

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 29th day of January 2008, 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.**

THE COURT MET AT:

PRESENT:

5:00 P.M.

CARLOS H. CASCOS, CPA
COUNTY JUDGE

SOFIA C. 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:

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The meeting was called to order by Judge Cascos at 5:00 P.M. He asked Commissioner Tamayo for the invocation. The Beisteiro Family then led the Court and audience in reciting the Pledge of Allegiance and the Pledge of Allegiance to the State Flag.

The Court considered the following matters as posted and filed for Record in the Office of the County Clerk on January 25, 2008 at 2:12 P.M.:

(1) **PUBLIC COMMENTS.**

None were presented.

PRESENTATIONS

(2) **PRESENTATION BY THE COMPUTER CENTER ON
PREPARING PAPERLESS AGENDAS. (PSJ-
ADMINISTRATOR)**

Upon motion by Commissioner Tamayo, seconded by Commissioner Benavides and carried unanimously, the Presentation regarding Preparing Paperless Agendas was acknowledged.

The Presentation is as follows:

RESOLUTIONS

- (3) **CONSIDERATION AND APPROVAL OF RESOLUTION APPOINTING A COUNTY REPRESENTATIVE TO THE PUBLIC POWER POOL AND A TECHNICAL COMMITTEE MEMBER. (PSJ-ADMINISTRATOR) (TABLED)**

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

The Documentation is as follows:

**(4) CONSIDERATION AND ADOPTION OF A RESOLUTION
RECOGNIZING BALDOMERO MR. “B” TREVINO BEING
SELECTED AS 2007 TEXAS INDEPENDENT AUTOMOBILE
DEALER’S “QUALITY DEALER OF THE YEAR”. (TY-TAX
ASSESSOR-COLLECTOR) (Resolution No. 2008R01009)**

Upon motion by Commissioner Benavides, seconded by Commissioner Garza and carried unanimously, the Resolution recognizing Baldomero Mr. “B” Trevino being selected as 2007 Texas Independent Automobile Dealer’s “Quality Dealer of the Year” was adopted.

The Resolution is as follows:

SUPPLEMENTAL AGENDA

ACTION ITEM

(1) DISCUSSION AND POSSIBLE ACTION REGARDING THE EARLY VOTING POLLING LOCATIONS FOR THE DEMOCRATIC PRIMARY AND REPUBLICAN PRIMARY ELECTIONS OF MARCH 4, 2008 AND SETTING COMPENSATION RATES.

Mr. Roger Ortiz, Elections Administrator, stated that at a previous meeting, the location for the Town of South Padre Island was removed from the list of early voting polling locations and a location was added at the Browne Road Social Service Center.

Mr. Dewey Cashwell, City Manager for the Town of South Padre Island, stated that he was under the impression that there would be an early voting polling location at South Padre Island and added that the Town of South Padre Island is willing to cover the cost of hosting an early voting polling location.

Commissioner Tamayo questioned whether there are any legal issues with having a City pay for the costs associated with an early voting polling location.

Ms. Dylbia Jeffries-Vega, Legal Counsel, replied that she would need to investigate this issue further.

Commissioner Tamayo expressed concern about setting a precedent for allowing the Town of South Padre Island to fund an early voting polling location.

Commissioner Garza questioned whether there may be any legal ramifications with the Department of Justice regarding fair and equal accessibility to a voting location.

Commissioner Garza moved to approve the Early Voting Polling Locations for the Democratic Primary and Republican Primary Elections of March 4, 2008 and the Setting Compensation Rates with the inclusion of any governmental entity that wishes to participate pending a review by Legal Counsel with the Department of Justice and the Elections Administrator.

The motion was seconded by Commissioner Benavides and carried unanimously.

