

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 18th day of November 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 5:02 P.M. He asked Mr. Pat Townsend for the invocation. Mr. Townsend 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 14, 2008 at 8:46 A.M.:

ACTION ITEMS

(7) ACTION ITEMS.

(G) DISCUSSION AND POSSIBLE ACTION REGARDING AN UPDATE OF FEMA REIMBURSEMENTS. (PSJ-ADMINISTRATOR)

Mr. Robert L. Lopez, Director of Administrative Services, presented a report detailing the debris removal collection, road damage and reimbursements related to Hurricane Dolly.

Commissioner Tamayo motioned to acknowledge the Report regarding FEMA reimbursements.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Documentation is as follows:

NOTE: Judge Cascos left the meeting at 5:39 p.m.

EXECUTIVE SESSION

Upon motion by Commissioner Tamayo, seconded by Commissioner Wood and carried unanimously, the Court met in Executive Session at 5:40 P.M. to discuss the following matters:

(1) EXECUTIVE SESSION:

- (A) DELIBERATION REGARDING REAL PROPERTY CONCERNING RIGHT OF WAY FOR FLOR DE MAYO BRIDGE, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**
- (B) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING RED RIVER SERVICE CORPORATION'S CONTRACTUALLY REQUIRED ACCOUNTING AND DISCUSSION OF STATUS OF POTENTIAL LITIGATION, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071 (1)(A) & (2).**
- (C) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING LAGUNA MADRE ENHANCEMENT GROUP, L.P., VS. CAMERON COUNTY, TEXAS; CAUSE NO. 2007-03-001695-G, FOR DISCUSSION ON STATUS OF CASE, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071 (1)(A).**

Upon motion by Commissioner Wood, seconded by Commissioner Tamayo and carried unanimously, the Court reconvened into Regular Session at 6:02 P.M. to discuss the following matters:

(2) ACTION RELATIVE TO EXECUTIVE SESSION:

- (A) DELIBERATION REGARDING REAL PROPERTY CONCERNING RIGHT OF WAY FOR FLOR DE MAYO BRIDGE, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**

Commissioner Wood motioned to make the purchase of the property in the amount of \$1,475,000.00.

The motion was seconded by Commissioner Benavides and carried unanimously.

- (B) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING RED RIVER SERVICE CORPORATION'S CONTRACTUALLY REQUIRED ACCOUNTING AND DISCUSSION OF STATUS OF POTENTIAL LITIGATION, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071 (1)(A) & (2).**

Commissioner Benavides motioned to acknowledge the Report.

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

AYE: Commissioner Benavides, Commissioner Wood and Judge Pro-Tem Garza

NAY: None

ABSTAIN: Commissioner Tamayo

Judge Pro-Tem Garza let it be known that Commissioner Tamayo was not present during the discussion of this item.

The Affidavit is as follows:

- (C) **CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING LAGUNA MADRE ENHANCEMENT GROUP, L.P., VS. CAMERON COUNTY, TEXAS; CAUSE NO. 2007-03-001695-G, FOR DISCUSSION ON STATUS OF CASE, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071 (1) (A).**

Commissioner Wood motioned to acknowledge the Report.

The motion was seconded by Commissioner Tamayo and carried as unanimously.

(3) PUBLIC COMMENTS.

Mr. Jack White invited the Court and staff to the 2008 South Texas Energy Partnership Energy Efficiency and Green Building Conference & Expo to be held on December 5, 2008 at the UTB/TSC ITEC Campus.

The Documentation is as follows:

PRESENTATIONS

(4) PRESENTATIONS/RESOLUTIONS.

(A) PRESENTATION ON THE RIO SOUTH TEXAS ECONOMIC COUNCIL. (PSJ-ADMINISTRATOR)

Ms. Sofia Hernandez, Economic Development Director for Hidalgo County, explained the purpose of the Rio South Texas Economic Council.

Mr. Pat Townsend, President/CEO of the Mission Economic Development Authority, presented background information as to the formation and structure of the Rio South Texas Economic Council.

Commissioner Tamayo motioned to acknowledge the Presentation.

The motion was seconded by Commissioner Wood and carried unanimously.

(B) PRESENTATION BY MR. JOHN GUEVARA, ATTORNEY PARTNER, WITH LINEBARGER GOGGAN BLAIR & SAMPSON, LAW FIRM REGARDING DELINQUENT PROPERTY TAX REPORT YEAR END OF SEPTEMBER 30, 2008. (TY-TAX ASSESSOR)

Mr. John Guevara presented to the Court the 2007-2008 Year-End Delinquent Tax Collection Report.

