

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 16th day of December 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 Ms. Gloria Casas for the invocation. Ms. Casas 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 December 12, 2008 at 10:49 A.M.:

ACTION ITEMS

(5) ACTION ITEMS.

(D) DISCUSSION AND POSSIBLE ACTION TO APPROVE REVISED LAYOUT OF NEW DISTRICT COURTROOM ON 1ST FLOOR. (DG-ASST. ADMINISTRATOR)

Commissioner Wood motioned to approve the revised layout of the New District Courtroom on the 1st Floor, subject to discussing any modifications needed with the City of Brownsville.

The motion was seconded by Commissioner Tamayo and carried unanimously.

The Documentation is as follows:

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- (E) **CONSIDERATION AND APPROVAL OF 444TH DISTRICT COURT STAFF EFFECTIVE JANUARY 1, 2009 THROUGH SEPTEMBER 30, 2009, TO INCLUDE A COURT REPORTER AND A COURT BAILIFF. (MG-AUDITOR) (TABLED)**

Commissioner Tamayo motioned to TABLE this item.

The motion was seconded by Commissioner Garza and carried unanimously.

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- (1) **PUBLIC COMMENTS.**

None were presented.

PRESENTATIONS

- (2) **PRESENTATIONS/RESOLUTIONS.**

- (A) **PRESENTATION BY THE CAMERON COUNTY MENTAL HEALTH TASK FORCE ON THE MENTAL HEALTH TASK FORCE'S ACCOMPLISHMENTS AND CURRENT STATUS. (COMM. COURT)**

Commissioner Tamayo motioned to acknowledge the Presentation by the Cameron County Mental Health Task Force on the Mental Health Task Force's Accomplishments and Current Status.

The motion was seconded by Commissioner Benavides and carried unanimously.

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- (B) **PRESENTATION AND ADOPTION OF A PROCLAMATION BY CAMERON COUNTY RECOGNIZING THE EPISCOPAL DAY SCHOOL'S LEOPARDS UNITED FOOTBALL CLUB. (COMM. COURT)**

Commissioner Garza motioned to adopt the Proclamation recognizing the Episcopal Day School's Leopards United Football Club.

The motion was seconded by Commissioner Tamayo and carried unanimously.

The Documentation is as follows:

(C) PRESENTATION BY SOUTH TEXAS CONSULTING REGARDING TAX INCREMENT REINVESTMENT ZONES AND THE ISLA LARGO DEVELOPMENT. (PSJ-ADMINISTRATOR)

Mr. Tony Fernandez, South Texas Consulting, gave a presentation on behalf of Long Island Development Company, LLC, explaining the company's desire to create a Tax Increment Financing (TIF), how a TIF would benefit Cameron County, the Phases of the Long Island Development and "Frequently Asked Questions" relating to a TIF.

Commissioner Garza inquired as to the Swing Bridge.

Mr. Chris Freeland, Long Island Development Company, LLC, replied that he is in the process of working with TxDOT on a preliminary agreement that will allow a transfer of title from the Long Island Swing Bridge to TxDOT.

Commissioner Garza questioned how one would get to the property after crossing the Swing Bridge due to the property being privately owned.

Mr. Freeland explained that there is an entrance to the development outside of the private property.

Judge Cascos inquired as to the downside to the TIF.

Mr. Fernandez stated that the TIF will experience issues if the TIF Board does not meet regularly, payments do not balance or if there is no development or groundbreaking within the first three years. He cited several failed TIFs in the Valley. He recommended that a Public Improvement District be included in the TIF.

Judge Cascos asked for more information as to who would be ultimately responsible for the success of the TIF and who would be responsible for issuing bonds.

Mr. Fernandez replied that the County will issue the bonds through the TIF and the TIF will cover the bond.

Judge Cascos recommended that Bond Counsel review the proposed TIF and that any expenses be reimbursed to the County.

Commissioner Tamayo motioned to acknowledge the Presentation by South Texas Consulting regarding the Tax Increment Reinvestment Zones and the Isla Largo Development.

The motion was seconded by Commissioner Garza and carried unanimously.

CONSENT ITEMS

- (3) 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 motioned to approve the "Consent and Travel Items".

The motion was seconded by Commissioner Garza and carried unanimously.