(27) DISCUSSION AND POSSIBLE ACTION REGARDING THE WITHDRAWAL OF PRIOR ANNEXATION APPROVAL OF DESIGNATED AREA OF COUNTY PROPERTY SOUTH OF THE TOWN OF SOUTH PADRE ISLAND AND APPROVAL OF NEW PROPOSED BOUNDARY AREA. (PSJ-ADMINISTRATOR) (TABLED)

Commissioner Tamayo motioned to table this item.

The motion was seconded by Commissioner Wood and carried unanimously.

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.

DISCUSSION CONCERNING CONSENT AND TRAVEL ITEMS:

Consent Items No. 13, No. 15 and No. 16:

Commissioner Tamayo asked to discuss these items separately.

Consent Item No. 19:

Judge Cascos asked to discuss this item separately.

Action Item No. 30:

Ms. Dylbia Jeffries-Vega, Legal Counsel, asked to include this item with the approval of "Consent Items".

Commissioner Tamayo moved to approve the "Consent and Travel Items", excluding Consent Items No.

13, No. 15, No. 16 and No. 19 and including Action Item No. 30.

The motion was seconded by Commissioner Benavides and carried unanimously.

- (5) **CONSIDERATION AND POSSIBLE APPROVAL OF CONTRACT FOR LEGAL SERVICES WITH PETER GILMAN TO PROVIDE LEGAL REPRESENTATION TO THE INDIGENT DEFENDANTS OF THE 103RD DISTRICT COURT. (JL-103RD DISTRICT COURT) (Contract No. 2008C01033)**
The Contract is as follows:
- (6) **CONSIDERATION AND POSSIBLE APPROVAL OF CONTRACT FOR LEGAL SERVICES WITH JOSEPH GRAHAM TO PROVIDE LEGAL REPRESENTATION TO THE INDIGENT DEFENDANTS OF THE 103RD DISTRICT COURT. (JL-103RD DISTRICT COURT) (Contract No. 2008C01034)**
The Contract is as follows:
- (7) **CONSIDERATION AND POSSIBLE APPROVAL OF CONTRACT FOR LEGAL SERVICES WITH DAVID SANCHEZ TO PROVIDE LEGAL REPRESENTATION TO THE INDIGENT DEFENDANTS OF THE 138TH DISTRICT COURT. (ACN-138TH DISTRICT COURT) (Contract No. 2008C01035)**
The Contract is as follows:
- (8) **CONSIDERATION AND ADOPTION OF A PROCLAMATION DECLARING THE MONTH OF JANUARY 2008 AS "CERVICAL CANCER AWARENESS MONTH" IN CAMERON COUNTY. (CHC-COUNTY JUDGE) (Resolution No. 2008R01010)**
The Resolution is as follows:
- (9) **CONSIDERATION AND ACCEPTANCE OF THE CRIMINAL JUSTICE DIVISION GRANT ACCEPTANCE NOTICE FOR THE SPECIAL OPERATIONS GROUP GRANT NUMBER DJ-06-A10-18254-02. (AV-DISTRICT ATTORNEY)**
- (10) **CONSIDERATION AND APPROVAL OF SEVEN (7) ADDITIONAL CELLULAR PHONES FOR THE DISTRICT ATTORNEY'S OFFICE. (AV-DISTRICT ATTORNEY)**
- (11) **CONSIDERATION AND APPROVAL TO PURCHASE VARIOUS OFFICE FURNITURE THROUGH HERMAN MILLER/WORKPLACE RESOURCE, VIA VENDORS "NATIONAL"-TxMAS CONTRACT NUMBER TXMAS-3-711060 AND "SIT ON IT"-TxMAS CONTRACT NUMBER TXMAS-4-7110240. (AV-DISTRICT ATTORNEY)**
- (12) **ACKNOWLEDGEMENT OF DISTRICT CLERK'S DECEMBER, 2007 MONTHLY FEE, FINES AND CRIMINAL REPORTS. (AdelaG-DISTRICT CLERK)**
The Report is as follows:

