

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 6th day of May 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 Pastor Gregory Fish for the invocation. La Feria City Manager Sunny Philip 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 May 2, 2008 at 10:31 A.M.:

(4) CONSENT ITEMS.

(T) CONSIDERATION AND AUTHORIZATION TO OPEN THE FOLLOWING BIDS/RFP'S/RFQ'S FOR: (MF-PURCHASING)

- a. ROAD MACHINERY & FARM IMPLEMENT O.E.M. PARTS – ANNUAL BID #2507**
- b. SOFTWARE INTEGRATION & DATA CONSULTING SERVICES – RFQ #080405**

Upon motion by Commissioner Tamayo, seconded by Commissioner Benavides and carried unanimously, Authorization to Open the Bids/RFP's/RFQ's for Road Machinery & Farm Implement O.E.M. Parts – Annual Bid #2507 and Software Integration & Data Consulting Services – RFQ #080405 was approved.

EXECUTIVE SESSION

Upon motion by Commissioner Tamayo, seconded by Commissioner Benavides and carried unanimously, the Court met in Executive Session at 5:07 P.M. to discuss the following matters:

(1) EXECUTIVE SESSION:

- (A) DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 157, PRIMERA ROAD IN THE PCT. 4 AREA, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**
- (B) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING AUTHORITY TO REPRESENT CAMERON COUNTY IN LITIGATION WITH JOE R. JONES CONSTRUCTION, INC., PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071(1)(A)&(2).**
- (C) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING DARIO DIAZ VS. CAMERON COUNTY AND CAMERON COUNTY PRECINCT 4 CONSTABLE ROBERT LOPES, IN HIS INDIVIDUAL AND OFFICIAL CAPACITIES; IN FEDERAL COURT; CIVIL ACTION NO. B-07-185, FOR DISCUSSION AND STATUS OF CASE, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071(A)&(2).**
- (D) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING THE TERMINATION OF RED RIVER SERVICES 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) CONSIDERATION AND APPOINTMENT OF COUNTY PURCHASING AGENT UNDER LOCAL GOVERNMENT CODE SECTION 262.0115, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**
- (F) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING CRYSTAL VICK, CHARGE NO. 451-2008-01028; FOR DISCUSSION AND AUTHORITY TO REPRESENT CAMERON COUNTY, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071 (A) & (2).**

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the Court reconvened into Regular Session at 6:04 P.M. to discuss the following matters:

(2) ACTION RELATIVE TO EXECUTIVE SESSION:

- (A) DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 157, PRIMERA ROAD IN THE PCT. 4 AREA, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**

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

- (B) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING AUTHORITY TO REPRESENT CAMERON COUNTY IN LITIGATION WITH JOE R. JONES CONSTRUCTION, INC., PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071(1)(A)&(2). (TABLED)**

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

- (C) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING DARIO DIAZ VS. CAMERON COUNTY AND CAMERON COUNTY PRECINCT 4 CONSTABLE ROBERT LOPES, IN HIS INDIVIDUAL AND OFFICIAL CAPACITIES; IN FEDERAL COURT; CIVIL ACTION NO. B-07-185, FOR DISCUSSION AND STATUS OF CASE, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071(A)&(2).**

Commissioner Garza motioned to appeal the case in Federal Court.

The motion was seconded by Commissioner Tamayo and carried unanimously.

- (D) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING THE TERMINATION OF RED RIVER SERVICES 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).**

Commissioner Benavides motioned to acknowledge the Report by Legal Counsel and accept the termination of the contract with Red River Services.

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

AYE: Commissioner Benavides, Commissioner Garza and Commissioner Wood

NAY: None

ABSTAIN: Commissioner Tamayo

Judge Cascos added that Commissioner Tamayo did not participate or attend the deliberation of this item.

The Affidavit is as follows:

(E) CONSIDERATION AND APPOINTMENT OF COUNTY PURCHASING AGENT UNDER LOCAL GOVERNMENT CODE SECTION 262.0115, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.

Commissioner Garza motioned to offer the position of County Purchasing Agent to Michael Forbes.

The motion was seconded by Commissioner Wood and carried unanimously.

(F) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING CRYSTAL VICK, CHARGE NO. 451-2008-01028; FOR DISCUSSION AND AUTHORITY TO REPRESENT CAMERON COUNTY, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071 (A) & (2).

Commissioner Garza motioned to acknowledge the Report by Legal Counsel and authorize the representation of Cameron County.

The motion was seconded by Commissioner Benavides and carried unanimously.

(3) PUBLIC COMMENTS.

Ms. Merriwood Ferguson asked the Court to consider joining the lawsuit with Eloisa Tamez against the Federal Government. She presented the Court with the guidelines to submit written comments to Congress regarding the proposed border wall.

Ms. Pamela Taylor read the 14th Amendment to the Constitution: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws". She commented on how the proposed border wall is a violation of rights and asked the Court to deny the Federal Government the opportunity to build the border wall.