- (A) CONSIDERATION AND AUTHORIZATION TO REAPPOINT COMMISSIONER DAVID A. GARZA TO THE BOARD OF SOUTH TEXAS EMERGENCY CARE FOUNDATION, INC. (PSJ-ADMINISTRATOR)
- (B) CONSIDERATION AND AUTHORIZATION TO UTILIZE THE HOUSTON/GALVESTON AREA COUNCIL OF GOVERNMENTS INTERLOCAL COOPERATIVE PURCHASING AGREEMENT FOR THE PURCHASE OF A UTILITY CARRYALL VEHICLE FOR THE ADULT PROBATION DEPARTMENT. (RS-ADULT PROBATION)
The Documentation is as follows:
- (C) CONSIDERATION AND AUTHORIZATION TO UTILIZE THE INTERLOCAL PURCHASING SYSTEM (TIPS), REGION #8, MICO INDUSTRIAL CORPORATION FOR THE ROOF REPAIRS AT THE GOOLSBY BUILDING. (RL-BUILDING MAINTENANCE)
The Documentation is as follows:
- (D) CONSIDERATION AND AUTHORIZATION TO APPROVE THE ESTIMATE FOR THE MECHANICAL/HVAC SYSTEMS, FOR THE TWO NEW COURTROOMS VIA TIPS (TEXAS INTERLOCAL PURCHASING SYSTEM)/CAS COMPANIES. (RL-BUILDING MAINTENANCE) (Contract No. 2008C12415)
The Documentation is as follows:
- (E) CONSIDERATION AND APPROVAL OF SERVICE TO PROVIDE YEARLY PURCHASE AGREEMENT WITH EAGLE POINT ENGINEERING AND SURVEYING SOFTWARE SERVICES. (EH-CCDoT) (Contract No. 2008C12416)
The Contract is as follows:
- (F) CONSIDERATION AND AUTHORIZATION FOR FINAL PLAT APPROVAL FOR NORTH RANCH SUBDIVISION, PCT. 2, A 19.954 ACRE TRACT OF LAND, MORE OR LESS, ALL OF LOT SEVENTEEN (17), BLOCK ELEVEN (11), SAVE AND EXCEPT THE NORTH FORTY-FIVE (45) FEET, MAP NO. 2 OF THE BARREDA GARDENS SUBDIVISION, CAMERON COUNTY, TEXAS, AS RECORDED IN VOLUME 8, PAGE 20, MAP RECORDS OF CAMERON COUNTY, TEXAS. (EH-CCDoT)
The Documentation is as follows:
- (G) CONSIDERATION AND AUTHORIZATION FOR FINAL PLAT APPROVAL FOR VILLA DE JARDIN, PCT. 1, BEING A 60.059 ACRE TRACT (CALC.) OUT OF REMAINDER OF LOT FIFTEEN (15) AND ALL OF LOT EIGHTEEN (18) IN BLOCK NUMBER TWO HUNDRED TEN (210), EL JARDIN RESUBDIVISION AS RECORDED IN VOLUME 4, PAGE 48, MAP RECORDS OF CAMERON COUNTY, TEXAS. (EH-CCDoT)
The Documentation is as follows:
- (H) CONSIDERATION AND APPROVAL OF TIME EXTENSION FROM NOVEMBER 20, 2008 TO NOVEMBER 20, 2009 FOR PROVIDING SEWER FACILITIES (SEPTIC SYSTEMS) AT VERDE ESTATES, PCT. 4. (EH-CCDoT)
The Documentation is as follows:
- (I) CONSIDERATION AND APPROVAL OF TIME EXTENSION FROM DECEMBER 1, 2008 TO DECEMBER 1, 2009 FOR PROVIDING SEWER FACILITIES (SEPTIC SYSTEMS) AT PEDERSON BROTHERS NO. 4 SUBDIVISION, PCT. 3. (EH-CCDoT)

The Documentation is as follows:

- (J) **CONSIDERATION AND AUTHORIZATION TO PURCHASE SERVER AND HARDWARE EQUIPMENT FOR THE TYLER TECHNOLOGY ODYSSEY JUSTICE SYSTEM USING TDIR-TEXAS DEPARTMENT OF INFORMATION RESOURCES/DELL. (RL-COMPUTER CENTER)**
The Documentation is as follows:
- (K) **CONSIDERATION AND AUTHORIZATION TO PURCHASE 3RD TECH, INC.'S DELTA SPHERE-3000 LASER 3D SCENE DIGITIZER AND SCENE VISION 3D AS SOLE SOURCE ITEM. (AV-DISTRICT ATTORNEY)**
The Documentation is as follows:
- (L) **CONSIDERATION AND AUTHORIZATION TO UTILIZE THE HOUSTON/GALVESTON AREA COUNCIL OF GOVERNMENTS INTERLOCAL COOPERATIVE PURCHASING AGREEMENT (HGAC) FOR THE PURCHASE OF VEHICLES UTILIZING GENERATED PROGRAM INCOME BY THE SPECIAL OPERATION GROUP GRANT. (AV-DISTRICT ATTORNEY)**
The Documentation is as follows:
- (M) **CONSIDERATION AND AUTHORIZATION TO EXPEND GENERATED PROGRAM INCOME (GPI) AS APPROVED BY THE TEXAS CRIMINAL JUSTICE DIVISION BEFORE THE EXPIRATION OF THE SPECIAL OPERATION GROUP GRANT. (AV-DISTRICT ATTORNEY)**
The Documentation is as follows:
- (N) **CONSIDERATION AND ACTION TO APPROVE THE GOVERNOR'S DIVISION OF EMERGENCY MANAGEMENT FY 2008 GRANT SUB-RECIPIENT AGREEMENT FOR CAMERON COUNTY. (JC-EMERGENCY MANAGEMENT) (Contract No. 2008C12417)**
The Documentation is as follows:
- (O) **CONSIDERATION AND APPROVAL TO USE THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENT (HGAC) AS THE APPROVED METHOD OF PROCUREMENT TO PURCHASE MOTOROLA RADIO EQUIPMENT UNDER A SHSP GRANT FROM THE TEXAS DEPARTMENT OF PUBLIC SAFETY, GOVERNOR'S DIVISION OF EMERGENCY MANAGEMENT. (JC-EMERGENCY MANAGEMENT)**
The Documentation is as follows:
- (P) **APPROVAL AND SETTING BOND FOR ELECTED OFFICIALS FOR TERMS BEGINNING JANUARY 1, 2009. (ROB-LEGAL)**
The Documentation is as follows:
- (Q) **CONSIDERATION AND APPROVAL TO ACCEPT OPERATION STONEGARDEN GRANT AWARD FROM THE GOVERNOR'S DIVISION OF EMERGENCY MANAGEMENT FOR THE CAMERON COUNTY SHERIFF'S DEPARTMENT AND THE CITY OF LA FERIA. (FB-PD&M) (Contract No. 2008C12418)**
The Documentation is as follows:
- (R) **CONSIDERATION AND AUTHORIZATION TO OPEN THE FOLLOWING BIDS/RFP'S/RFQ'S FOR: (MF-PURCHASING)**
a. **LEASE OF MARINA DOCK SPACE SOUTH SEAWALL OF THE SEA RANCH MARINA – BID #081104**
- (S) **CONSIDERATION AND APPROVAL OF RESOLUTION IN SUPPORT OF MAINTAINING A HIGHER MINIMUM WAGE REQUIREMENT FOR ALL CONTRACTORS DOING WORK FOR CAMERON COUNTY. (PSJ-ADMINISTRATOR) (Resolution No. 2008R12092)**
The Resolution is as follows:
- (T) **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. **SPEEDY STOP STORES LTD \$10,759.01 CHANGE VALUE**
b. **SPEEDY STOP STORES LTD \$10,875.34 CHANGE VALUE**

c.	SPEEDY STOP STORES LTD	\$10,024.47	CHANGE VALUE
d.	SPEEDY STOP STORES LTD	\$ 9,149.83	CHANGE VALUE
e.	TRICO PRODUCTS CORP.	\$36,228.35	CHANGE VALUE
f.	H E BUTT GROCERY CO.	\$ 2,772.84	CHANGE VALUE
g.	SOLIS CONSUELO URIBE	\$ 2,530.43	REMOVE EXEMPTIONS

The Documentation is as follows:

- (U) CONSIDERATION AND ISSUANCE OF ORDER APPROVING THE TREASURER'S REPORT FOR THE OCTOBER 2008 TERM. (DAB-TREASURER) (Order No. 2008O12052)

The Documentation is as follows:

- (V) CONSIDERATION AND AUTHORIZATION TO APPROVE THE PURCHASE OF A CELL PHONE FOR MEDICOLEGAL DEATH INVESTIGATOR/PUBLIC HEALTH OFFICIAL. (PSJ-ADMINISTRATOR)

TRAVEL ITEMS

- (4) 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 DALLAS-FORT WORTH, TEXAS, ON 12/10/08, TO MEET WITH GSA OFFICIALS REGARDING THE VETERANS BRIDGE EXPANSION PROJECT.
- (B) EMERGENCY MANAGEMENT STAFF (1) TO TRAVEL TO AUSTIN, TEXAS, ON 12/14 TO 12/16/08, TO ATTEND THE TEXAS HOMELAND SECURITY HIGH ALERT MEETING.
- (C) JUVENILE PROBATION STAFF (2) TO TRAVEL TO SOUTH PADRE ISLAND, TEXAS, ON 1/22 TO 1/24/08, TO ATTEND THE 15TH ANNUAL COUNSELOR'S INSTITUTE.
- (D) COUNTY ADMINISTRATOR AND PARKS DIRECTOR TO TRAVEL TO AUSTIN, TEXAS, ON 12/17 TO 12/18/08, TO MEET WITH GLO OFFICIALS.