- (13) CONSIDERATION AND AUTHORIZATION TO EXEMPT FROM THE COUNTY PURCHASING ACT THE CONTRACT FOR THE TRANSPORTATION OF DECEASED BODIES TO THE MORGUE FOR AUTOPSIES, SPECIFICALLY THE REQUIREMENTS OF V.T.C.A., LOCAL GOVERNMENT CODE, SECTION 262.023, PURSUANT TO AUTHORITY GRANTED IN SECTION 262.024 (A) (2). (DJV-LEGAL) (Order No. 2008O1007) (ACTION TAKEN SEPARATELY)
- (14) CONSIDERATION AND POSSIBLE APPROVAL OF AGREEMENT WITH DR. JAMES A. FREEBERG, ED.D., P.C., PSYCHOLOGIST, TO PROVIDE CONSULTATIONS TO INMATES IN THE COUNTY JAIL AND PSYCHOLOGIST EVALUATIONS OF DETENTION OFFICERS AS REQUIRED BY THE TEXAS COMMISSION ON LAW ENFORCEMENT OFFICER STANDARDS AND EDUCATION (TCLEOSE). (DJV-LEGAL) (Contract No. 2008C01029)
The Contract is as follows:
- (15) CONSIDERATION AND APPROVAL TO REJECT RFP #070105 FOR LOCATIONS 5 & 6 AND POSSIBLE ACTION TO SOLICIT BID INCLUDING APPROVAL OF BID DOCUMENT FOR BEACH RENTAL CONCESSIONS AT DJ LERMA (L6) AND SAND PIPER PAVILION (L50) LOCATED IN ISLA BLANCA PARK. (JM-PARKS) (ACTION TAKEN SEPARATELY)
- (16) CONSIDERATION AND POSSIBLE ACTION TO SOLICIT BIDS FOR BEACH SNACK CONCESSION AT ANDY BOWIE PARK (L9). (JM-PARKS) (ACTION TAKEN SEPARATELY)
- (17) CONSIDERATION AND AUTHORIZATION TO RENEW THE FOLLOWING BIDS/RFP'S FOR ONE (1) ADDITIONAL YEAR: (MF-PURCHASING)
(A) ARMORED CAR SERVICES - ANNUAL BID #1180 (ROCHESTER ARMORED CAR)
(B) FINANCING OF EQUIPMENT - ANNUAL BID #1420 (BANK OF AMERICA)
(C) LUBES, OIL, GREASES & ANTIFREEZE - ANNUAL BID #1993 (HOLLON OIL)
The Tabulation is as follows:
- (18) CONSIDERATION AND AUTHORIZATION TO OPEN THE FOLLOWING BIDS/RFP'S/RFQ'S FOR: (MF-PURCHASING)
(A) CURB & GUTTER AND SIDEWALKS – CAMERON COLONIA PARK – SECTION #3
- (19) CONSIDERATION AND APPROVAL OF SERVICE AGREEMENT CONCERNING CAMERON COUNTY EMERGENCY COMMUNICATION (9-1-1 DISTRICT). (OL-SHERIFF) (Contract No. 2008C01028) (ACTION TAKEN SEPARATELY)
- (20) CONSIDERATION AND AUTHORIZATION TO ALLOW TEXAS STATE BANK TO RELEASE SECURITIES HELD BY THE FEDERAL RESERVE BANK ON THE COUNTY'S BEHALF. (DAB-TREASURER)
The Documentation is as follows:

TRAVEL ITEMS

- (21) CONSIDERATION 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 4 TO TRAVEL TO AUSTIN, TEXAS, ON 2/19 TO 2/21/08, TO ATTEND A BOARD MEETING FOR TEXAS ASSOCIATION OF COUNTIES.
- (B) CONSTABLE PRECINCT 6 STAFF (2) TO TRAVEL TO SAN ANTONIO, TEXAS, ON 2/17 TO 2/20/08, TO ATTEND TRAINING SEMINAR UNDERCOVER DRUG AND CRIMINAL INVESTIGATION TECHNIQUES.
- (C) COUNTY ADMINISTRATOR AND DEPUTY COUNTY ADMINISTRATOR TO TRAVEL TO WASHINGTON, DC, ON 1/30 TO 1/31/08, TO MEET WITH U.S. DEPARTMENT OF STATE OFFICIALS REGARDING THE VETERANS BRIDGE EXPANSION PROJECT.

