

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 3rd day of June 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

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:
SOFIA C. BENAVIDES

The meeting was called to order by Judge Cascos 5:11 P.M. He asked Pastor Thomas Carubba for the invocation. Mr. Joe Hernandez, Mayor of the City of San Benito, 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 30, 2008 at 12:06 P.M.:

CONSENT ITEMS

(6) CONSENT ITEMS.

- (C) CONSIDERATION AND APPROVAL OF RESOLUTION HONORING DR. PHILLIP CONATSER, ASSISTANT PROFESSOR OF HEALTH & HUMAN PERFORMANCE-UTB/TSC, OSEAS CANTU, STUDENT HEALTH SERVICES-UTB/TSC, DR. SUSAN HART, ASSOCIATE PROFESSOR HEALTH & HUMAN PERFORMANCE-UTB/TSC AND ALBERT BARREDA REGISTRAR-UTB/TSC FOR THEIR COURAGEOUS AND VALIANT EFFORTS IN SAVING THE LIFE OF ERNESTO GAMEZ AND THE UNIVERSITY OF TEXAS AT BROWNSVILLE AND TEXAS SOUTHMOST COLLEGE FOR HAVING THE ADEQUATE MEDICAL DEVICES THAT ENABLED THE RESPONDERS TO REVIVE MR. GAMEZ. (COMM. COURT)**

Upon motion by Commissioner Wood, seconded by Commissioner Tamayo and carried unanimously, the Resolution honoring Dr. Phillip Conatser, Assistant Professor of Health & Human Performance-UTB/TSC, Oseas Cantu, Student Health Services- UTB/TSC, Dr. Susan Hart, Associate Professor Health & Human Performance-UTB/TSC and Albert Barreda Registrar- UTB/TSC for their courageous and valiant efforts in saving the life of Ernesto Gamez and the University of Texas at Brownsville and Texas Southmost College for having the adequate medical devices that enabled the responders to revive Mr. Gamez was approved.

- (G) CONSIDERATION AND ACTION FOR THE APPOINTMENT OF DAVID MARTINEZ, PARK RANGER IN COMPLIANCE WITH THE FINDING THAT IT IS NECESSARY TO APPOINT THE RESERVE PARK RANGER IN ORDER TO PROPERLY HANDLE THE BUSINESS OF THE CHIEF PARK RANGER OFFICE THAT ORIGINATES IN THE CAMERON COUNTY PARKS AND THAT THE APPOINTMENT IS VALID ONLY THROUGH THE END OF THE FISCAL YEAR IN WHICH THE APPOINTMENT IS MADE OR THE CURRENT TERM OF THE APPOINTED CHIEF PARK RANGER WHICHEVER ENDS SOONER. (MV-HUMAN RESOURCES) (TABLED)**

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

BIDS, RFQ'S, RFP'S

(1) BIDS, RFQ'S, RFP'S:

- (A) CONSIDERATION AND AUTHORIZATION TO RENEW THE FOLLOWING BIDS/RFP'S FOR ONE (1) ADDITIONAL YEAR: (MF-PURCHASING)**
a. SAFETY GLASSES, PRESCRIPTION – ANNUAL BID #2610 (EYE EAR OPTICAL)

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, authorization to renew the Bids/RFP's for One (1) Additional Year for Safety Glasses, Prescription – Annual Bid #2610 (Eye Ear Optical) was approved.

The Documentation is as follows:

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- (B) CONSIDERATION AND AUTHORIZATION TO OPEN THE FOLLOWING BIDS/RFP'S/RFQ'S FOR: (MF-PURCHASING)**
- a. DATA SERVICES – FIXED WIRELESS BROADBAND SERVICES – ANNUAL RFP #1468
 - b. LASER PRINTING OF 2008 TAX STATEMENTS AND ENVELOPES – ANNUAL BID #1640

Upon motion by Commissioner Wood, seconded by Commissioner Tamayo and carried unanimously, Authorization to Open the Bids/RFP's/RFQ's for Data Services–Fixed Wireless Broadband Services–Annual RFP #1468 and Laser Printing of 2008 Tax Statements and Envelopes–Annual Bid #1640 was approved.