Ms. Teresa Garza did not wish to address the Court and asked that her opinion supporting the lawsuit against the Department of Homeland Security be included in the record.

Dr. Julio Noboa did not wish to address the Court and asked that his statement be included in the record: "It is the responsibility of the County Commissioners to advocate to protect the legal rights of County residents and to make decisions that benefit the commercial, environmental, and economic well-being of the County. Joining this (law)suit will accomplish these objectives."

Dr. Eloisa G. Tamez stated that Cameron County is facing many challenges in relation to the Border Wall construction: 1) Many landowners are in peril of losing their lands, 2) The Department of Homeland Security have violated constitutional laws to take land, 3) Members of Congress passed the Real ID Act of 2005, giving Michael

Chertoff “absolute power”, 4) The rights of South Texas citizens are being violated as shown by the lack of proposed construction in properties owned by corporations and those well-connected, 5) South Texas citizens are being denied equal protection under the 5th Amendment, 6) The affected citizens lack representation by local officials, 7) Citizens are being accosted in their own land by Border Patrol Agents, 8) The Border Patrol Agents have turned the levee into a “highway” and the Department of Homeland Security is requiring County residents to repair the damage they have caused. She asked the Court to vote responsibly and approve joining the lawsuit against the Department of Homeland Security.

Ms. Estela Martinez did not wish to address the Court and asked that her statement be included in the record: “I would like Cameron County representatives to join lawsuit against M. Chertoff and represent citizens. I do not appreciate County official’s silence on this matter.”

Mr. Matthew Smith did not wish to address the Court and asked that his statement be included in the record: “Brownsville has become the focal point in the fight against the wall. Our County owes it to the landowners to help them in voicing their property rights.”

Mr. Francisco Solis Garcia stated that he is opposed to a border wall embedded in a levee on both sound legal grounds and valid grounds of good science and engineering practice. He added that he is not “seeking to cut a deal with a federal gang of outlaws, who have deluded themselves into believing they are above the rule of law, and not subject to the provisions of the United States Constitution” and noted that he stands “with full confidence, with Eloisa Tamez, and all aggrieved parties, to the furtherance of Truth, Liberty, and Justice in America, without prejudice, or gross contempt, for the law of the land.”

The Documentation is as follows:

CONSENT ITEMS

- (4) **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. 4 (K) and (X):

Mr. Pete Sepulveda, County Administrator, asked the Court to TABLE these items.

Commissioner Garza moved to approve the "Consent and Travel Items", excluding Consent Item No. 4 (T) and tabling Consent Items No. 4 (K) and (X).

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

AYE: Commissioner Garza, Commissioner Wood and Commissioner Benavides

NAY: None

ABSTAIN: Commissioner Tamayo as to Consent Item No. 4 (I)

- (A) **CONSIDERATION AND APPROVAL OF PROCLAMATION DECLARING THE MONTH OF MAY 2008 AS "MENTAL HEALTH MONTH". (JW-COMM. PCT. 2)**
- (B) **CONSIDERATION AND APPROVAL OF CHANGE ORDER #5 FINALIZING CONTRACT AMOUNT FOR HARLINGEN ANNEX. (AG-CCDoT) (Order No. 2008O5022)**
The Order is as follows:
- (C) **CONSIDERATION AND APPROVAL OF TIME EXTENSION FROM APRIL 20, 2008 TO APRIL 20, 2009 FOR PROVIDING SEWER FACILITIES (SEPTIC SYSTEMS) AT PALOMAR SUBDIVISION, PCT. 4. (EH-CCDoT)**
The Documentation is as follows:
- (D) **CONSIDERATION AND APPROVAL OF TIME EXTENSION FROM MARCH 19, 2008 TO MARCH 19, 2010 FOR PROVIDING SEWER FACILITIES (SEPTIC SYSTEMS) AT TAROS SUBDIVISION, PCT. 4. (EH-CCDoT)**
The Documentation is as follows:
- (E) **CONSIDERATION AND AUTHORIZATION TO RELEASE THE FINANCIAL GUARANTEE FOR WATERLINE CONSTRUCTION FOR WHITE RANCH MANOR SUBDIVISION, PCT. 4. (EH-CCDoT)**
The Documentation is as follows:
- (F) **CONSIDERATION AND AUTHORIZATION TO RELEASE THE FINANCIAL GUARANTEE FOR DRAINAGE CONSTRUCTION FOR RANGERVILLE GARDENS, SECTION I, PCT. 4 CONTRACT NO. 2008C04114. (EH-CCDoT)**
The Documentation is as follows:
- (G) **CONSIDERATION AND APPROVAL TO INITIATE THE DRAWING PROCESS ON LETTER OF CREDIT FOR ALOE VERA SUBDIVISION, SECTION 1, PCT. 4, FOR UNBUILT WATER WELLS AND SEPTIC SYSTEMS. (EH-CCDoT)**
The Documentation is as follows:
- (H) **CONSIDERATION AND AUTHORIZATION TO ACCEPT STONE CREEK DRIVE, OAK HOLLOW LANE, AND WESTFIELD DRIVE LOCATED IN STONE OAK SUBDIVISION, PHASE I, PCT. 4, AS**