- (B) CONSIDERATION AND AUTHORIZATION TO UTILIZE THE HOUSTON/GALVESTON AREA COUNCIL OF GOVERNMENTS INTERLOCAL COOPERATIVE PURCHASING AGREEMENT FOR THE PURCHASE OF A UTILITY CARRYALL VEHICLE FOR THE ADULT PROBATION DEPARTMENT. (RS-ADULT PROBATION)**
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The Documentation is as follows:

- (U) CONSIDERATION AND ISSUANCE OF ORDER APPROVING THE TREASURER'S REPORT FOR THE OCTOBER 2008 TERM. (DAB-TREASURER) (Order No. 2008O12052)**
The Documentation is as follows:

ACTION ITEMS

(5) ACTION ITEMS.

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

Upon motion by Commissioner Garza, 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:

(B) APPROVAL OF CLAIMS.

Commissioner Garza motioned to approve the Claims.

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

AYE: Commissioner Garza, Commissioner Benavides and Commissioner Wood

NAY: None

ABSTAIN: Judge Cascos as to Warrant No. 00211944, made payable to Harlingen Waterworks System, in the amount of \$276.23 and Warrant No. 00212040, made payable to Public Utilities Board, in the amount of \$76,634.16 and Commissioner Tamayo as to Warrant No. 00212044, made payable to Red River Service Corp., in the amount of \$109.32.

The Claims and Affidavits are as follows:

**(C) APPROVAL OF MINUTES FOR:
NOVEMBER 18, 2008 – REGULAR MEETING
NOVEMBER 24, 2008 – SPECIAL MEETING**

Commissioner Tamayo motioned to approve the Minutes for the November 18, 2008-Regular Meeting, and November 24, 2008-Special Meeting.

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

AYE: Commissioner Tamayo, Commissioner Wood, Commissioner Benavides and Judge Cascos

NAY: None

ABSTAIN: Commissioner Garza as to the November 24, 2008-Special Meeting

**(F) CONSIDERATION AND APPROVAL OF EQUIPMENT PURCHASE
(WEAPONS) BY CONSTABLE PCT. 7. (MG-AUDITOR)**

Commissioner Tamayo motioned to approve the Equipment Purchase (Weapons) by Constable Pct. 7.

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

AYE: Commissioner Tamayo, Commissioner Wood, Commissioner Benavides and Judge Cascos

NAY: None

ABSTAIN: Commissioner Garza

The Documentation is as follows:

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- (G) **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 11/24/08 (Contract No. 2008C10384)**

Upon motion by Commissioner Wood, seconded by Commissioner Benavides and carried unanimously, the 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 was approved.

The Contract is as follows:

(H) CONSIDERATION AND APPROVAL TO WAIVE SIXTY (60) DAY NOTICE FOR CREATION OF THE SAN BENITO TAX INCREMENT REINVESTMENT ZONE NUMBER ONE, PURSUANT TO CHAPTER 311 OF THE TEXAS TAX CODE. (FB-PD&M)

Commissioner Garza motioned to waive the sixty (60) day Notice for the Creation of the San Benito Tax Increment Reinvestment Zone Number One, pursuant to Chapter 311 of the Texas Tax Code.

The motion was seconded by Commissioner Tamayo and carried unanimously.

The Documentation is as follows:

(I) CONSIDERATION AND DISCUSSION OF AUTHORIZATION OF COMMISSIONERS' COURT TO APPROVE PAYMENT OF CLAIMS. (MG-AUDITOR)

Ms. Martha Galarza, County Auditor, explained that statute indicates that Commissioners' Court must approve all claims prior to the claims being released. She noted that Local Government Code 113.901 allows the Court, by written order, to waive the requirement; however, the Section only applies to requisitions.

Commissioner Garza inquired as to the approval and release of payroll checks.

Mr. Richard Burst, Legal Counsel, explained that Commissioner' Court must approve payroll claims as well as other claims.

Judge Cascos instructed the County Auditor to contact other Counties to inquire as to how they handle the release of payroll.

Commissioner Garza motioned to acknowledge the Report regarding the authorization of Commissioners' Court to approve payment of claims.

The motion was seconded by Commissioner Wood and carried unanimously.

The Documentation is as follows:

(J) CONSIDERATION AND POSSIBLE ACTION REGARDING REIMBURSEMENTS FROM FEMA. (PSJ-ADMINISTRATOR)

Commissioner Wood motioned to acknowledge the Report regarding Reimbursements from FEMA.

The motion was seconded by Commissioner Garza and carried unanimously.

The Documentation is as follows:

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

Commissioner Garza 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 Garza and carried unanimously, the meeting was **ADJOURNED** at 6:57 P.M.

APPROVED this 8th day of **January 2009**

CARLOS H. CASCOS, CPA
COUNTY JUDGE

ATTEST:

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