- (D) COMMISSIONERS' COURT, COUNTY ADMINISTRATOR AND DEPUTY COUNTY ADMINISTRATOR TO TRAVEL TO EL PASO, TEXAS, ON 2/12 TO 2/13/08, TO ATTEND THE BI-NATIONAL CONFERENCE ON BRIDGES AND BORDER CROSSINGS.
- (E) DISTRICT ATTORNEY'S OFFICE STAFF (1) TO TRAVEL TO SAN ANTONIO, TEXAS, ON 2/11 TO 2/15/08, TO ATTEND THE SOUTH TEXAS HIDTA FINANCIAL MANAGER'S TRAINING CONFERENCE.
- (F) EXTENSION OFFICE STAFF (1) TO TRAVEL TO GALVESTON, TEXAS, ON 3/9 TO 3/14/08, TO REPRESENT SEA GRANT EXTENSION AND CAMERON COUNTY AT THE GULF STATES MARINE FISHERIES COMMISSION 58TH ANNUAL SPRING MEETING AND THE ATLANTIC BILLFISH RESEARCH PROGRAM SYMPOSIUM.
- (G) SHERIFF'S OFFICE STAFF (2) TO TRAVEL TO EAGLE PASS, TEXAS, ON 1/30 TO 2/2/08, TO ATTEND THE TEXAS BORDER SHERIFF'S COALITION.
- (H) SHERIFF'S OFFICE STAFF (1) TO TRAVEL TO SAN MARCOS, TEXAS, ON 2/9 TO 2/15/08 TO ATTEND THE ADVANCED SWAT TRAINING.
- (I) SHERIFF'S OFFICE STAFF (1) TO TRAVEL TO AUSTIN, TEXAS, ON 3/16 TO 3/22/08, TO ATTEND THE TEXAS BORDER SHERIFF'S COALITION-BSCO SCHEDULE.

ACTION ITEMS

- (30) CONSIDERATION AND POSSIBLE APPROVAL OF AGREEMENT WITH XEROX CORPORATION FOR COPIER/PRINTER. (DJV-LEGAL) (Contract No. 2008C02045)
The Agreement is as follows:

- (5) **CONSIDERATION AND POSSIBLE APPROVAL OF CONTRACT FOR LEGAL SERVICES WITH PETER GILMAN TO PROVIDE LEGAL REPRESENTATION TO THE INDIGENT DEFENDANTS OF THE 103RD DISTRICT COURT. (JL-103RD DISTRICT COURT) (Contract No. 2008C01033)**
The Contract is as follows:

- (6) CONSIDERATION AND POSSIBLE APPROVAL OF CONTRACT FOR LEGAL SERVICES WITH JOSEPH GRAHAM TO PROVIDE LEGAL REPRESENTATION TO THE INDIGENT DEFENDANTS OF THE 103RD DISTRICT COURT. (JL-103RD DISTRICT COURT) (Contract No. 2008C01034)**
The Contract is as follows:

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The Contract is as follows:

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The Resolution is as follows:

- (12) **ACKNOWLEDGEMENT OF DISTRICT CLERK'S DECEMBER, 2007 MONTHLY FEE, FINES AND CRIMINAL REPORTS. (AdelaG-DISTRICT CLERK)**
The Report is as follows:

- (14) **CONSIDERATION AND POSSIBLE APPROVAL OF AGREEMENT WITH DR. JAMES A. FREEBERG, ED.D., P.C., PSYCHOLOGIST, TO PROVIDE CONSULTATIONS TO INMATES IN THE COUNTY JAIL AND PSYCHOLOGIST EVALUATIONS OF DETENTION OFFICERS AS REQUIRED BY THE TEXAS COMMISSION ON LAW ENFORCEMENT OFFICER STANDARDS AND EDUCATION (TCLEOSE). (DJV-LEGAL) (Contract No. 2008C01029)**
The Contract is as follows:

- (17) **CONSIDERATION AND AUTHORIZATION TO RENEW THE FOLLOWING BIDS/RFP'S FOR ONE (1) ADDITIONAL YEAR: (MF-PURCHASING)**
- (A) **ARMORED CAR SERVICES - ANNUAL BID #1180 (ROCHESTER ARMORED CAR)**
 - (B) **FINANCING OF EQUIPMENT - ANNUAL BID #1420 (BANK OF AMERICA)**
 - (C) **LUBES, OIL, GREASES & ANTIFREEZE - ANNUAL BID #1993 (HOLLON OIL)**
- The Tabulation is as follows:**

- (20) CONSIDERATION AND AUTHORIZATION TO ALLOW TEXAS STATE BANK TO RELEASE SECURITIES HELD BY THE FEDERAL RESERVE BANK ON THE COUNTY'S BEHALF. (DAB-TREASURER)**
The Documentation is as follows:

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- (13) **CONSIDERATION AND AUTHORIZATION TO EXEMPT FROM THE COUNTY PURCHASING ACT THE CONTRACT FOR THE TRANSPORTATION OF DECEASED BODIES TO THE MORGUE FOR AUTOPSIES, SPECIFICALLY THE REQUIREMENTS OF V.T.C.A., LOCAL GOVERNMENT CODE, SECTION 262.023, PURSUANT TO AUTHORITY GRANTED IN SECTION 262.024 (A) (2). (DJV-LEGAL) (Order No. 2008O1007)**

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, Authorization to Exempt from the County Purchasing Act the Contract for the Transportation of Deceased Bodies to the Morgue for Autopsies, specifically the requirements of V.T.C.A., Local Government Code, Section 262.023, pursuant to authority granted in section 262.024 (A) (2) was approved.

The Order is as follows:

(15) CONSIDERATION AND APPROVAL TO REJECT RFP #070105 FOR LOCATIONS 5 & 6 AND POSSIBLE ACTION TO SOLICIT BID INCLUDING APPROVAL OF BID DOCUMENT FOR BEACH RENTAL CONCESSIONS AT DJ LERMA (L6) AND SAND PIPER PAVILION (L50) LOCATED IN ISLA BLANCA PARK. (JM-PARKS)

Commissioner Garza motioned to reject RFP #070105 for locations 5 & 6 and to approve the solicitation of bids including the approval of the bid document for Beach Rental Concessions at DJ Lerma (L6) and Sand Piper Pavilion (L50) located in Isla Blanca Park.

The motion was seconded by Judge Cascos and carried unanimously.

(16) CONSIDERATION AND POSSIBLE ACTION TO SOLICIT BIDS FOR BEACH SNACK CONCESSION AT ANDY BOWIE PARK (L9). (JM-PARKS)

Commissioner Wood motioned to Solicit Bids for the Beach Snack Concession at Andy Bowie Park (L9).

The motion was seconded by Commissioner Tamayo and carried unanimously.

(19) CONSIDERATION AND APPROVAL OF SERVICE AGREEMENT CONCERNING CAMERON COUNTY EMERGENCY COMMUNICATION (9-1-1 DISTRICT). (OL-SHERIFF) (TABLED)

Upon motion by Commissioner Benavides, seconded by Commissioner Garza and carried unanimously, this item was **TABLED**.