RECORDED IN CABINET 1, PAGE 2827-A AND 2827-B OF THE CAMERON COUNTY MAP RECORDS, CAMERON COUNTY, TEXAS, INTO THE COUNTY ROAD SYSTEM. (EH-CCDoT)

The Documentation is as follows:

- (I) CONSIDERATION AND AUTHORIZATION FOR PRELIMINARY AND FINAL PLAT APPROVAL FOR SARITA-RICO SUBDIVISION, PCT. 4, BEING A 2.47 ACRES OF LAND OUT OF BLOCK 4, OF THE VALLEY GROVES SUBDIVISION, ACCORDING TO THE MAP RECORDED IN VOLUME 6, PAGE 29, OFFICIAL RECORDS OF CAMERON COUNTY, TEXAS. (EH-CCDoT)**

The Documentation and Affidavit are as follows:

- (J) CONSIDERATION AND AUTHORIZATION FOR FINAL PLAT APPROVAL FOR MALDONADO SUBDIVISION, PCT. 3, BEING 10.00 ACRES AND BEING ALL OF LOT THREE (3), BLOCK 201 SAN BENITO LAND AND WATER COMPANY SUBDIVISION, CAMERON COUNTY, TEXAS. (EH-CCDoT) (Contract No. 2008C04141)**

The Documentation is as follows:

- (K) CONSIDERATION AND AUTHORIZATION TO ENTER INTO THREE (3) YEAR SERVICE AGREEMENT WITH GLOBAFONE FOR VOICE SERVICE FEES AND AIRTIME MINUTES FOR AN IRIIDIUM SATELLITE CELLULAR PHONE FOR THE CAMERON COUNTY JUDGE'S DIVISION OF EMERGENCY MANAGEMENT. (JC-EMERGENCY MANAGEMENT) (TABLED)**

- (L) CONSIDERATION AND AUTHORIZATION TO ENTER INTO A PROJECT AGREEMENT WITH CAMERON COUNTY 9-1-1 EMERGENCY COMMUNICATIONS DISTRICT (CCECD) WITH REGARD TO ACCEPTING LIMITED FUNDING FROM CCECD TO COVER SERVICE MAINTENANCE COSTS ASSOCIATED WITH THE NICE RECORDER SYSTEMS AT NINE PUBLIC SAFETY ANSWERING POINTS (PSAP'S). (JC-EMERGENCY MANAGEMENT) (Contract No. 2008C05145)**

The Contract is as follows:

- (M) CONSIDERATION AND AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH XEROX FOR RENTAL OF COPIER. (TR-JUVENILE PROBATION) (Contract No. 2008C04133)**

The Contract is as follows:

- (N) CONSIDERATION AND AUTHORIZATION TO AWARD BID AND APPROVE STANDARD AGREEMENT NUMBER 2008C04136 WITH STAN CROCKETT D/B/A BAYVIEW FARMS FOR HYDRO-MULCHING, SODDING AND SITE PREPARATION AT LA PALOMA, RIO HONDO AND LA ESPERANZA PARK. (JM-PARKS) (Contract No. 2008C04136)**

The Contract is as follows:

- (O) CONSIDERATION AND AUTHORIZATION TO EXECUTE CHANGE ORDER NO. 1 TO THE BETTERMENT FUND OF CONTRACT NUMBER 2007C04076 AWARDED TO ZIWA CONSTRUCTION, INC., FOR THE SANTA ROSA BOYS AND GIRLS CLUB. (JM-PARKS) (Order No. 2008O5023)**

The Order is as follows:

- (P) CONSIDERATION AND AUTHORIZATION FOR THE CAMERON COUNTY CONSTRUCTION DIVISION TO REQUEST PROPOSALS FOR RESTORATION AND/OR REPLICATION OF TWO JUDGE'S DESK LAMPS FOR THE DANCY BUILDING SECOND FLOOR COURTROOM. (FB-PD&M)**

The Documentation is as follows:

- (Q) CONSIDERATION AND AUTHORIZATION FOR THE CAMERON COUNTY PROGRAM DEVELOPMENT DEPARTMENT AND CIVIL LEGAL DIVISION TO NEGOTIATE A PROFESSIONAL SERVICES AGREEMENT WITH ROBERTO J. RUIZ, ARCHITECT, FOR DESIGN AND DEVELOPMENT OF THE CEMETERY MEMORIAL PARK, ACROSS FROM THE DANCY BUILDING. (FB-PD&M)**

The Documentation is as follows:

