

THE STATE OF TEXAS           §

COUNTY OF CAMERON         §

**BE IT REMEMBERED** on the 10<sup>th</sup> day of November 2008, there was conducted a **SPECIAL 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:**

**9:00 A.M.**

**CARLOS H. CASCOS, CPA**  
**COUNTY JUDGE**

**SOFIA C. BENAVIDES**  
**COMMISSIONER PRECINCT NO. 1**

**JOHN WOOD**  
**COMMISSIONER PRECINCT NO. 2**

**COMMISSIONER PRECINCT NO. 3**

**EDNA TAMAYO**  
**COMMISSIONER PRECINCT NO. 4**

**JOE G. RIVERA**  
**COUNTY CLERK**

**Aide A. Trejo**                                 **Deputy Clerk**

**ABSENT:**  
**DAVID A. GARZA**

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The meeting was called to order by Judge Cascos at 9:00 A.M. He asked Retired Lieutenant Commander Robert Fanov for the invocation. The Veterans in attendance 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 November 7, 2008 at 8:07 A.M.:

## **EXECUTIVE SESSION**

Upon motion by Commissioner Tamayo, seconded by Commissioner Benavides and carried unanimously, the Court met in Executive Session at 9:04 A.M. to discuss the following matters:

**(1) EXECUTIVE SESSION:**

- (A) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING USA V. 0.80 ACRES OF LAND, MORE OR LESS SITUATED IN CAMERON COUNTY, STATE OF TEXAS; AND GONZALEZ FAMILY LIMITED PARTNERSHIP, ET. AL., CASE NO. 08-CV-157, U.S. DISTRICT COURT, SOUTHERN DISTRICT OF TEXAS TRACT NO. RGV-HRL-1009, 1009-E-1, 1009-E-2, FOR DISCUSSION AND SETTLEMENT, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071 (1) (A) (B) & (2).**

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Upon motion by Commissioner Tamayo, seconded by Commissioner Wood and carried unanimously, the Court reconvened into Regular Session at 9:13 A.M. to discuss the following matters:

**(2) ACTION RELATIVE TO EXECUTIVE SESSION:**

- (A) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING USA V. 0.80 ACRES OF LAND, MORE OR LESS SITUATED IN CAMERON COUNTY, STATE OF TEXAS; AND GONZALEZ FAMILY LIMITED PARTNERSHIP, ET. AL., CASE NO. 08-CV-157, U.S. DISTRICT COURT, SOUTHERN DISTRICT OF TEXAS TRACT NO. RGV-HRL-1009, 1009-E-1, 1009-E-2, FOR DISCUSSION AND SETTLEMENT, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071 (1) (A) (B) & (2).**

Commissioner Tamayo motioned to give consent to the Government for possession of the .80 of an acre and to accept the deposit of \$5,964.08 for the .80 of an acre.

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

AYE: Commissioner Tamayo, Commissioner Benavides and Judge Cascos

NAY: Commissioner Wood

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**(3) PUBLIC COMMENTS.**

None were presented.

## **PRESENTATIONS/RESOLUTIONS**

**(4) PRESENTATIONS/RESOLUTIONS.**

- (A) PRESENTATION OF PROCLAMATION TO THE CAMERON COUNTY COMMISSIONERS COURT BY THE CITY OF PORT ISABEL. (PSJ-ADMINISTRATOR) (NO ACTION TAKEN)**

Mr. Edward Meza, City of Port Isabel City Manager, thanked the County for their assistance during Hurricane Dolly.

City of Port Isabel Mayor Joe E. Vega read and presented a proclamation commending Judge Cascos, the Cameron County Commissioners' Court and County administration for their service to the City of Port Isabel during Hurricane Dolly.

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**(D) PRESENTATION AND RECOGNITION OF CAMERON COUNTY EMPLOYEES WHO SERVED IN THE ARMED FORCES OF THE UNITED STATES. (YS-HEALTH DEPARTMENT)**

Judge Cascos presented each Cameron County employee who has served in the Armed Forces with a certificate recognizing their contribution to the Country.

Commissioner Tamayo motioned to acknowledge all Veterans who are Cameron County employees.

The motion was seconded by Commissioner Wood and carried unanimously.