EXECUTIVE SESSION

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the Court met in Executive Session at 5:16 P.M. to discuss the following matters:

(2) EXECUTIVE SESSION:

- (A) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING FRANCISCO ORTEGA VS. CAMERON COUNTY, TEXAS, OMAR LUCIO AND JOHN DOE; CAUSE NO. 2008-05-2972-A, FOR DISCUSSION AND AUTHORITY TO REPRESENT CAMERON COUNTY AND THE INDIVIDUAL DEFENDANTS, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071 (A) & (2).**
- (B) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING JOE R. JONES CONTRACT AND THE STATUS OF SETTLEMENT OFFER, PURSUANT TO, V.T.C.A. GOVERNMENT CODE, SECTION 551.071 (1)(A)(B) & (2).**
- (C) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING THE SALE OF THE OLD COUNTY HEALTH BUILDING ON TRAVIS STREET TO THE CITY OF SAN BENITO, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**

Upon motion by Commissioner Garza, seconded by Commissioner Wood and carried unanimously, the Court reconvened into Regular Session at 5:27 P.M. to discuss the following matters:

(3) ACTION RELATIVE TO EXECUTIVE SESSION:

- (A) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING FRANCISCO ORTEGA VS. CAMERON COUNTY, TEXAS, OMAR LUCIO AND JOHN DOE; CAUSE NO. 2008-05-2972-A, FOR DISCUSSION AND AUTHORITY TO REPRESENT CAMERON COUNTY AND THE INDIVIDUAL DEFENDANTS, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071 (A) & (2).**

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, authorization for the Civil/Legal Division to represent Omar Lucio, Sheriff, John Doe, Deputy, and Cameron County was approved.

- (B) **CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING JOE R. JONES CONTRACT AND THE STATUS OF SETTLEMENT OFFER, PURSUANT TO, V.T.C.A. GOVERNMENT CODE, SECTION 551.071 (1)(A)(B) & (2).**

Upon motion by Commissioner Wood, seconded by Commissioner Garza and carried unanimously, the Report by Pete Sepulveda, County Administrator, was acknowledged.

- (C) **CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING THE SALE OF THE OLD COUNTY HEALTH BUILDING ON TRAVIS STREET TO THE CITY OF SAN BENITO, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**

Commissioner Garza motioned to authorize the sale of the building to the City of San Benito.

The motion was seconded by Commissioner Tamayo and carried unanimously.

PRESENTATIONS

(4) **PRESENTATIONS/RESOLUTIONS.**

- (A) **PRESENTATION OF RESOLUTION HONORING JAMES R. MATZ. (COMM. COURT) (TABLED)**

Commissioner Wood motioned to TABLE this item.

The motion was seconded by Commissioner Tamayo and carried unanimously.

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- (B) **PRESENTATION BY JOHN KITTLEMAN, GENERAL MANAGER, KRGV-TV NEWSCHANNEL 5, REGARDING THE UPCOMING TRANSITION TO DIGITAL TELEVISION. (PSJ-ADMINISTRATOR)**

Mr. John Kittleman presented the following information to the Court concerning the transition from analog to digital television on February 17, 2009. He noted that there are 32,790 estimated households in Cameron County that will be affected by the transition as those households are not cable or satellite-ready.

Judge Cascos asked the County Auditor to distribute the handout provided by Mr. Kittleman via the next available payroll run. He also asked that the information be placed on the County website.

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the Presentation Regarding the Upcoming Transition to Digital Television was acknowledged.

The Documentation is as follows:

(C) PRESENTATION BY THE BROWNSVILLE ECONOMIC DEVELOPMENT COUNCIL ON COUNTY TAX ABATEMENT REQUEST FOR T-MOBILE. (FB-PD&M)

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the Presentation by the Brownsville Economic Development Council on County Tax Abatement Request for T-Mobile was acknowledged.

The Documentation is as follows:

(5) PUBLIC COMMENTS.

Ms. Michelle Moncivaiz presented the following letter requesting that the Court reconsider joining the lawsuit against the Department of Homeland Security as a member of the Texas Border Coalition.

Mr. Fernando Ruiz commented on the Freedom of Information Act and informed the Court of a vendor that is doing business with the County that is withholding information that he has requested.

The Documentation is as follows:

CONSENT ITEMS

- (6) **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:

Travel Item No. 7 (C):

Mr. Pete Sepulveda, County Administrator, asked that this item be tabled.

Commissioner Tamayo moved to approve the "Consent and Travel Items", excluding Consent Items No. 6

(C) and 6 (G) and tabling Travel Item No. 7 (C).

The motion was seconded by Commissioner Garza and carried unanimously.