- (R) CONSIDERATION AND APPROVAL TO AWARD LOW BID, WITH ALTERNATE BID ITEM 6B, IN LIEU OF BID ITEM 6, TO CUBCO CONSTRUCTION AT A TOTAL COST OF \$513,700, FOR SANITARY SEWER CONNECTIONS FOR EL SALADO IN CAMERON COUNTY PRECINCT NO. 1**

- (D) COUNTY CLERK'S OFFICE STAFF (5) TO TRAVEL TO AUSTIN, TEXAS, ON 5/12 TO 5/13/08, TO ATTEND THE TEXAS HEALTHY MARRIAGE SUMMIT CONCERNING HB 2683 AND HB 2685.**
- (E) DISTRICT ATTORNEY'S OFFICE STAFF (3) TO TRAVEL TO SAN ANTONIO, TEXAS, ON 6/16 TO 6/19/08, TO ATTEND THE SOUTH TEXAS HIDTA OPERATIONS AND INTELLIGENCE CONFERENCE.**
- (F) EXTENSION OFFICE STAFF (6) TO TRAVEL TO LAREDO, TEXAS, ON 5/20 TO 5/22/08, TO ATTEND THE DISTRICT 12 SPRING 4-H FACULTY MEETING.**
- (G) HEALTH DEPARTMENT STAFF (1) TO TRAVEL TO KINGSVILLE, TEXAS, ON 5/9/08, TO ATTEND THE TEXAS ASSOCIATION OF LOCAL WIC DIRECTORS PLANNING AND ORGANIZATION MEETING FOR THE FY2008 TALWD ANNUAL MEETING.**
- (H) JUSTICE OF THE PEACE PRECINCT 2 PLACE 1 STAFF (2) TO TRAVEL TO AUSTIN, TEXAS, ON 5/23/08, TO ATTEND THE JUSTICE OF THE PEACE 1 DAY COURTROOM SECURITY WORKSHOP.**
- (I) JUSTICE OF THE PEACE PRECINCT 7 PLACE 1 STAFF (1) TO TRAVEL TO AUSTIN, TEXAS, ON 5/22 TO 5/23/08, TO ATTEND THE ONE DAY COURTHOUSE SECURITY WORKSHOP.**
- (J) PARKS DIRECTOR AND DEPUTY DIRECTOR TO TRAVEL TO CORPUS CHRISTI, TEXAS, ON 5/12 TO 5/14/08, TO ATTEND THE SARGASSUM SYMPOSIUM 2008.**
- (K) PUBLIC WORKS DIRECTOR, STAFF (6) AND ADMINISTRATIVE SERVICES DIRECTOR TO TRAVEL TO McALLEN, TEXAS, ON 5/13/08, TO ATTEND THE 2008 REGIONAL SAFETY CONFERENCE.**
- (L) SHERIFFS DEPARTMENT STAFF (5) TO TRAVEL TO AUSTIN, TEXAS, ON 5/11 TO 5/16/08, TO ATTEND THE TEXAS JAIL ASSOCIATION SPRING CONFERENCE.**
- (M) EXTENSION OFFICE STAFF (1) TO TRAVEL TO WEST COLUMBIA, TEXAS AND TO VENICE, LOUISIANA, ON 4/15 TO 4/18/08, TO ATTEND THE FISHERIES SPECIALIST TRAINING.**
- (N) EXTENSION OFFICE STAFF (1) TO TRAVEL TO ROSENBERG, TEXAS, ON 6/2 TO 6/3/08, TO ATTEND THE SOUTH REGION TURFGRASS AGENT PROFESSIONAL DEVELOPMENT TRAINING.**

- (B) CONSIDERATION AND APPROVAL OF CHANGE ORDER #5 FINALIZING CONTRACT AMOUNT FOR HARLINGEN ANNEX. (AG-CCDoT) (Order No. 2008O5022)**
The Order is as follows:

- (C) CONSIDERATION AND APPROVAL OF TIME EXTENSION FROM APRIL 20, 2008 TO APRIL 20, 2009 FOR PROVIDING SEWER FACILITIES (SEPTIC SYSTEMS) AT PALOMAR SUBDIVISION, PCT. 4. (EH-CCDoT)**
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The Documentation is as follows:**

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The Documentation is as follows:

- (G) CONSIDERATION AND APPROVAL TO INITIATE THE DRAWING PROCESS ON LETTER OF CREDIT FOR ALOE VERA SUBDIVISION, SECTION 1, PCT. 4, FOR UNBUILT WATER WELLS AND SEPTIC SYSTEMS. (EH-CCDoT)**
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The Documentation and Affidavit are as follows:

- (J) CONSIDERATION AND AUTHORIZATION FOR FINAL PLAT APPROVAL FOR MALDONADO SUBDIVISION, PCT. 3, BEING 10.00 ACRES AND BEING ALL OF LOT THREE (3), BLOCK 201 SAN BENITO LAND AND WATER COMPANY SUBDIVISION, CAMERON COUNTY, TEXAS. (EH-CCDoT)
(Contract No. 2008C04141)
The Documentation is as follows:**