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**(B) PRESENTATION BY RALPH COWEN REGARDING A FEASIBILITY STUDY FOR A CRUISE LINER AT SOUTH PADRE ISLAND. (PSJ-ADMINISTRATOR)**

Brownsville Navigation District Commissioner Ralph Cowen informed the Court that the Navigation District has decided to look into the feasibility of bringing a cruise line to Cameron County. He explained how a cruise line would benefit the County and asked for the County's cooperation in this endeavor.

Commissioner Tamayo motioned to acknowledge Commissioner Ralph Cowen's Report regarding a Feasibility Study for a Cruise Liner at South Padre Island.

The motion was seconded by Commissioner Benavides and carried unanimously.

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**(C) PRESENTATION OF A PROCLAMATION BY CAMERON COUNTY MASTER GARDENERS, TEXAS AGRILIFE EXTENSION SERVICE, DECLARING NOVEMBER 15, 2008 TO BE "AMERICA RECYCLES DAY". (EP-EXTENSION OFFICE)**

Commissioner Tamayo motioned to acknowledge the Proclamation by Cameron County Master Gardeners, Texas AgriLife Extension Service, declaring November 15, 2008 to be "America Recycles Day".

The motion was seconded by Commissioner Benavides and carried unanimously.

**The Documentation is as follows:**

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**(E) PRESENTATION AND DISCUSSION OF DESIGN AND DEVELOPMENT OF THE CEMETERY MEMORIAL PARK ACROSS FROM THE COUNTY COURTHOUSE. (FB-PD&M)**

Mr. Roberto Ruiz presented a site plan, landscaping plan, photographs and cost estimate for the Cemetery Memorial Park.

Commissioner Benavides motioned to acknowledge the Presentation by Mr. Roberto Ruiz.

The motion was seconded by Commissioner Tamayo and carried unanimously.

**The Documentation is as follows:**

## CONSENT ITEMS

- (5) **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. 6 (D):**

Mr. David Garcia, Deputy County Administrator, requested that the dates of travel for this item be changed to read "11/19 to 11/20".

**Consent Item No. 5 (G):**

Mr. Javier Mendez, Parks Director, asked to TABLE this item.

Commissioner Wood motioned to approve the "Consent and Travel Items", tabling Consent Item No. 5 (G) and with the date change to Travel Item No. 6 (D).

The motion was seconded by Commissioner Tamayo and carried unanimously.

- (A) **CONSIDERATION AND AUTHORIZATION TO ACCEPT RIGHT OF ENTRY AND POSSESSION FOR PARCEL 36, FOR FM 106 (GENERAL BRANT ROAD) BETWEEN FM 1847 ON GENERAL BRANT ROAD EAST AND SOUTH OF FM 510, IN THE PCT. #3 AREA. (PSJ-ADMINISTRATOR) (Contract No. 2008C11400)**  
The Documentation is as follows:
- (B) **CONSIDERATION AND AUTHORIZATION TO INITIATE THE DRAWING PROCESS ON LETTER OF CREDITS FOR LA CANTERA SUBDIVISION, PCT. 2, FOR UNBUILT SEPTIC SYSTEMS, WATERLINES AND ROAD AND DRAINAGE IMPROVEMENTS. (EH-CCDoT)**  
The Documentation is as follows:
- (C) **CONSIDERATION AND POSSIBLE APPROVAL OF AGREEMENT WITH ORBIT BROADBAND, INC. TO PROVIDE FIX WIRELESS INTERNET SERVICES TO THE COUNTY PARKS. (DJV-LEGAL) (Contract No. 2008C11398)**  
The Contract is as follows:
- (D) **CONSIDERATION AND POSSIBLE APPROVAL OF AMENDMENT TO LEASE AGREEMENT (CONTRACT NO. 2007C02047) WITH THE CITY OF RIO HONDO. (DJV-LEGAL) (Contract No. 2008C11401)**  
The Contract is as follows:
- (E) **CONSIDERATION AUTHORIZATION TO EXECUTE A LICENSE AGREEMENT BETWEEN CAMERON COUNTY (PARKS AND RECREATION) AND BILL DOAN, CHAIRMAN FOR SPI KITE FEST. (JM-PARKS) (Contract No. 2008C11395)**  
The Contract is as follows:
- (F) **CONSIDERATION AND AUTHORIZATION TO EXECUTE CONCESSION AMENDMENT (CONTRACT #2008C11393) BETWEEN CAMERON COUNTY AND T-BEC INC. D/B/A SEA RANCH GROCERY & TACKLE. (JM-PARKS)**  
The Contract is as follows:
- (G) **CONSIDERATION AND AUTHORIZATION TO ADVERTISE FOR RFP #081103 FOR A CONCESSION AT DOLPHIN COVE (OYSTER BAR RESTAURANT) AND APPROVAL OF RFP. (JM-PARKS) (TABLED)**
- (H) **CONSIDERATION AND POSSIBLE APPROVAL OF OWNER ENGINEER AGREEMENT WITH VANGUARD ENGINEERING TO CONDUCT A STRUCTURAL ASSESSMENT, REPORT AND RECOMMENDATION FOR DOLPHIN COVE BINGO HALL. (JM-PARKS) (Contract No. 2008C11397)**  
The Contract is as follows:

- (I) **CONSIDERATION AND POSSIBLE ACTION ON SOLICITING BIDS FOR USE OF THE SOUTH SEA WALL OF THE SEA RANCH MARINA. (JM-PARKS)**  
The Documentation is as follows:
- (J) **CONSIDERATION AND AUTHORIZATION TO OPEN THE FOLLOWING BIDS/RFP'S/RFP'S FOR: (MF-PURCHASING)**  
a. **AGENDA MANAGEMENT SOFTWARE – RFP #081002**
- (K) **CONSIDERATION AND AUTHORIZATION TO AWARD BIDS/RFP'S/RFP'S FOR THE FOLLOWING: (MF-PURCHASING)**  
a. **BUILDING SUPPLIES – PAINT, VARNISH & STAIN – ANNUAL BID #2008 (PITTSBURGH PAINTS & KWAL PAINT)**  
b. **SAFETY SHOES – ANNUAL BID #2620 (REDWING SHOES)**  
c. **AUTOMOTIVE & HEAVY DUTY: AFTER MARKET PARTS- ANNUAL BID #1995 (BURTON COMPANIES)**  
d. **VOTING SUPPLIES – ANNUAL BID #2680 (CAPITAL GRAPHICS & ELECTIONS SYSTEMS)**  
The Tabulation is as follows:
- (L) **CONSIDERATION AND AUTHORIZATION TO ALLOW COMPASS 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 POSSIBLE APPROVAL OF ORDER ABOLISHING BUDGET OFFICER POSITION. (PSJ-ADMINISTRATOR) (Order No. 2008O11049)**  
The Order is as follows:

## TRAVEL ITEMS

- (6) **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) **EXTENSION OFFICE STAFF (5) TO TRAVEL TO WESLACO, TEXAS, ON 11/19 TO 11/21/08, TO ATTEND THE FALL FACULTY CONFERENCE.**
- (B) **JUVENILE PROBATION STAFF (1) TO TRAVEL TO MINNEAPOLIS, MINNESOTA, ON 11/17 TO 11/20/08, TO ATTEND THE STRATEGIC PLANNING FOR SUSTAINABILITY & COMMUNICATIONS.**
- (C) **LEGAL DIVISION STAFF (1) TO TRAVEL TO VENTURA, CALIFORNIA, ON 10/24/08, TO ATTEND THE DEPOSITION OF RONALD J. O'HALLORAN, M.D., EXPERT WITNESS IN RAMOS, ET. AL. VS. LUCIO, ET. AL.; CIVIL NO. B-08-CV-122.**
- (D) **COUNTY JUDGE AND STAFF TO TRAVEL TO WASHINGTON D.C., ON 11/11 TO 11/12/08, TO MEET WITH FEDERAL RAIL ADMINISTRATION, STATE DEPARTMENT AND CONGRESSIONAL DELEGATION.**

- (A) **CONSIDERATION AND AUTHORIZATION TO ACCEPT RIGHT OF ENTRY AND POSSESSION FOR PARCEL 36, FOR FM 106 (GENERAL BRANT ROAD) BETWEEN FM 1847 ON GENERAL BRANT ROAD EAST AND SOUTH OF FM 510, IN THE PCT. #3 AREA. (PSJ-ADMINISTRATOR) (Contract No. 2008C11400)**

**The Documentation is as follows:**

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**The Documentation is as follows:**