Commissioner Tamayo motioned to acknowledge the Presentation by Mr. John Guevara, Attorney Partner, with Linebarger Goggan Blair & Sampson, Law Firm regarding Delinquent Property Tax Report Year End of September 30, 2008.

The motion was seconded by Commissioner Wood and carried unanimously.

The Report is as follows:

ACTION ITEMS

(7) ACTION ITEMS.

(D) CONSIDERATION AND ACTION REGARDING ALLOCATION OF FUNDS FOR THE HIRING OF EXPERTS, PAYMENT OF INVOICES WITHOUT PURCHASE ORDER NUMBERS AND OTHER RELATED COSTS IN CAPITAL MURDER TRIALS IN WHICH THE DISTRICT ATTORNEY'S OFFICE IS SEEKING THE DEATH PENALTY. (AV-DISTRICT ATTORNEY)

Mr. Armando Villalobos, District Attorney, asked for assistance with the expenses for (6) pending capital murder cases. He recommended that the \$140,000 reimbursement from the Lucio case be used as a funding source.

Ms. Martha Galarza, County Auditor, informed the Court that the District Attorney requested funds for expert witnesses in the amount of \$65,000 in the previous fiscal year and have approximately \$40,000 available. She added that the \$140,000 reimbursement was intended to offset the anticipated increase in Indigent Defense costs.

Commissioner Tamayo motioned to acknowledge the Report.

The motion was seconded by Commissioner Wood 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.**

Commissioner Tamayo moved to approve the “Consent and Travel Items”.

The motion was seconded by Commissioner Wood and carried unanimously.

- (A) **CONSIDERATION AND AUTHORIZATION FOR FINAL PLAT APPROVAL FOR A.M. SUBDIVISION, PCT. 1, BEING A 5.00 ACRE TRACT OF LAND, MORE OR LESS, OUT OF LOT 7, BLOCK 409, EL JARDIN RESUBDIVISION AS RECORDED IN VOLUME 4, PAGE 48 OF THE MAP RECORDS OF CAMERON COUNTY, TEXAS, SAID 5.00 ACRE TRACT FURTHER DESCRIBED IN A DEED CONVEYED TO HUMBERTO TORRES AS RECORDED IN VOLUME 14477, PAGE 150 OF THE OFFICIAL RECORDS OF CAMERON COUNTY, TEXAS. (EH-CCDoT)**
The Documentation is as follows:
- (B) **CONSIDERATION AND APPROVAL OF CONTRACT AND AUTHORIZATION TO HIRE DIAZ DESIGN GROUP FOR THE STRUCTURAL STUDY OF THE CAMERON COUNTY HANGAR. (AG-CCDoT) (Contract No. 2008C11402)**
The Contract is as follows:
- (C) **CONSIDERATION AND APPROVAL OF PROPOSED CHANGE ORDER NO. 1 FOR THE CAMERON COUNTY SHERIFF’S ADMINISTRATION OFFICE RE ROOF PROJECT. (AG-CCDoT) (Order No. 2008O11050)**
The Order is as follows:
- (D) **CONSIDERATION AND AUTHORIZATION TO EXECUTE OWNER ENGINEER AGREEMENT WITH VANGUARD ENGINEERING TO CONDUCT A STRUCTURAL ASSESSMENT, REPORT AND RECOMMENDATION FOR SEA RANCH RESTAURANT. (JM-PARKS) (Contract No. 2008C11396)**
The Contract is as follows:
- (E) **CONSIDERATION AND AUTHORIZATION TO EXECUTE A LICENSE AGREEMENT BETWEEN CAMERON COUNTY (PARKS AND RECREATION) AND MERCEDES PEREZ DE COLON, AVANCE, INC.-NATIONAL TO PROVIDE PARENTING CLASSES AND EARLY CHILDHOOD CLASSES TO THE RESIDENTS OF THE COLONIAS OF CAMERON PARK. (JM-PARKS) (Contract No. 2008C11394)**
The Contract is as follows:
- (F) **CONSIDERATION AND AUTHORIZATION TO EXECUTE A LICENSE AGREEMENT BETWEEN CAMERON COUNTY (PARKS AND RECREATION) AND MERCEDES PEREZ DE COLON, AVANCE, INC.-NATIONAL TO PROVIDE PARENTING CLASSES AND EARLY CHILDHOOD CLASSES TO THE RESIDENTS OF THE COLONIAS OF BROWNE ROAD. (JM-PARKS) (Contract No. 2008C11403)**
The Contract is as follows:
- (G) **CONSIDERATION AND AUTHORIZATION TO EXECUTE OWNER ENGINEER AGREEMENT WITH MEJIA & ROSE INCORPORATED TO PREPARE CONSTRUCTION DRAWINGS FOR THE SEA RANCH MARINA BULKHEAD REPAIR. (JM-PARKS) (Contract No. 2008C11404)**
The Contract is as follows:
- (H) **CONSIDERATION AND APPROVAL TO ACCEPT VIOLENCE AGAINST WOMEN ACT (VAWA) GRANT AWARD FOR THE DISTRICT ATTORNEY’S VICTIM ASSISTANCE PROGRAM. (FB-PD&M)**
The Documentation is as follows:
- (I) **CONSIDERATION AND AUTHORIZATION TO OPEN THE FOLLOWING BIDS/RFP’S/RFQ’S FOR: (MF-PURCHASING)**
a. **CONSTRUCTION OF LAURELES OUTDOOR RECREATIONAL COMMUNITY PARK – LOS FRESNOS, TX. – BID #081003**