- (L) CONSIDERATION AND AUTHORIZATION TO ENTER INTO A PROJECT AGREEMENT WITH CAMERON COUNTY 9-1-1 EMERGENCY COMMUNICATIONS DISTRICT (CCECD) WITH REGARD TO ACCEPTING LIMITED FUNDING FROM CCECD TO COVER SERVICE MAINTENANCE COSTS ASSOCIATED WITH THE NICE RECORDER SYSTEMS AT NINE PUBLIC SAFETY ANSWERING POINTS (PSAP'S). (JC-EMERGENCY MANAGEMENT) (Contract No. 2008C05145)**
The Contract is as follows:

**(M) CONSIDERATION AND AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH XEROX FOR RENTAL OF COPIER. (TR-JUVENILE PROBATION) (Contract No. 2008C04133)
The Contract is as follows:**

- (N) **CONSIDERATION AND AUTHORIZATION TO AWARD BID AND APPROVE STANDARD AGREEMENT NUMBER 2008C04136 WITH STAN CROCKETT D/B/A BAYVIEW FARMS FOR HYDRO-MULCHING, SODDING AND SITE PREPARATION AT LA PALOMA, RIO HONDO AND LA ESPERANZA PARK. (JM-PARKS) (Contract No. 2008C04136)**
The Contract is as follows:

- (O) CONSIDERATION AND AUTHORIZATION TO EXECUTE CHANGE ORDER NO. 1 TO THE BETTERMENT FUND OF CONTRACT NUMBER 2007C04076 AWARDED TO ZIWA CONSTRUCTION, INC., FOR THE SANTA ROSA BOYS AND GIRLS CLUB. (JM-PARKS) (Order No. 2008O5023)**
The Order is as follows:

- (P) CONSIDERATION AND AUTHORIZATION FOR THE CAMERON COUNTY CONSTRUCTION DIVISION TO REQUEST PROPOSALS FOR RESTORATION AND/OR REPLICATION OF TWO JUDGE'S DESK LAMPS FOR THE DANCY BUILDING SECOND FLOOR COURTROOM. (FB-PD&M)
The Documentation is as follows:**

(Q) CONSIDERATION AND AUTHORIZATION FOR THE CAMERON COUNTY PROGRAM DEVELOPMENT DEPARTMENT AND CIVIL LEGAL DIVISION TO NEGOTIATE A PROFESSIONAL SERVICES AGREEMENT WITH ROBERTO J. RUIZ, ARCHITECT, FOR DESIGN AND DEVELOPMENT OF THE CEMETERY MEMORIAL PARK, ACROSS FROM THE DANCY BUILDING. (FB-PD&M)

The Documentation is as follows:

- (R) CONSIDERATION AND APPROVAL TO AWARD LOW BID, WITH ALTERNATE BID ITEM 6B, IN LIEU OF BID ITEM 6, TO CUBCO CONSTRUCTION AT A TOTAL COST OF \$513,700, FOR SANITARY SEWER CONNECTIONS FOR EL SALADO IN CAMERON COUNTY PRECINCT NO. 1 AND AUTHORIZATION TO NEGOTIATE CONSTRUCTION CONTRACT (TDCP CONTRACT NO. 727035). (FB-PD&M)**
The Documentation is as follows:

- (S) CONSIDERATION AND AUTHORIZATION TO ADVERTISE FOR THE FOLLOWING BIDS/RFP'S/RFQ'S: (MF-PURCHASING)**
- a. AUTO INSURANCE: AUTO LIABILITY, AUTO PHYSICAL DAMAGE, UNINSURED/UNDERINSURED MOTORIST COVERAGE, AND PERSONAL INJURY PROTECTION – RFP #1457 AND APPROVAL OF RFQ**
- The Documentation is as follows:**

- (V) CONSIDERATION AND APPROVAL OF TEXAS TRAFFIC SAFETY PROGRAM GRANT AGREEMENT BETWEEN THE STATE OF TEXAS (TEXAS DEPARTMENT OF TRANSPORTATION) AND CAMERON COUNTY. (OL-SHERIFF) (Contract No. 2008C05153) (Resolution No. 2008R05054)**
The Contract and Resolution are as follows:

- (W) CONSIDERATION AND AUTHORIZATION TO REFUND TAXES ON CORRECTION OF SUPPLEMENTAL CHANGES AS AUTHORIZED BY THE CAMERON APPRAISAL DISTRICT AS PER SECTION 25.25 (C) OF THE TEXAS PROPERTY TAX CODE TO: (TY-TAX OFFICE)**
- a. IGNACIO ORTEGA, JR. \$5,245.31 PAYMENT IN ERROR**
- The Documentation is as follows:**

(Y) CONSIDERATION AND AUTHORIZATION TO PURCHASE 20 RADIOS THROUGH SPRINT FOR USE BY THE PUBLIC WORKS EMPLOYEES. (LHA-CCDoT)

The Documentation is as follows:

ACTION ITEMS

(6) ACTION ITEMS.