- (K) CONSIDERATION AND AUTHORIZATION TO AWARD BIDS/RFP'S/RFQ'S FOR THE FOLLOWING:  
(MF-PURCHASING)**
- a. BUILDING SUPPLIES – PAINT, VARNISH & STAIN – ANNUAL BID #2008 (PITTSBURGH PAINTS & KWAL PAINT)**
  - b. SAFETY SHOES – ANNUAL BID #2620 (REDWING SHOES)**
  - c. AUTOMOTIVE & HEAVY DUTY: AFTER MARKET PARTS- ANNUAL BID #1995 (BURTON COMPANIES)**
  - d. VOTING SUPPLIES – ANNUAL BID #2680 (CAPITAL GRAPHICS & ELECTIONS SYSTEMS)**
- The Tabulation is as follows:**

- (L) **CONSIDERATION AND AUTHORIZATION TO ALLOW COMPASS 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 POSSIBLE APPROVAL OF ORDER ABOLISHING BUDGET OFFICER POSITION. (PSJ-ADMINISTRATOR) (Order No. 2008O11049)**  
**The Order is as follows:**

## **ACTION ITEMS**

**(7) ACTION ITEMS.**

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

Upon motion by Commissioner Benavides, seconded by Commissioner Wood 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:**

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**(B) APPROVAL OF CLAIMS.**

Commissioner Tamayo motioned to approve the Claims.

The motion was seconded by Commissioner Benavides and carried unanimously.

**The Claims are as follows:**

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**(C) CONSIDERATION AND APPOINTMENT OF CONSTABLE PCT. 1 ELECT JOSE “JOE” MALDONADO TO FILL THE REMAINDER OF THE TERM FOR CONSTABLE PCT. 1 VACATED BY CONSTABLE SAUL OCHOA, PURSUANT TO V.T.C.A. LOCAL GOVERNMENT CODE, SECTION 87.041. (PSJ-ADMINISTRATOR)**

Commissioner Tamayo motioned to approve the appointment of Constable Pct. 1 Elect Jose “Joe” Maldonado to fill the remainder of the Term for Constable Pct. 1 vacated by Constable Saul Ochoa, pursuant to V.T.C.A. Local Government Code, Section 87.041.

The motion was seconded by Commissioner Benavides.

Ms. Mari Galvan, Administrative Assistant for Commissioner Pct. 3, read a statement on behalf of County Commissioner David A. Garza supporting the appointment of Jose Maldonado as interim Constable for Precinct 1.

Judge Cascos asked that the motion include authorizing a \$1,500 bond.

Commissioner Tamayo and Commissioner Benavides amended their motion and second, respectively.

Upon motion by Commissioner Tamayo, seconded by Commissioner Benavides and carried unanimously, the Appointment of Constable Pct. 1 Elect Jose “Joe” Maldonado to fill the remainder of the Term for Constable Pct. 1 vacated by Constable Saul Ochoa, pursuant to V.T.C.A. Local Government Code, Section 87.041 was approved with the authorization of a \$1,500 bond.

**The Documentation is as follows:**

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**(D) DISCUSSION REGARDING THE FY 2008-2009 EQUIPMENT LIST.  
(XV-BUDGET)**

Mr. Xavier Villarreal informed the Court that in order to maintain the same level of lease payments, the maximum amount that can be expended for Road & Bridge is \$825,000 and the General Fund is \$425,000.

Commissioner Wood motioned to acknowledge the Report by Mr. Xavier Villarreal.

The motion was seconded by Commissioner Tamayo and carried unanimously.

**The Documentation is as follows:**

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- (E) **CONSIDERATION AND AUTHORIZATION TO CONTRACT WITH LEXISNEXIS (ACCURINT FOR GOVERNMENT) TO ASSIST THE CAMERON COUNTY DISTRICT CLERK'S OFFICE – COLLECTIONS DEPARTMENT WITH THE COLLECTIONS OF COURT COSTS, FEES, FINES AND ATTORNEYS FEES FROM DEFENDANTS WHO ARE SENTENCED BY THE DISTRICT COURTS. (AdelaG-DISTRICT CLERK) tabled on 10/28/07 (TABLED)**

Commissioner Tamayo motioned to TABLE this item.

The motion was seconded by Commissioner Benavides and carried unanimously.

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- (F) **CONSIDERATION AND AUTHORIZATION TO USE PASSPORT REVENUES TO INCREASE THE OVERTIME LINE ITEM WITHIN THE DISTRICT CLERK'S OFFICE BUDGET. (AdelaG-DISTRICT CLERK)**

Upon motion by Commissioner Tamayo, seconded by Commissioner Wood and carried unanimously, authorization of an additional \$25,000 in passport revenues to be used for overtime was approved.

