

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 17th day of October 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 Darrell B. Hester.

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 Judge Hinojosa at 9:31 A.M. He asked Reverend Bob Clark, Brownsville resident, for the invocation, and he then led the Court and audience in reciting the Pledge of Allegiance.

The Court considered the following matters as posted and filed for Record in the Office of the County Clerk on October 13, 2006 at 4:08 P.M.:

(1) **PUBLIC COMMENTS.**

None was presented.

SUPPLEMENTAL AGENDA

PRESENTATIONS

(2) **PRESENTATION OF RESOLUTION FOR MR. MICHAEL MAX BEGUM FOR HIS LIFETIME OF ACHIEVEMENT. (COMM. COURT)**

Judge Hinojosa presented Mr. Michael Max Begum with the resolution and highlighted his many achievements.

Mr. Begum thanked the Court and his family for this honor and introduced his son, Michael, his daughter, Sasha and his wife, Yolanda.

Upon motion by Commissioner Tamayo, seconded by Commissioner Wood and carried unanimously, the Presentation of a Resolution for Mr. Michael Max Begum for his lifetime of achievement was acknowledged.

PRESENTATIONS

(2) **PRESENTATION OF CHECK FROM THE TEXAS DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$849,258.00 FOR THE SALE OF COUNTY OWNED PROPERTY FOR THE FM 511 EXPANSION PROJECT. (PS-DEPT. OF TRANSPORTATION)**

Mr. Pete Sepulveda, Department of Transportation Director, informed the Court that the check has already been deposited.

Judge Hinojosa asked how much of the \$849,258 is to go into the reserve account after payment of the lot.

Mr. Sepulveda noted that \$110,000 was the amount paid for the lot.

Mr. Xavier Villarreal, Budget Officer, added that the remainder of the check, approximately \$740,000, is to go into reserves.

Upon motion by Commissioner Garza, seconded by Commissioner Wood and carried unanimously, the Presentation of a Check from the Texas Department of Transportation in the amount of \$849,258.00 for the sale of County Owned Property for the FM 511 Expansion Project was acknowledged.

ACTION ITEMS

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

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

The Budget Amendments, Line Item Transfers and/or Salary Schedules are as follows:

**(4) APPROVAL OF MINUTES FOR:
(A) SEPTEMBER 12, 2006-REGULAR MEETING**

Upon motion by Commissioner Tamayo, seconded by Commissioner Wood and carried unanimously, the minutes for the September 12, 2006-Regular Meeting were approved.

(5) APPROVAL OF CLAIMS.

Mr. Rob Almon, Auditor's Office, presented the following late claims:

Warrant No. 00168374, made payable to Commercial Billing Service, in the amount of \$155,166.00

Warrant No. 00168375, made payable to Maria T. Rodriguez, in the amount of \$264.00

Warrant No. 00168376, made payable to Hamer Enterprises, in the amount of \$312,901.35

Warrant No. 00168377, made payable to West Technologies, Inc., in the amount of \$7,787.00

Commissioner Garza questioned whether Warrant No. 00168376, made payable to Hamer Enterprises, was for payment of tax statements or for payment of the Justice of the Peace Software.

Mr. Almon answered that the claim to Hamer Enterprises was for tax statements.

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

The motion was seconded by Commissioner Garza and carried unanimously:

The Claims are as follows:

(6) **CONSIDERATION AND AUTHORIZATION FOR A DISCUSSION ON OFFICE SPACE FOR TEXAS HISTORICAL COMMISSION AT THE CAMERON COUNTY DANCY BUILDING. (DG- COMM. PCT. 3)**

Commissioner Garza asked if there was any possibility for office space for the Texas Historical Commission.

Commissioner Wood informed the Court that Mr. Remi Garza, Assistant County Administrator, is currently looking for an area for storage and office space in the basement of the Dancy Building.

Judge Hinojosa concurred with Commissioner Wood and added that the original office space that the Texas Historical Commission was requesting is very small and is now occupied by the County Clerk's Office.

Judge Hinojosa noted that the old County Commissioner's Court has been transformed into an exhibit area that is for utilization by the Texas Historical Commission.

Commissioner Garza inquired as to the correspondence with the Texas Historical Commission regarding the available space in the basement.

Judge Hinojosa responded that he was unsure, but would look into the matter.

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the Discussion of Office Space for the Texas Historical Commission at the Cameron County Dancy Building was acknowledged and

The Documentation is as follows:

CONSENT ITEMS

ALL ITEMS UNDER THE CONSENT AGENDA ARE HEARD COLLECTIVELY UNLESS OPPOSITION IS PRESENTED, IN WHICH CASE THE CONTESTED ITEM WILL BE CONSIDERED, DISCUSSED, AND APPROPRIATE ACTION TAKEN SEPARATELY.