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

Mr. Xavier Villarreal, Budget Officer, asked the Court to table the “Special Operations Group” Line Item Transfers that were provided in the back-up information. He then provided the Court with a correct version of the “Special Operations Group” Line Item Transfers for approval.

Commissioner Benavides motioned to approve the Budget Amendments, Line Item Transfers and/or Salary Schedules, tabling the “Special Operations Group” Line Item Transfers as stated.

The motion was seconded by Commissioner Garza and carried unanimously.

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

(B) APPROVAL OF CLAIMS.

Commissioner Tamayo moved to approve the Claims.

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

AYE: Commissioner Tamayo, Commissioner Garza, Commissioner Wood and Commissioner Benavides

NAY: None

ABSTAIN: Judge Cascos as to Warrant No. 00200253, made payable to Public Utilities Board, in the amount of \$781.84.

The Claims and Affidavit are as follows:

(C) CONSIDERATION AND AUTHORIZATION TO JOIN CAMERON COUNTY RESIDENT ELOISA TAMEZ AND THE TEXAS BORDER COALITION IN THEIR LAWSUIT AGAINST SECRETARY MICHAEL CHERTOFF AND THE U.S. DEPARTMENT OF HOMELAND SECURITY AS IT RELATES TO THE CONSTRUCTION OF A WALL/FENCE ALONG US/MEXICO BORDER. (JW-COMM. PCT. 2)

Judge Cascos-“Commissioner Wood?”

Commissioner Wood-“Thank you Judge. This is an item that we discussed a little bit last week and has been in the news media and supported by a lot of the communities and entities up and down the river having to do with the Federal Government’s intention to build a fence or a wall along certain areas of the border. I recently, just before the meeting, got the actual name of the lawsuit because it was not really available until that time; at least to me, to be able to receive it. The lawsuit is styled “Affirmative lawsuit of Tamez, Garcia, et al. versus Michael Chertoff and Robert F. Hanson of DHS (Department of Homeland Security)”. That is not actually the lawsuit that Ms. Tamez has. It’s a separate lawsuit that has been put together and is being supported by the Texas Border Coalition and some of the information I have received also having to do with some of the issues of the lawsuit I provided each of you by email earlier today; information that I received from Monica Weisberg, who serves on the Board of the Texas Border Coalition, which gives some information about what the Border Coalition is doing and how they’re doing it. She also indicated that the Texas Border Coalition has voted to proceed and if the County, Cameron County, were to bring our dues current, if they’re not already current, then we would already be part of the lawsuit. The other way to join into the lawsuit, if we were not part of the Texas Border Coalition, was to agree to join the lawsuit as Cameron County and would be another named plaintiff in the lawsuit. As indicated by her email the expenses to the attorney Mr. Peter Schey who is handling the lawsuit, according to Texas Border Coalition, amounts that they have agreed to pay Mr. Schey is a total of \$5,000. He’s agreed to that amount and that’s on their behalf. Mr. Schey and I did talk briefly Friday, he was in transit and travel, and I have not been able to discuss with him anything since that time but this kind of gives us an idea of what is happening on the Texas Border Coalition group and I personally think that it would be to our benefit to join in this class action lawsuit that is being filed and the Texas Border Coalition is the primary, apparently the primary plaintiff on it. The other issues that we have in the lawsuit have to do with you know some concern as explained here it does not affect the County or anyone else from continuing to negotiate with Department of Homeland Security in any way we might want to continue to negotiate with them, but it does hopefully focus on the lawsuit itself which would, we believe and everyone would hope, that it would delay the construction of the wall or fence; however they decide to do it, to a point where maybe

it won't be built at all and I think that's what most of us are looking for, to where we don't have it at all. I'll be glad to try to answer some questions. I understand from Pete (Sepulveda) that we right now are not a member of Texas Border Coalition; that we could pay our dues and become a member and in that way become a member of the lawsuit or we could join it separately and independently."

Judge Cascos-"Yeah, my understanding is the last time dues were paid were back in 2006, right? And I think, I don't know why we stopped paying the dues or why we're not members of the Texas Border Coalition but that's what it is. Any comments?"

Commissioner Garza-"I quit going to the meetings."

Judge Cascos-"I'm sorry, you quit going to the meetings?"

Commissioner Garza-"Right."

Judge Cascos-"Do you want to discuss that a little bit?"

Commissioner Garza-"Not necessarily but it came, to me, it became evident that I spend my time elsewhere more effectively."

Judge Cascos-"Ok."

Commissioner Garza-"So I did not proceed. I know that at the time Veronica De La Fuente, who was with the Judge's Office prior to you here, would attend some of the meetings some of the time and also serve in some capacity with the Border Coalition but time, I felt, I could better spend elsewhere than with the Texas Border Coalition."