- (J) **CONSIDERATION AND AUTHORIZATION TO OPEN THE FOLLOWING BIDS/RFP'S/RFQ'S FOR:
(MF-PURCHASING)**
- a. **GRANT CONSULTING SERVICES AND RELATED SOFTWARE – RFP #081102**
 - b. **ENGINEERING SERVICES FOR A STORM DRAINAGE STUDY – RFQ #081101**
 - c. **TIRES – AUTOMOTIVE, POLICE PATROL, OFF ROAD & HEAVY DUTY – ANNUAL BID #1997**
- (K) **CONSIDERATION AND AUTHORIZATION TO APPROVE A CELLULAR PHONE TO BE PAID FROM TAX ASSESSOR-COLLECTOR'S VEHICLE INVENTORY TAX ACCOUNT. (TY-TAX ASSESSOR)**
- (L) **CONSIDERATION AND APPROVAL OF A RESOLUTION AUTHORIZING BRIAN G. JANIS, JOHN W. HUDSON, P.E., AND OTHERS TO PREPARE AND FILE A BRIDGE PERMIT APPLICATION FOR A U.S. COAST GUARD BRIDGE PERMIT, ON BEHALF OF CAMERON COUNTY, TO ENABLE THE CONSTRUCTION OF A WEST (SIDE OF BROWNSVILLE) RAILROAD REPLACEMENT/INTERNATIONAL BRIDGE UPSTREAM FROM THE BROWNSVILLE & MATAMOROS (RAILROAD) BRIDGE. (PSJ-ADMINISTRATOR) (Resolution No. 2008R11085)**
The Resolution 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) **COUNTY ADMINISTRATOR TO TRAVEL TO TIJUANA, MEXICO ON 12/1 TO 12/3/08 TO ATTEND A BI-NATIONAL TRANSPORTATION PLANNING CONFERENCE.**
 - (B) **CONSTABLE PRECINCTS 3, 4, 5 AND 6 TO TRAVEL TO HUNTSVILLE, TEXAS, ON 11/30 TO 12/4/08, TO ATTEND THE CONTINUED EDUCATION FOR CONSTABLE COURSE HELD BY LEMIT.**
 - (C) **CONSTABLE PRECINCT 7 STAFF (1) TO TRAVEL TO HUNTSVILLE, TEXAS, ON 12/1 TO 12/5/08, TO ATTEND THE CONTINUED EDUCATION SEMINAR.**
 - (D) **CONSTABLE PRECINCT 7 STAFF (2) TO TRAVEL TO NEW BRAUNFELS, TEXAS, ON 12/9 TO 12/11/08, TO ATTEND THE LINGUISTIC STATEMENT ANALYSIS TRAINING SEMINAR.**
 - (E) **DISTRICT ATTORNEY STAFF (1) TO TRAVEL TO SOUTH PADRE ISLAND, TEXAS, ON 11/19/08, TO ATTEND THE SOUTH TEXAS HIDTA COMMANDERS AND SUPERVISORS MEETING.**
 - (F) **EXTENSION OFFICE STAFF (3) TO TRAVEL TO GEORGE WEST, TEXAS, ON 11/15/08, TO ASSIST WITH THE DISTRICT 4-H FOOD SHOW.**
 - (G) **EXTENSION OFFICE STAFF (5) TO TRAVEL TO LAREDO, TEXAS, ON 12/4 TO 12/5/08, TO ATTEND AND ASSIST THE CONTINUING EDUCATION CONFERENCE FOR COUNTY OFFICIALS.**
 - (H) **JUVENILE PROBATION DEPARTMENT STAFF (7) TO TRAVEL TO SOUTH PADRE ISLAND, TEXAS, ON 11/12 TO 11/14/08, TO ATTEND THE SOUTH TEXAS AREA REGIONAL TRAINING.**
 - (I) **LEGAL DIVISION STAFF (1) TO TRAVEL TO VENTURA AND SAN DIEGO, CALIFORNIA, ON 11/23 TO 11/26/08, TO ATTEND THE DEPOSITION OF RONALD J. O'HALLORAN, M.D. & GARY M. VILKE, M.D., EXPERT WITNESS IN THE RAMOS, ET. AL. VS. LUCIO, ET. AL.; CIVIL NO. B-08-CV-122.**
 - (J) **PROGRAM DEVELOPMENT & MANAGEMENT STAFF (1) TO TRAVEL TO WESLACO, TEXAS, ON 11/19/08, TO ATTEND THE LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL SOLID WASTE ADVISORY COMMITTEE.**