- (A) **CONSIDERATION AND POSSIBLE APPROVAL OF AGREEMENT WITH STATE OF TEXAS CONTRACT DIR-SDD-515 WITH TDIR/XEROX FOR A NEW COPIER. (107TH JUDICIAL DISTRICT COURT) (Contract No. 2008C06161)**
The Documentation is as follows:
- (B) **CONSIDERATION AND APPROVAL TO PAY ANNUAL LIABILITY, AUTO PHYSICAL DAMAGE, AND GENERAL LIABILITY, INVOICE FROM TEXAS ASSOCIATION OF COUNTIES COVERAGE PERIOD 3/19/08 THROUGH 3/19/09. (MG-AUDITOR)**
The Documentation is as follows:
- (C) **CONSIDERATION AND APPROVAL OF RESOLUTION HONORING DR. PHILLIP CONATSER, ASSISTANT PROFESSOR OF HEALTH & HUMAN PERFORMANCE-UTB/TSC, OSEAS CANTU, STUDENT HEALTH SERVICES-UTB/TSC, DR. SUSAN HART, ASSOCIATE PROFESSOR HEALTH & HUMAN PERFORMANCE-UTB/TSC AND ALBERT BARREDA REGISTRAR-UTB/TSC FOR THEIR COURAGEOUS AND VALIANT EFFORTS IN SAVING THE LIFE OF ERNESTO GAMEZ AND THE UNIVERSITY OF TEXAS AT BROWNSVILLE AND TEXAS SOUTHMOST COLLEGE FOR HAVING THE ADEQUATE MEDICAL DEVICES THAT ENABLED THE RESPONDERS TO REVIVE MR. GAMEZ. (COMM. COURT) (ACTION TAKEN SEPARATELY)**
- (D) **CONSIDERATION AND APPROVAL OF PROCLAMATION DECLARING JUNE 3, 2008 AS MITTIE PULLAM DAY IN CAMERON COUNTY, TEXAS. (COMM. COURT)**
- (E) **CONSIDERATION AND AUTHORIZATION TO PURCHASE SOFTWARE LICENSES FOR THE COUNTY SERVERS AND COMPUTERS USING TDIR-TEXAS DEPARTMENT OF INFORMATION RESOURCES (2008 EQUIPMENT LIST COMPUTERS). (JR-COMPUTER CENTER) (Contract No. 2008C05142)**
The Contract is as follows:
- (F) **CONSIDERATION AND APPROVAL OF CONTRACT WITH TDIR-TEXAS DEPARTMENT OF INFORMATION RESOURCES STATE CONTRACT VENDOR: DIR-SDD-515. (JR-COMPUTER CENTER) (Contract No. 2008C06160)**
The Contract is as follows:
- (G) **CONSIDERATION AND ACTION FOR THE APPOINTMENT OF DAVID MARTINEZ, PARK RANGER IN COMPLIANCE WITH THE FINDING THAT IT IS NECESSARY TO APPOINT THE RESERVE PARK RANGER IN ORDER TO PROPERLY HANDLE THE BUSINESS OF THE CHIEF PARK RANGER OFFICE THAT ORIGINATES IN THE CAMERON COUNTY PARKS AND THAT THE APPOINTMENT IS VALID ONLY THROUGH THE END OF THE FISCAL YEAR IN WHICH THE APPOINTMENT IS MADE OR THE CURRENT TERM OF THE APPOINTED CHIEF PARK RANGER WHICHEVER ENDS SOONER. (MV-HUMAN RESOURCES) (ACTION TAKEN SEPARATELY)**

- (H) **CONSIDERATION AND AUTHORIZATION TO PAY INVOICE FROM GULF COAST PAPER CO. IN THE AMOUNT OF \$191.52 WITHOUT A PURCHASE ORDER. (JM-PARKS)**
The Documentation is as follows:
- (I) **CONSIDERATION AND AUTHORIZATION TO PAY INVOICE FROM A CLEAN PORTOCO IN THE AMOUNT OF \$557.00 WITHOUT A PURCHASE ORDER. (JM-PARKS)**
The Documentation is as follows:
- (J) **CONSIDERATION AND AUTHORIZATION TO PAY INVOICE FROM BUSINESS SUPPLY CENTER IN THE AMOUNT OF \$459.85 WITHOUT PURCHASE ORDER. (JM-PARKS)**
The Documentation is as follows:
- (K) **CONSIDERATION AND AUTHORIZATION FOR THE COUNTY JUVENILE PROBATION DEPARTMENT TO ENTER INTO A CONTRACT WITH BIENESTAR COUNSELING SERVICES SO THAT THEY CONTINUE TO PROVIDE SERVICES IN COMPLIANCE WITH THE DEPARTMENT'S VICTIM GRANT. (TR-JUVENILE PROBATION) (Contract No. 2008C06159)**
The Contract is as follows:
- (L) **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:
- (M) **CONSIDERATION AND APPROVAL OF PAYMENT OF DUES FOR THE TEXAS CONFERENCE OF URBAN COUNTIES IN THE AMOUNT OF \$11,530.00. (PSJ-ADMINISTRATOR)**
The Documentation is as follows:
- (N) **CONSIDERATION AND APPROVAL OF CLOSURE OF BRIDGE CR 536 OVER SAN VICENTE DRAIN. (EH-CCDoT)**
The Documentation is as follows:

TRAVEL ITEMS

- (7) **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) **COUNTY CLERK TO TRAVEL TO PHOENIX, ARIZONA, ON 7/17 TO 7/21/08, TO ATTEND THE IACREOT 37TH ANNUAL CONFERENCE & TRADE SHOW.**
- (B) **COUNTY COURT AT LAW NO. 2 STAFF (1) TO TRAVEL TO AUSTIN, TEXAS, ON 6/16 TO 6/20/08, TO ATTEND THE PROFESSIONAL DEVELOPMENT PROGRAM.**
- (C) **DISTRICT ATTORNEY'S OFFICE STAFF (2) TO TRAVEL TO AUSTIN, TEXAS, ON 5/28 TO 5/30/08, TO ATTEND THE TEXAS DISTRICT AND COUNTY ATTORNEY ASSOCIATIONS CIVIL LAW SEMINAR. (TABLED)**
- (D) **DISTRICT ATTORNEY'S OFFICE STAFF (1) TO TRAVEL TO SAN ANTONIO, TEXAS ON 6/12 TO 6/13/08, TO ATTEND THE TEXAS ASSOCIATION OF MUNICIPAL INFORMATION OFFICERS' 2008 SPRING CONFERENCE.**
- (E) **DISTRICT ATTORNEY'S OFFICE STAFF (1) TO TRAVEL TO SAN ANTONIO, TEXAS, ON 6/18 TO 6/20/08, TO ATTEND TEXAS DISTRICT AND COUNTY ATTORNEY ASSOCIATIONS DIGITAL EVIDENCE SEMINAR.**
- (F) **EXTENSION OFFICE STAFF (1) TO TRAVEL TO ROSENBERG, TEXAS, ON 6/2 TO 6/3/08, TO ATTEND THE TURFGRASS TRAINING.**

- (G) JUVENILE PROBATION DEPARTMENT STAFF (3) TO TRAVEL TO CONROE, TEXAS, ON 6/23 TO 6/24/08, TO ATTEND THE BUDGET WORKSHOP FOR 2008. (TR-JUVENILE)**
- (H) PUBLIC WORKS STAFF (3) TO TRAVEL TO SOUTH PADRE ISLAND, TEXAS, ON 6/25 TO 6/27/08, TO ATTEND THE MOMENTUM 2008 GOVERNMENTAL PURCHASING SEMINAR.**
- (I) TAX OFFICE STAFF (3) TO TRAVEL TO AUSTIN, TEXAS, ON 6/17 TO 6/19/08, TO ATTEND THE TEXAS AUTO BURGLARY & THEFT PREVENTION AUTHORITY BOARD MEETING AND GRANT REVIEW.**

- (A) CONSIDERATION AND POSSIBLE APPROVAL OF AGREEMENT WITH STATE OF TEXAS CONTRACT DIR-SDD-515 WITH TDIR/XEROX FOR A NEW COPIER. (107TH JUDICIAL DISTRICT COURT) (Contract No. 2008C06161)**
The Documentation is as follows:

- (B) CONSIDERATION AND APPROVAL TO PAY ANNUAL LIABILITY, AUTO PHYSICAL DAMAGE, AND GENERAL LIABILITY, INVOICE FROM TEXAS ASSOCIATION OF COUNTIES COVERAGE PERIOD 3/19/08 THROUGH 3/19/09. (MG-AUDITOR)**
The Documentation is as follows:

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IN THE AMOUNT OF \$459.85 WITHOUT PURCHASE ORDER. (JM-PARKS)
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The Documentation is as follows:

- (N) CONSIDERATION AND APPROVAL OF CLOSURE OF BRIDGE CR 536 OVER SAN VICENTE DRAIN.
(EH-CCDoT)
The Documentation is as follows:**

ACTION ITEMS

(8) ACTION ITEMS.

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

Mr. Xavier Villarreal, Budget Officer, noted that the line item listed on Page (2) under Commissioner Pct. 3as “phones” should read “communications”.

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo 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:

(B) APPROVAL OF CLAIMS.

Commissioner Garza moved to approve the Claims.

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

AYE: Commissioner Wood and Commissioner Garza

NAY: None

ABSTAIN: Judge Cascos as to Warrant No. 00201783, made payable to Public Utilities Board, in the amount of \$866.23 and Commissioner Tamayo as to Warrant No. 00201785, made payable to Red River Services Corp., in the amount of \$126.60.

The Claims and Affidavits are as follows:

(C) APPROVAL OF MINUTES FOR:

MAY 13, 2008 – REGULAR MEETING

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the Minutes for the May 13, 2008- Regular Meeting, was approved.

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

Mr. Pete Sepulveda, County Administrator, reported that Commissioner Wood, Mr. David Garcia, Deputy County Administrator, and himself attended the Bi-national Meeting on Bridges & Border Crossings and made a presentation regarding the expansion at the Veteran's Bridge.

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the Report 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 Garza, seconded by Commissioner Tamayo and carried unanimously, the meeting was **ADJOURNED** at 6:33 P.M.

APPROVED this 23rd day of **June 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