ACTION ITEMS

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

Upon motion by Commissioner Garza, seconded by Judge Cascos 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:

(23) APPROVAL OF CLAIMS.

Commissioner Benavides moved to approve the Claims.

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

AYE: Commissioner Benavides and Commissioner Wood

NAY: None

ABSTAIN: Judge Cascos as to Warrant No. 00194511, made payable to Harlingen Waterworks System, in the amount of \$181.71 and Warrant No. 00194585, made payable to Public Utilities Board, in the amount of \$5,766.93, Commissioner Garza as to Warrant No. 00194548, made payable to the Medicine Shoppe, in the amount of \$493.56 and Commissioner Tamayo as to Warrant No. 00194588, made payable to Red River Service Corporation, in the amount of \$197.72.

The Claims and Affidavits are as follows:

(24) APPROVAL OF MINUTES FOR:

- (A) JANUARY 8, 2008 – REGULAR MEETING**
- (B) JANUARY 15, 2008 – REGULAR MEETING**

Upon motion by Commissioner Wood, seconded by Commissioner Garza and carried unanimously, the Minutes for the January 8, 2008- Regular Meeting and January 15, 2008- Regular Meeting, - Special Meeting were approved.

(25) CONSIDERATION AND APPROVAL OF LOWEST QUOTE FOR THE CANOPY STRUCTURE FOR THE SECURITY WALL PROJECT TO BOWMAN DISTRIBUTING COMPANY. (PSJ-ADMINISTRATOR)

Commissioner Garza motioned to approve the lowest quote for the canopy structure for the security wall project to Bowman Distributing Company.

The motion was seconded by Commissioner Wood and carried unanimously.

The Documentation is as follows:

**(26) CONSIDERATION AND APPROVAL OF CONTRACT WITH
BOWMAN DISTRIBUTING COMPANY FOR THE SECURITY
WALL PROJECT. (PSJ-ADMINISTRATOR)
(Contract No. 2008C01023)**

Upon motion by Commissioner Garza, seconded by Commissioner Benavides and carried unanimously, the Contract with Bowman Distributing Company for the Security Wall Project was approved.

The Contract is as follows:

(28) DISCUSSION AND POSSIBLE ACTION REGARDING THE SELECTION OF A CONSULTANT FOR IMPROVEMENTS AT THE CAMERON COUNTY/PORT ISABEL AIRPORT. (PSJ-ADMINISTRATOR)

Commissioner Garza motioned to approve the recommendation of KSA Engineering, Inc. as a consultant for improvements at the Cameron County/Port Isabel Airport.

The motion was seconded by Commissioner Wood and carried unanimously.

The Documentation is as follows:

**(29) DISCUSSION AND POSSIBLE ACTION REGARDING THE
COUNTY'S STATE AND FEDERAL LEGISLATIVE AGENDA.
(PSJ-ADMINISTRATOR)**

Mr. David Garcia, Deputy County Administrator, informed the Court that the County Administrator's Office received a call from the General Services Administration and inquired as to whether Cameron County had any projects that need funding. He stated that the County Judge has sent a letter to the GSA requesting \$1 million for the Customs Facility for the West Rail Relocation Project. He reminded the Court that January 31, 2008 is the deadline for Homeland Security to begin implementing identification requirements at the international bridge crossings.

Mr. Pete Sepulveda, County Administrator, added that individuals crossing into the United States will need a passport or (2) forms of identification which include a birth certificate and a driver's license. He stated that Customs will be flexible with the identification requirements for the first (60) to (90) days.

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the Report by David Garcia regarding the County's State and Federal Legislative Agenda was acknowledged.

There being no further business to come before the Court, upon motion by Commissioner Benavides, seconded by Commissioner Garza and carried unanimously, the meeting was **ADJOURNED** at 7:05 P.M.

APPROVED this 19th day of **February 2008**

CARLOS H. CASCOS, CPA
COUNTY JUDGE

ATTEST:

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