

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 5<sup>th</sup> day of February 2009, 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

COMMISSIONER PRECINCT NO. 4

JOE G. RIVERA  
COUNTY CLERK

Aide A. Trejo Deputy Clerk

ABSENT:  
EDNA TAMAYO

---

---

The meeting was called to order by Judge Cascos at 5:04 P.M. He asked Ms. Martha Galarza, County Auditor, for the invocation. Lieutenant Carlos Garza 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 February 2, 2009 at 2:50 P.M. and the Supplemental Agenda being filed on February 2, 2009 at 4:33 P.M.:

## **EXECUTIVE SESSION**

**(1) EXECUTIVE SESSION:**

- (F) EVALUATION OF THE CAMERON COUNTY CHIEF PARK RANGER FOR REASSIGNMENT, DETERMINE DUTIES, DISCIPLINE OR DISMISSAL, PURSUANT TO V.T.C.A. LOCAL GOVERNMENT CODE SECTION 351.082 & GOVERNMENT CODE, SECTION 551.074(a)(1). (TABLED)**

Judge Cascos asked to table Executive Session Item No. 1 (F).

Commissioner Garza motioned to TABLE this item.

The motion was seconded by Commissioner Wood and carried unanimously.

---

Upon motion by Commissioner Garza, 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) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING JOE R. JONES INTERIOR RENOVATION CONTRACT FOR DISCUSSION AND POSSIBLE SETTLEMENT, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071 (1)(A) & (B).**
- (B) DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 6, FOR RIGHT OF WAY FOR THE WEST RAIL PROJECT, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**
- (C) DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 21, FOR RIGHT OF WAY FOR FM 732, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**
- (D) DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 26, PARTS 1 AND 2, FOR RIGHT OF WAY FOR FM 732, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**
- (E) DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 7, FOR RIGHT OF WAY FOR THE DIXIELAND ROAD PROJECT, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**
- (F) EVALUATION OF THE CAMERON COUNTY CHIEF PARK RANGER FOR REASSIGNMENT, DETERMINE DUTIES, DISCIPLINE OR DISMISSAL, PURSUANT TO V.T.C.A. LOCAL GOVERNMENT CODE SECTION 351.082 & GOVERNMENT CODE, SECTION 551.074(a)(1). (TABLED)**

---

Upon motion by Commissioner Benavides, seconded by Commissioner Garza and carried unanimously, the Court reconvened into Regular Session at 5:14 P.M. to discuss the following matters:

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

**(A) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING JOE R. JONES INTERIOR RENOVATION CONTRACT FOR DISCUSSION AND POSSIBLE SETTLEMENT, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071 (1)(A) & (B). (TABLED)**

**(B) DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 6, FOR RIGHT OF WAY FOR THE WEST RAIL PROJECT, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072. (TABLED)**

Commissioner Garza motioned to TABLE Executive Session Items No. 2 (A) and (B) as there was no discussion.

The motion was seconded by Commissioner Benavides and carried unanimously.

**(C) DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 21, FOR RIGHT OF WAY FOR FM 732, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**

Commissioner Benavides motioned to acknowledge the Report and to proceed along the terms and conditions as discussed in Executive Session.

The motion was seconded by Commissioner Wood and carried unanimously.

**(D) DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 26, PARTS 1 AND 2, FOR RIGHT OF WAY FOR FM 732, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**

Commissioner Wood motioned to acknowledge the Report and to proceed along the terms and conditions as discussed in Executive Session.

The motion was seconded by Commissioner Benavides and carried unanimously.

**(E) DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 7, FOR RIGHT OF WAY FOR THE DIXIELAND ROAD PROJECT, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**

Commissioner Garza motioned to accept the donation from the Harlingen Independent School District.

The motion was seconded by Commissioner Wood and carried unanimously.

---

**(3) PUBLIC COMMENTS.**

None were presented.

## **PRESENTATIONS**

### **(4) PRESENTATIONS/RESOLUTIONS.**

#### **(A) CAMERON COUNTY COMMISSIONERS' COURT PRESENTATION TO DISCUSS THE 2009-2010 TEXAS COMMUNITY DEVELOPMENT PROGRAM COLONIA CONSTRUCTION FUND, INCLUDING AVAILABLE FUNDING, PROGRAM REQUIREMENTS, POTENTIAL PROJECTS, AND RELATED MATTERS. (FB-PD&M)**

Mr. Frank Bejarano, PD&M Director, informed the Court that (5) project requests were received. He stated that the County can apply for up to \$500,000 for the Colonia Construction Fund and noted that the application process is very competitive.

Mr. Bejarano explained how project points are awarded and advised the Court that the largest points awarded are historically to first-time water and sewer projects. He recommended that the County aim to receive 145 points under "project priorities" and briefly explained each project request.

Commissioner Garza motioned to acknowledge the Presentation regarding the 2009-2010 Texas Community Development Program Colonia Construction Fund, including available Funding, Program Requirements, Potential Projects, and related matters.

The motion was seconded by Commissioner Wood and carried unanimously.

**The Documentation is as follows:**

---

(7) **ACTION ITEMS**

**(I) CONSIDERATION AND SELECTION OF ONE OR MORE PROJECTS FOR APPLICATION TO THE 2009-2010 TEXAS COMMUNITY DEVELOPMENT PROGRAM COLONIA CONSTRUCTION FUND. (FB-PD&M)**

Mr. Frank Bejarano, PD&M Director, informed the Court that he has received a revised project estimate cost from the City of Primera totaling \$337,566, which includes engineering costs. He noted that engineering costs cannot be included in the funding request and will have to be paid by the City of Primera.

