHORIZATION TO REJECT RFQ #1230, STRUCTURAL INSPECTIONS, FOR COUNTY INTERNATIONAL BRIDGES. (PS-DEPT. OF TRANSPORTATION)**
The Documentation is as follows:
- (34) **CONSIDERATION AND AUTHORIZATION FOR THE DIRECTOR OF TRANSPORTATION TO NEGOTIATE A WORK AUTHORIZATION WITH L & G ENGINEERS FOR AN ENVIRONMENTAL ASSESSMENT OF A CATEGORICAL EXCLUSION FOR THE CONSTRUCTION OF A PARKING AREA AT THE FREE TRADE BRIDGE AT IDIOS. (PS-DEPT. OF TRANSPORTATION)**

- (35) **CONSIDERATION AND AUTHORIZATION TO REQUEST QUALIFICATIONS FOR STRUCTURAL INSPECTIONS FOR CAMERON COUNTY INTERNATIONAL BRIDGES. (PS-DEPT. OF TRANSPORTATION)**

The Documentation is as follows:

- (36) **CONSIDERATION AND AUTHORIZATION FOR FINAL APPROVAL FOR: (PS-DEPT. OF TRANSPORTATION)**

- (A) **PRECINCT NO. 2-CASA DE CAMPO SUBDIVISION, BEING A 17.14 ACRE TRACT OF LAND RECORDED AS LOT 1, BLOCK 15, BARREDA GARDENS, MAP NUMBER 4, CAMERON COUNTY, TEXAS AS RECORDED IN VOLUME 8, PAGE 67 OF THE MAP RECORDS OF CAMERON COUNTY, TEXAS.**

The Documentation is as follows:

- (21) **CONSIDERATION AND POSSIBLE APPROVAL OF AN AGREEMENT WITH THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER FOR A MEDICAL MOBILE CLINIC. (YS-HEALTH) (Contract No. 2006C08015)**

The Contract is as follows:

- (22) CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN CAMERON COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES REGIONAL AND LOCAL SERVICES SECTION TO PROVIDE ESSENTIAL PUBLIC HEALTH SERVICES IN CAMERON COUNTY. (YS-HEALTH) (Contract No. 2006C08016)**
The Contract is as follows:

- (23) CONSIDERATION AND ACTION AUTHORIZING THE COUNTY JUDGE TO ORDER THE NOVEMBER 7, 2006 GENERAL ELECTION FOR THE PURPOSE OF ELECTING COUNTY OFFICERS AS REQUIRED BY ARTICLE XVI, SECTION 65 OF THE TEXAS CONSTITUTION AND CHAPTER 3, SUBSECTION 3.004 (1) OF THE TEXAS ELECTION CODE. (RO-ELECTIONS) (Order No. 2006O9006)**
The Order is as follows:

- (24) **CONSIDERATION AND ACKNOWLEDGEMENT OF THE PARTICIPATION OF THE CITY OF SAN BENITO IN THE CAMERON COUNTY COMPREHENSIVE EMERGENCY PLAN. (TH-EMERGENCY MANAGEMENT)**

The Documentation is as follows:

- (25) CONSIDERATION AND APPROVAL FOR THE OCTOBER 1, 2006 – SEPTEMBER 30, 2007 HOLIDAYS SCHEDULE. (MV-HUMAN RESOURCES) (ACTION TAKEN SEPARATELY)**
The Documentation is as follows:

- (27) **CONSIDERATION AND APPROVAL OF AN UPDATE TO THE RACIAL PROFILING REPORT SUBMITTED BY THE CAMERON COUNTY PARK RANGER DIVISION. (JM-PARK SYSTEM)**
The Documentation is as follows:

- (29) CONSIDERATION AND AUTHORIZATION TO AWARD BID FOR FUEL – ANNUAL BID #2280 TO OIL PATCH/SS PARTNERS. (MF-PURCHASING)**
The Documentation is as follows:

- (30) CONSIDERATION AND AUTHORIZATION TO RENEW STOCK & COPIER PAPER & ENVELOPES – ANNUAL BID #2460 FOR ONE (1) ADDITIONAL YEAR WITH XPEDX AND GULF COAST PAPER. (MF-PURCHASING)**
The Documentation is as follows:

- (31) CONSIDERATION AND AUTHORIZATION TO AWARD BUILDING SUPPLIES: PAINT, VARNISH, STAIN – ANNUAL BID #2008 TO MCCOYS AND STELLAR KWAL. (MF-PURCHASING)
The Documentation is as follows:**