Commissioner Tamayo moved to approve the "Consent and Travel Items".

The motion was seconded by Commissioner Wood and carried unanimously.

- (8) **CONSIDERATION AND APPROVAL OF A RESOLUTION OF THE CAMERON COUNTY COMMISSIONERS' COURT DESIGNATING THE CAMERON COUNTY JUDICIAL BUILDING AS THE LOCATION FOR SECTION 51.000 PUBLIC SALES. (RB-LEGAL) (Resolution No. 2006R10016)**
The Resolution is as follows:
- (9) **CONSIDERATION AND AUTHORIZATION TO PURCHASE HP SUPPORT SERVICES FOR HP PRINTERS UTILIZING STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES INTER-LOCAL COOPERATIVE PURCHASING AGREEMENT CONTRACTS. (RJ-COMPUTER CENTER) (Contract No. 2006C10062)**
The Agreement is as follows:
- (10) **CONSIDERATION AND AUTHORIZATION TO PURCHASE HP SUPPORT SERVICES FOR HP USM4130DAE PRINTERS UTILIZING STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES INTER-LOCAL COOPERATIVE PURCHASING AGREEMENT CONTRACTS. (RJ-COMPUTER CENTER) (Contract No. 2006C10063)**
The Agreement is as follows:
- (11) **CONSIDERATION AND APPROVAL TO ACCEPT GRANT AWARD FROM THE GOVERNOR'S OFFICE CRIMINAL JUSTICE DIVISION FOR THE 2007 DISTRICT ATTORNEY'S VICTIM ASSISTANCE GRANT. (FB-PD & M)**
- (12) **CONSIDERATION AND APPROVAL TO ACCEPT GRANT AWARD FROM THE GOVERNOR'S OFFICE CRIMINAL JUSTICE DIVISION FOR THE DISTRICT ATTORNEY'S DOMESTIC VIOLENCE UNIT. (FB-PD & M)**
- (13) **CONSIDERATION AND AUTHORIZATION FOR CAMERON COUNTY PROGRAM DEVELOPMENT DEPARTMENT TO CONDUCT A PUBLIC HEARING PURSUANT TO THE 2007-2008 TEXAS COMMUNITY DEVELOPMENT PROGRAM COLONIA CONSTRUCTION FUND ON OCTOBER 24, 2006. (FB-PD & M)**
The Documents are as follows:
- (14) **CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN CAMERON COUNTY AND THE SALVATION ARMY FOR EMERGENCY PREPAREDNESS COORDINATION. (YS-HEALTH) (Contract No. 2006C10057)**
The Contract is as follows:
- (15) **CONSIDERATION AND AUTHORIZATION FOR THE CHIEF JUVENILE PROBATION OFFICER TO SIGN A MEMORANDUM OF UNDERSTANDING WITH BROWNSVILLE POLICE DEPARTMENT FOR OPERATION WEED AND SEED. (TR-JUVENILE) (Contract No. 2006C10058)**
The Memorandum of Understanding is as follows:
- (16) **CONSIDERATION AND AUTHORIZATION TO APPROVE A DUNE PROTECTION PERMIT FOR THE TEXAS DEPARTMENT OF TRANSPORTATION TO REMOVE SAND FROM PARK ROAD 100. (JM-PARK SYSTEM)**
The Documentation is as follows:

- (17) **CONSIDERATION AND AUTHORIZATION TO OPEN THE FOLLOWING BIDS/RFP FOR: (MF-PURCHASING)**
- (A) **COMPUTER SUPPLIES – ANNUAL BID #2440 C**
 - (B) **TONER CARTRIDGES – ANNUAL BID #2440 T**
 - (C) **OFFICE SUPPLIES – ANNUAL BID #2440 O**
 - (D) **CAFÉ FOOD CONCESSION SERVICES (COURT HOUSE ANNEX – JUDICIAL BLDG. – 974 E HARRISON ST) RFP # 1304 AND POSSIBLE SELECTION OF EVALUATION COMMITTEE BY COMMISSIONERS’ COURT.**
- (18) **CONSIDERATION AND AUTHORIZATION TO NEGOTIATE CONTRACT FOR STRUCTURAL INSPECTION: COUNTY INTERNATIONAL BRIDGES – ANNUAL RFQ #1230 – SUBJECT TO COMMISSIONERS’ COURT FINAL APPROVAL WITH DOS LOGISTICS. (MF-PURCHASING)**
The Tabulation is as follows:
- (19) **CONSIDERATION AND APPROVAL OF TIME EXTENSION FROM OCTOBER 5, 2006 TO OCTOBER 5, 2007 FOR PROVIDING SEWER FACILITIES (SEPTIC SYSTEMS) AT GRANDSTONE GARDENS SUBDIVISION, SECTION 1, PRECINCT NO. 4. (PS-DEPT. OF TRANSPORTATION)**
The Documents are as follows:
- (20) **CONSIDERATION AND APPROVAL OF TIME EXTENSION FROM FEBRUARY 1, 2005 TO NOVEMBER 15, 2007 FOR PROVIDING WATER AND SEWER FACILITIES (WATER WELLS AND SEPTIC SYSTEMS) AT NORTH PARKER ROAD SUBDIVISION, PRECINCT NO. 4. (PS-DEPT. OF TRANSPORTATION)**
The Documents are as follows:

TRAVEL ITEMS

- (21) **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) **DISTRICT ATTORNEY, TO TRAVEL TO HOUSTON, TX, ON 10/11-12/06, TO INTERVIEW VICTIM IN UPCOMING TRIAL.**
 - (B) **197TH DISTRICT COURT ADMINISTRATOR, TO TRAVEL TO CORPUS CHRISTI, TX, ON 10/24-27/06, TO ATTEND THE TEXAS ASSOCIATION FOR COURT ADMINISTRATION EDUCATION CONFERENCE.**
 - (C) **PUBLIC HEALTH PREPAREDNESS SUPERVISOR AND ASSISTANT HEALTH ADMINISTRATOR, TO TRAVEL TO SAN ANTONIO, TX, ON 11/27-12/1/06, TO ATTEND THE 2006 TEXAS HOMELAND SECURITY CONFERENCE.**
 - (D) **ASSISTANT DISTRICT ATTORNEY, TO TRAVEL TO HOUSTON, TX, ON 10/21-26/06, TO ATTEND NATIONAL COLLEGE OF DISTRICT ATTORNEY’S NATIONAL CONFERENCE ON DOMESTIC VIOLENCE.**
 - (E) **DISTRICT ATTORNEY INVESTIGATORS (2) AND ASSISTANT DISTRICT ATTORNEY, TO TRAVEL TO ABILENE, TX, ON 10/10-12/06, TO ATTEND WEST CENTRAL TEXAS COUNCIL OF GOVERNMENT’S CRIMINAL ENVIRONMENTAL LAW ENFORCEMENT TRAINING.**
 - (F) **HEALTH INSPECTOR, ANIMAL CONTROL SUPERVISOR, ANIMAL CONTROL OFFICER AND MESSENGER/INVENTORY CLERK, TO TRAVEL TO CORSICANA, TX, ON 10/18-20/06, TO ATTEND KIRK ENTERPRISES INC. DBA NATIONAL INCINERATOR TRAINING.**
 - (G) **JUVENILE PROBATION EMPLOYEES (4), TO TRAVEL TO AUSTIN, TX, ON 11/7-10/06, TO ATTEND “ANNUAL PROGRAM TRAINING MEETING AND 2ND ANNUAL STRENGTHENING YOUTH AND FAMILIES.”**

- (H) JUVENILE PROBATION EMPLOYEES (2), TO TRAVEL TO SAN ANTONIO, TX, ON 10/19-20/06, TO ATTEND “INAUGURAL REGIONAL TRAINING PLANNING MEETING.”

SUPPLEMENTAL AGENDA

CONSENT ITEMS

- (2) PROCLAMATION DECLARING OCTOBER 2006, AS “BREAST CANCER AWARENESS MONTH’ IN CAMERON COUNTY, TEXAS. (COMM. COURT) (Resolution No. 2006R10017)
- (3) CONSIDERATION AND AUTHORIZATION FOR FINAL APPROVAL FOR SUMMER HILL SUBDIVISION, SECTION I, PRECINCT NO. 2, BEING A 29.055 ACRE TRACT OF LAND OUT OF A 568.836 ACRE TRACT IN SHARE 14, ESPIRITU SANTO GRANT, CAMERON COUNTY, TEXAS.
The Documentation is as follows:

- (8) CONSIDERATION AND APPROVAL OF A RESOLUTION OF THE CAMERON COUNTY COMMISSIONERS' COURT DESIGNATING THE CAMERON COUNTY JUDICIAL BUILDING AS THE LOCATION FOR SECTION 51.000 PUBLIC SALES. (RB-LEGAL) (Resolution No. 2006R10016)**
The Resolution is as follows:

- (9) **CONSIDERATION AND AUTHORIZATION TO PURCHASE HP SUPPORT SERVICES FOR HP PRINTERS UTILIZING STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES INTER-LOCAL COOPERATIVE PURCHASING AGREEMENT CONTRACTS. (RJ-COMPUTER CENTER)
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The Agreement is as follows:

- (13) **CONSIDERATION AND AUTHORIZATION FOR CAMERON COUNTY PROGRAM DEVELOPMENT DEPARTMENT TO CONDUCT A PUBLIC HEARING PURSUANT TO THE 2007-2008 TEXAS COMMUNITY DEVELOPMENT PROGRAM COLONIA CONSTRUCTION FUND ON OCTOBER 24, 2006. (FB-PD & M)**

The Documents are as follows:

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(Contract No. 2006C10057)
The Contract is as follows:**

- (15) CONSIDERATION AND AUTHORIZATION FOR THE CHIEF JUVENILE PROBATION OFFICER TO SIGN A MEMORANDUM OF UNDERSTANDING WITH BROWNSVILLE POLICE DEPARTMENT FOR OPERATION WEED AND SEED. (TR-JUVENILE) (Contract No. 2006C10058)**
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The Documentation is as follows:

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The Tabulation is as follows:

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The Documents are as follows:

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The Documentation is as follows:**

EXECUTIVE SESSION

Upon motion by Commissioner Tamayo, seconded by Commissioner Wood and carried unanimously, the Court met in Executive Session at 9:52 A.M. to discuss the following matters:

(22) 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 LEASE OF LAND FOR A RIGHT OF WAY EASEMENT ON PROPERTY OWNED BY CAMERON COUNTY AT THE FREE TRADE BRIDGE, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**
- (D) DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 164, PRIMERA ROAD IN THE PRECINCT NO. 4 AREA, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**
- (E) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING CLAIM OF LUIS A. QUEZADA AND AUTHORITY TO REPRESENT THE COUNTY, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071(1)(A).**
- (F) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING AN AGREEMENT TO EXTEND INMATE PAY TELEPHONE AGREEMENT BETWEEN CAMERON COUNTY AND T-NETIX INC., A DIVISION OF SUCURUS TECHNOLOGIES AN ADDITIONAL (24) TWENTY-FOUR MONTHS 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, seconded by Commissioner Wood and carried unanimously, the Court reconvened into Regular Session at 10:12 A.M. to discuss the following matters:

(23) 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.**
- (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 LEASE OF LAND FOR A RIGHT OF WAY EASEMENT ON PROPERTY OWNED BY CAMERON COUNTY AT THE FREE TRADE BRIDGE, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**

Commissioner Wood let it be known that there was no discussion on Items No. 23 (A), (B) and (C).

Upon motion by Commissioner Wood, seconded by Commissioner Tamayo and carried unanimously, Executive Session Item No. 23 (A), (B) and (C) were **TABLED**.

(D) DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 164, PRIMERA ROAD IN THE PRECINCT NO. 4 AREA, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.

Commissioner Wood moved to approve the right of entry for survey.

The motion was seconded by Commissioner Tamayo and carried unanimously.

(E) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING CLAIM OF LUIS A. QUEZADA AND AUTHORITY TO REPRESENT THE COUNTY, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071(1)(A).

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, authorization for the Cameron County Commissioners' Court to represent Cameron County in the claim was approved.

(F) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING AN AGREEMENT TO EXTEND INMATE PAY TELEPHONE AGREEMENT BETWEEN CAMERON COUNTY AND T-NETIX INC., A DIVISION OF SUCURUS TECHNOLOGIES AN ADDITIONAL (24) TWENTY-FOUR MONTHS 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, seconded by Commissioner Wood and carried unanimously, authorization for Legal Counsel to negotiate a (2) year extension on the contract, as discussed in Executive Session, was approved.

(7) CONSIDERATION AND AUTHORIZATION TO TRANSFER JOB SLOT NO. 6003 JOB TITLE "COURT RECORDS COORDINATOR" FROM COUNTY COURT AT LAW NO. 1 FUND 100-426 COUNTY COURT AT LAW NO. 3 FUND 100-428. (JL-COUNTY CT. NO. 1)

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

There being no further business to come before the Court, upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the meeting was **ADJOURNED** at 10:15 A.M.

APPROVED this 14th day of **November 2006**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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