Judge Cascos-"Ok."

Commissioner Wood-"The Texas Border Coalition initially started out as a Texas Border Infrastructure Coalition, which was developed all along the Texas border to go to the State Legislature to lobby and to work for more infrastructure in South Texas and along the border. I happen to have been one of the initial members at that time serving on the City Commission that when we organized the Texas Border Infrastructure Coalition, over the years it's changed to just Texas Border Coalition because it does now cover many things other than infrastructure and represents the interest of the border for many many different issues before the State Legislature; and now apparently is also looking at some of the legislation in Washington. I'm not sure that we don't need to be everywhere we can possibly be to have our face and our representation before the folks in Washington and Austin every chance we get. I think maybe we ought to look at rejoining or bringing our dues current as a member of the Texas Border Coalition. That however is really one way to join the lawsuit, if we would agree to do that. The other way is to vote to join the lawsuit individually and I would make a motion that we do that."

Judge Cascos-“Ok, I have a motion by Commissioner Wood to join the lawsuit with the Texas Border Coalition against the Department of Homeland Security and a bunch of other folks. Do I have a second? Do I have a second? Motion dies for lack of a second.”

(D) CONSIDERATION AND APPROVAL OF AN INTERLOCAL AGREEMENT BETWEEN CAMERON COUNTY, TEXAS, THE CITY OF LA FERIA, TEXAS, AND REINVESTMENT ZONE NUMBER ONE IN LA FERIA, TEXAS FOR PURPOSES OF TAX INCREMENT FINANCING PURSUANT TO CHAPTER 791 OF THE TEXAS GOVERNMENT CODE AND CHAPTER 311 OF TEXAS TAX CODE. (FB-PD&M) (Contract No. 2008C05150)

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the Interlocal Agreement between Cameron County, Texas, the City of La Feria, Texas, and Reinvestment Zone Number One in La Feria, Texas for Purposes of Tax Increment Financing pursuant to Chapter 791 of the Texas Government Code and Chapter 311 of Texas Tax Code.

The Contract is as follows:

(E) CONSIDERATION AND APPOINTMENT OF ONE VOTING MEMBER TO REPRESENT CAMERON COUNTY, TEXAS ON THE BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER ONE IN LA FERIA, TEXAS. (FB-PD&M)

Commissioner Garza motioned to appoint Commissioner Edna Tamayo to represent Cameron County, Texas on the Board of Directors of Reinvestment Zone Number One in La Feria, Texas.

The motion was seconded by Commissioner Wood and carried unanimously.

(F) CONSIDERATION AND AUTHORIZATION TO HOLD A PUBLIC HEARING REGARDING THE REVISION OF A SUBDIVISION PLAT BEING JAIME PEREZ SUBDIVISION AS RECORDED IN CABINET 1, SLOT 2801-B, 2802-A AND 2802-B, CAMERON COUNTY MAP RECORDS. (EH-CCD&T)

Upon motion by Commissioner Tamayo, seconded by Commissioner Wood and carried unanimously, the Public Hearing was opened.

Mr. Ernesto Hinojosa, County Engineer, asked that the Public Hearing be closed as there are no objections.

Upon motion by Commissioner Wood, seconded by Commissioner Benavides and carried unanimously, the Public Hearing was closed.

The Documentation is as follows:

(G) CONSIDERATION AND AUTHORIZATION TO ADOPT AN ORDER REGARDING THE REVISION OF A SUBDIVISION PLAT BEING JAIME PEREZ SUBDIVISION AS RECORDED IN CABINET 1, SLOT 2801-B, 2802-A AND 2802-B, CAMERON COUNTY MAP RECORDS. (EH-CCDoT) (Order No. 2008O5021)

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the Order regarding the Revision of a Subdivision Plat being Jaime Perez Subdivision as Recorded in Cabinet 1, Slot 2801-B, 2802-A and 2802-B, Cameron County Map Records was adopted.

The Order is as follows:

(H) DISCUSSION AND POSSIBLE ACTION REGARDING THE SOLID WASTE/BRUSH COLLECTION IN UNINCORPORATED AREAS OF THE COUNTY AND SPECIFICALLY TO REQUEST AUTHORITY FROM COMMISSIONERS' COURT TO EITHER ADVERTISE FOR REQUEST FOR PROPOSALS OR DIRECTLY NEGOTIATE A SOLID WASTE SERVICE CONTRACT. (PSJ-ADMINISTRATOR)

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the authority to advertise for Request for Proposals for Solid Waste/Brush Collection was approved.