**The Documentation is as follows:**

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**(G) CONSIDERATION AND AUTHORIZATION FOR THE PROJECT ARCHITECT TO PROCEED TO THE CONSTRUCTION DOCUMENT PHASE OF THE CEMETERY MEMORIAL PARK, ACROSS FROM THE COUNTY COURTHOUSE. (FB-PD&M)**

Commissioner Wood motioned to approve authorization for the Project Architect to proceed to the Construction Document Phase of the Cemetery Memorial Park, across from the County Courthouse.

The motion was seconded by Commissioner Benavides and carried unanimously.

**The Documentation is as follows:**

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- (H) **CONSIDERATION AND AUTHORIZATION TO RECLASSIFY JOB TITLES FROM BUDGET 100-4080 TO READ: SLOT #03: 'DATABASE ADMINISTRATOR'; SLOT #4: 'WEBMASTER'; SLOT #09: 'PROGRAMMER ANALYST; SLOT #10: 'COMMUNICATIONS/COMPUTER TECHNICIAN'; SLOT #11: 'PURCHASING/OFFICE ASST.' AND TO INCREASE SLOT #03 BY \$9,055; INCREASE SLOT #09 BY \$12,445 AND INCREASE SLOT #10 BY \$3,500 AND DECREASE LINE ITEM 100-4080 FROM BUDGET 100-4080 BY \$25,000. (RL-COMPUTER CENTER)**

Commissioner Tamayo motioned to reclassify Job Titles from Budget 100-4080 to read: Slot #03:

'Database Administrator'; Slot #4: 'Webmaster'; Slot #09: 'Programmer Analyst; Slot #10:

'Communications/Computer Technician'; Slot #11: 'Purchasing/Office Asst.' and to Increase Slot #03 By \$9,055;

Increase Slot #09 By \$12,445 and Increase Slot #10 By \$3,500 and Decrease Line Item 100-4080 from Budget 100-4080 by \$25,000.

The motion was seconded by Commissioner Benavides and carried unanimously.

**The Documentation is as follows:**



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**(B) APPROVAL OF CLAIMS.**

Judge Cascos asked that the "Approval of Claims" include abstentions for the following: Warrant No. 00209500, made payable to Harlingen Waterworks System, in the amount of \$7.00 and Warrant No. 00209659, made payable to Harlingen Waterworks System, in the amount of \$613.58 and Warrant No. 00209756, made payable to Public Utilities Board, in the amount of \$46,758.88.

**The Affidavit is as follows:**

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**(I) DISCUSSION AND POSSIBLE ACTION REGARDING ADDITIONAL SCOPE AND SUPPLEMENTAL ESTIMATES FROM CAS COMPANIES NEEDED FOR IMPROVEMENTS AT THE CAMERON COUNTY ACTIVITY HALL AT ISLA BLANCA PARK, CAMERON COUNTY BINGO HALL AT ISLA BLANCA PARK, CAMERON COUNTY WAREHOUSE AT ISLA BLANCA PARK AND AT THE CAMERON COUNTY SEA RANCH RESTAURANT UTILIZING THE T.I.P.S. (TEXAS INTERLOCAL PURCHASING SYSTEM) INTERLOCAL COOPERATIVE PURCHASING NETWORK. (JM-PARKS)**

Mr. Javier Mendez, Parks Director, explained the improvements needed to the Activity Hall, Bingo Hall and Cameron County Warehouse at Isla Blanca Park and at the Cameron County Sea Ranch Restaurant.

Mr. Robert Carty requested that the repairs to the facilities at Isla Blanca Park be done in a timely manner and asked for a single point of contact in order to inquire as to the status of the improvements.

Judge Cascos recommended that Mr. Carty contact Mr. Javier Mendez, Parks Director, regarding the status of the improvements.

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the Additional Scope and Supplemental Estimates from CAS Companies needed for Improvements at the Cameron County Activity Hall at Isla Blanca Park, Cameron County Bingo Hall at Isla Blanca Park, Cameron County Warehouse at Isla Blanca Park and at the Cameron County Sea Ranch Restaurant utilizing the T.I.P.S. (Texas Interlocal Purchasing System) Interlocal Cooperative Purchasing Network were approved.

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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 10:33 A.M.

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**APPROVED** this 24<sup>th</sup> day of **November 2008**

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**CARLOS H. CASCOS, CPA**  
**COUNTY JUDGE**

**ATTEST:**

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