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- (33) CONSIDERATION AND AUTHORIZATION TO REJECT RFQ #1230, STRUCTURAL INSPECTIONS, FOR COUNTY INTERNATIONAL BRIDGES. (PS-DEPT. OF TRANSPORTATION)**
The Documentation is as follows:

- (35) CONSIDERATION AND AUTHORIZATION TO REQUEST QUALIFICATIONS FOR STRUCTURAL INSPECTIONS FOR CAMERON COUNTY INTERNATIONAL BRIDGES. (PS-DEPT. OF TRANSPORTATION)**
The Documentation is as follows:

(36) CONSIDERATION AND AUTHORIZATION FOR FINAL APPROVAL FOR: (PS-DEPT. OF TRANSPORTATION)

(A) PRECINCT NO. 2-CASA DE CAMPO SUBDIVISION, BEING A 17.14 ACRE TRACT OF LAND RECORDED AS LOT 1, BLOCK 15, BARREDA GARDENS, MAP NUMBER 4, CAMERON COUNTY, TEXAS AS RECORDED IN VOLUME 8, PAGE 67 OF THE MAP RECORDS OF CAMERON COUNTY, TEXAS.

The Documentation is as follows:

EXECUTIVE SESSION

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the Court met in Executive Session at 11:56 A.M. to discuss the following matters:

(38) 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) 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).**
- (D) 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).**
- (E) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING STATUS OF CONTRACT WITH LYNN PHAM & ROSS, LLP, 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) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING THE JAIL INFIRMARY PHYSICIAN 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).**
- (G) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING JOSE LUIS LOREDO, JR VS. COUNTY OF CAMERON; CIVIL ACTION NO. B-05-272, TO DISCUSS HIRING OF EXPERTS AND STATUS OF CASE, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071(1)(A).**
- (H) DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF RIGHT OF WAY FOR THE PRIMERA ROAD PROJECT, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**

Upon motion by Commissioner Tamayo, seconded by Commissioner Wood and carried unanimously, the Court reconvened into Regular Session at 12:35 P.M. to discuss the following matters:

(39) 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, second by Commissioner Tamayo and carried unanimously, this Item was **TABLED**.

- (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 Wood, second by Commissioner Tamayo and carried unanimously, authorization for Pete Sepulveda, Department of Transportation Director, to forward the counteroffer to the Texas Department of Transportation for their consideration was approved.

- (C) 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 Wood moved to **TABLE** this item.

The motion was second by Commissioner Garza and carried as follows:

AYE: Commissioner Wood and Commissioner Garza

NAY: None

ABSTAIN: Commissioner Tamayo

Commissioner Tamayo noted that she was not present during the discussion of this item in Executive Session.

The Affidavit is as follows:

- (D) 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 Tamayo, second by Commissioner Garza and carried unanimously, the Status Report by Legal Counsel was acknowledged.

- (E) **CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING STATUS OF CONTRACT WITH LYNN PHAM & ROSS, LLP, 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, second by Commissioner Tamayo and carried unanimously, authorization to terminate the contract with Lynn Pham & Ross, LLP, was approved.

- (F) **CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING THE JAIL INFIRMARY PHYSICIAN 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 Tamayo, second by Commissioner Garza and carried unanimously, the Status Report by Legal Counsel was acknowledged.

- (G) **CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING JOSE LUIS LOREDO, JR VS. COUNTY OF CAMERON; CIVIL ACTION NO. B-05-272, TO DISCUSS HIRING OF EXPERTS AND STATUS OF CASE, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071(1)(A).**

Upon motion by Commissioner Wood, second by Commissioner Garza and carried unanimously, the Status Report by Legal Counsel was acknowledged and authorization to hire an expert was approved.

- (H) **DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF RIGHT OF WAY FOR THE PRIMERA ROAD PROJECT, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**

Upon motion by Commissioner Garza, second by Commissioner Tamayo and carried unanimously, the Status Report by Pete Sepulveda, Department of Transportation Director, was acknowledged.

- (C) **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 Wood moved to **TABLE** this item.

The motion was second by Commissioner Garza and carried as follows:

AYE: Commissioner Wood and Commissioner Garza

NAY: None

ABSTAIN: Commissioner Tamayo

Commissioner Tamayo noted that she 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 12:39 P.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