(I) CONSIDERATION AND AUTHORIZATION TO EXEMPT FROM THE COUNTY PURCHASING ACT, SPECIFICALLY THE REQUIREMENTS OF V.T.C.A., LOCAL GOVERNMENT CODE, SECTION 262.023, THE PURCHASE OF AND CONTRACT FOR SOLID WASTE DISPOSAL SERVICES IN THE UNINCORPORATED AREAS OF THE COUNTY, PURSUANT TO AUTHORITY GRANTED IN SECTION 262.024(A)(2). (ROB-LEGAL DIVISION) (Order No. 200805020)

Commissioner Garza motioned to approve the Authorization to Exempt from the County Purchasing Act, specifically the requirements of V.T.C.A., Local Government Code, Section 262.023, the Purchase of and Contract for Solid Waste Disposal Services in the Unincorporated Areas of the County, pursuant to authority granted in Section 262.024(A) (2).

The motion was seconded by Commissioner Benavides and carried unanimously.

The Order is as follows:

(J) DISCUSSION AND POSSIBLE ACTION ON THE NEGOTIATION OR BIDDING OF THE DIRTY AL'S RESTAURANT CONCESSION AGREEMENT. (JM-PARKS)

Mr. Javier Mendez, Parks Director, recommended that the concession agreement for Dirty Al's Restaurant be renegotiated.

Commissioner Wood motioned to negotiate with Dirty Al's Restaurant concerning the concession agreement as per staff recommendation.

The motion was seconded by Commissioner Benavides and the vote was as follows:

AYE: Commissioner Wood and Commissioner Benavides

NAY: Commissioner Garza, Commissioner Tamayo and Judge Cascos

The motion fails by a vote of (2) to (3).

Commissioner Garza motioned to go through the sealed RFP Process for the location known as "Dirty Al's Restaurant".

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

AYE: Commissioner Garza, Commissioner Tamayo and Judge Cascos

NAY: Commissioner Wood and Commissioner Benavides

(K) DISCUSSION AND POSSIBLE ACTION ON THE NEGOTIATION OR BIDDING OF THE DOLPHIN COVE CONCESSION AGREEMENT IN ISLA BLANCA PARK. (JM-PARKS)

Commissioner Garza motioned to go through the sealed RFP Process for the location known as "Dolphin Cove".

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

AYE: Commissioner Garza, Commissioner Tamayo and Judge Cascos

NAY: Commissioner Wood and Commissioner Benavides

(L) CONSIDERATION AND APPROVAL OF PROPOSAL FOR PROFESSIONAL SERVICES FROM ROBERTO J. RUIZ, ARCHITECT, TO PRODUCE "AS-BUILT" DRAWINGS FOR THE DANCY BUILDING INTERIOR RESTORATION FOR A BASE FEE OF \$30,200, PLUS REIMBURSABLE EXPENSES. (FB-PD&M) (TABLED)

Commissioner Wood motioned to TABLE this item.

The motion was seconded by Commissioner Benavides and carried unanimously.

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- (M) **CONSIDERATION AND AUTHORIZATION TO AWARD BIDS/RFP'S/RFQ'S FOR THE FOLLOWING: (MF-PURCHASING)**
- b. **INSURANCE COVERAGE FOR PROPERTY & CONTENTS: WINDSTORM, HURRICANE, HAIL – RFP #080102 AND SUBJECT TO COMMISSIONERS' COURT APPROVAL OF NEGOTIATED CONTRACT.**

Mr. Pete Sepulveda, County Administrator, stated that staff recommendation is to award the RFP to Heinz & Associates-Coleman Hall.

Commissioner Tamayo motioned to award the RFP for Insurance Coverage for Property & Contents: Windstorm, Hurricane and Hail to Heinz & Associates-Coleman Hall.

The motion was seconded by Commissioner Tamayo and carried unanimously.

The Tabulation is as follows:

(N) CONSIDERATION AND DESIGNATION OF CAMERON COUNTY EMPLOYEE TO SERVE AS THE COORDINATOR OF THE TOBACCO SETTLEMENT FUND COMMITTEE. (JW-COMM. PCT. 2)

Commissioner Wood motioned to appoint Mr. David Garcia, Deputy County Administrator, and Mr. Xavier Villarreal, Budget Officer, to serve and jointly coordinate the Tobacco Settlement Fund Committee.

The motion was seconded by Commissioner Tamayo and carried unanimously.

NOTE: Commissioner Garza left the meeting at 7:18 p.m.

(O) DISCUSSION AND POSSIBLE ACTION REGARDING THE COUNTY'S STATE AND FEDERAL LEGISLATIVE AGENDA. (PSJ-ADMINISTRATOR) (NO ACTION TAKEN)

Mr. David Garcia, Deputy County Administrator, informed the Court that Representative Eddie Lucio III is organizing a letter to be sent to the Governor to express concern regarding the recent appointments to the Texas Department of Transportation Commission. He added that staff has met with Representative-Elect Tara Rios Ybarra to inform her of the needs of Cameron County concerning transportation, health, colonia issues and technology.

There being no further business to come before the Court, upon motion by Commissioner Tamayo, seconded by Commissioner Benavides and carried unanimously, the meeting was **ADJOURNED** at 7:23 P.M.

APPROVED this 27th day of **May 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