- (A) **CONSIDERATION AND AUTHORIZATION FOR FINAL PLAT APPROVAL FOR A.M. SUBDIVISION, PCT. 1, BEING A 5.00 ACRE TRACT OF LAND, MORE OR LESS, OUT OF LOT 7, BLOCK 409, EL JARDIN RESUBDIVISION AS RECORDED IN VOLUME 4, PAGE 48 OF THE MAP RECORDS OF CAMERON COUNTY, TEXAS, SAID 5.00 ACRE TRACT FURTHER DESCRIBED IN A DEED CONVEYED TO HUMBERTO TORRES AS RECORDED IN VOLUME 14477, PAGE 150 OF THE OFFICIAL RECORDS OF CAMERON COUNTY, TEXAS. (EH-CCDoT)**

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- (L) CONSIDERATION AND APPROVAL OF A RESOLUTION AUTHORIZING BRIAN G. JANIS, JOHN W. HUDSON, P.E., AND OTHERS TO PREPARE AND FILE A BRIDGE PERMIT APPLICATION FOR A U.S. COAST GUARD BRIDGE PERMIT, ON BEHALF OF CAMERON COUNTY, TO ENABLE THE CONSTRUCTION OF A WEST (SIDE OF BROWNSVILLE) RAILROAD REPLACEMENT/INTERNATIONAL BRIDGE UPSTREAM FROM THE BROWNSVILLE & MATAMOROS (RAILROAD) BRIDGE. (PSJ-ADMINISTRATOR) (Resolution No. 2008R11085)**
The Resolution is as follows:

ACTION ITEMS

(7) ACTION ITEMS.

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

Ms. Martha Galarza, County Auditor, asked to table the budget amendments for Fund 100-5510.

Upon motion by Commissioner Benavides, seconded by Commissioner Wood and carried unanimously, the Budget Amendments, Line Item Transfers and/or Salary Schedules were approved, tabling the budget amendments for Fund 100-5510.

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

(B) APPROVAL OF CLAIMS.

Commissioner Benavides motioned to approve the Claims.

The motion was seconded by Commissioner Wood and carried unanimously.

The Claims are as follows:

**(C) APPROVAL OF MINUTES FOR:
OCTOBER 28, 2008 – REGULAR MEETING
NOVEMBER 4, 2008 – REGULAR MEETING**

Commissioner Tamayo motioned to approve the Minutes for the October 28, 2008- Regular Meeting and November 4, 2008- Regular Meeting.

The motion was seconded by Commissioner Benavides and carried unanimously.

(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 11/10/07 (TABLED)

Commissioner Tamayo motioned to TABLE this item.

The motion was seconded by Commissioner Benavides and carried unanimously.

(F) CONSIDERATION AND APPOINTMENT OF RFQ REVIEW COMMITTEE FOR EDA FUNDED DRAINAGE STUDY. (FB-PD&M)

Judge Pro-Tem Garza recommended that the standing committee be appointed to review the RFQs with the addition of Mr. Frank Bejarano, PD&M Director.

Mr. Frank Bejarano, PD&M Director, asked that the County Engineer be added to the committee as well. He noted that he will serve on the committee to facilitate the process and will not score the proposals.

Commissioner Tamayo motioned to appoint the standing committee, with the addition of Mr. Frank Bejarano, PD&M Director, and the County Engineer, to review RFQs for the EDA funded Drainage Study as discussed.

The motion was seconded by Commissioner Wood and carried unanimously.

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

Mr. David Garcia, Deputy County Administrator, stated that a list of projects and proposals that will be targeted during the upcoming Legislative Session was sent out last week. He asked the Court for any recommendations that they may have.

Commissioner Wood motioned to acknowledge the Report regarding the County's State and Federal Legislative Agenda.

The motion was seconded by Commissioner Tamayo and carried unanimously.

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 7:17 P.M.

APPROVED this 16th day of **December 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