Commissioner Garza inquired as to why the project cost has increased.

Mr. Javier Mendez, City of Primera City Administrator, replied that the newly revised estimate includes the cost of 15 additional septic systems.

Commissioner Garza motioned to approve the selection of Calvert Acres First Time Water Service Project for application to the 2009-2010 Texas Community Development Program Colonia Construction Fund.

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.**

DISCUSSION CONCERNING CONSENT AND TRAVEL ITEMS:

**Consent Items No. 5 (N), (S), (Z) and (AA):**

Commissioner Garza asked to discuss these items separately.

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

Commissioner Wood asked to discuss this item separately.

**Travel Item No. 6 (O):**

Mr. Pete Sepulveda, County Administrator, asked that a correction be made to the number of Health Department Staff attending the training from (1) to (30).

Commissioner Garza motioned to approve the "Consent and Travel Items", excluding Consent Items No. 5

(N), (S), (Z), (AA) and (CC) and with the correction to Travel Item No. 6 (O).

The motion was seconded by Commissioner Benavides and carried unanimously.

- (A) **CONSIDERATION AND AUTHORIZATION TO CLOSE SOUTHBOUND LANES OF GATEWAY BRIDGE ON FEBRUARY 26, 2009 FROM 10 AM – 11 AM AND FROM 2 PM - 4 PM, FEBRUARY 27, 2009 FROM 6 PM – 8 PM AND ON FEBRUARY 28, 2009 FROM 12 NOON – 4 PM FOR CHARRO DAYS FESTIVITIES. (PSJ-ADMINISTRATOR)**
- (B) **CONSIDERATION AND AUTHORIZATION TO ACCEPT RIGHT OF ENTRY AND POSSESSION FOR PARCEL 7, OF THE DIXIELAND ROAD PROJECT. (PSJ-ADMINISTRATOR) (Contract No. 2009C02042)**  
**The Documentation is as follows:**
- (C) **CONSIDERATION AND ACCEPTANCE OF THE ONDCP GRANT AGREEMENT AWARD NUMBER G09SS003A AS WELL AS GRANT AWARD NUMBER I5PSSP600Z, SUPPLEMENT NUMBER 4 AND GRANT AWARD NUMBER I6PSSP600Z, SUPPLEMENT NUMBER 8. (MG-AUDITOR) (Contract No. 2009C02043)**  
**The Documentation is as follows:**
- (D) **CONSIDERATION AND AUTHORIZATION FOR PRELIMINARY PLAT APPROVAL FOR JESSE R. GOMEZ SUBDIVISION, PCT. 2, BEING A 6.37 ACRE TRACT OUT OF LOT TWENTY-NINE (29), BLOCK ELEVEN (11), BARRERA GARDENS SUBDIVISION, MAP NO. 2 CAMERON COUNTY, TEXAS ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 8, PAGE 20, OF THE MAP RECORDS OF CAMERON COUNTY, TEXAS. (EH-CCDoT)**  
**The Documentation is as follows:**
- (E) **CONSIDERATION AND AUTHORIZATION FOR FINAL PLAT APPROVAL FOR LONGORIA ACRES SECTION 1, PCT. 4, BEING A 23.81 ACRES OUT OF 41.84 ACRE TRACT OUT OF THE NORTH ONE-HALF (1/2) NUMBER TWENTY-ONE (21) OF CAMERON COUNTY DEVELOPMENT COMPANY'S SUBDIVISION OF THE CANTU TRACT, LA FERIA GRANT, CAMERON COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 4, PAGE 45, MAP RECORDS OF CAMERON COUNTY, TEXAS. (EH-CCDoT)**  
**The Documentation is as follows:**
- (F) **CONSIDERATION AND AUTHORIZATION TO INITIATE THE DRAWING PROCESS ON LETTER OF CREDIT FOR HERON COVE SUBDIVISION, PCT. 4, FOR UNBUILT SEPTIC SYSTEMS. (EH-CCDoT)**  
**The Documentation is as follows:**

- (G) **CONSIDERATION AND AUTHORIZATION TO INITIATE THE DRAWING PROCESS ON LETTER OF CREDIT FOR SYCAMORE SUBDIVISION, PCT. 4, FOR UNBUILT SEPTIC SYSTEMS. (EH-CCDoT)**  
The Documentation is as follows:
- (H) **CONSIDERATION AND AUTHORIZATION TO RELEASE THE FINANCIAL GUARANTEE FOR INSTALLATION OF SEPTIC SYSTEM FOR TIO PANCHO GARZA SUBDIVISION, PCT. 4. (EH-CCDoT)**  
The Documentation is as follows:
- (I) **CONSIDERATION AND APPROVAL OF TIME EXTENSION FROM JANUARY 25, 2009 TO JANUARY 25, 2010, FOR PROVIDING SEWER FACILITIES (SEPTIC SYSTEMS) AT WHISPERING OAKS SUBDIVISION. (EH-CCDoT)**  
The Documentation is as follows:
- (J) **REQUEST FOR AUTHORIZATION AND APPROVAL OF RENEWAL FOR CONSULTANT SERVICES BY KEN WETHE, INDEPENDENT INSURANCE CONSULTANT TO EVALUATE OUR EXISTING HEALTH PLAN TO INCLUDE BLUE CROSS BLUE SHIELD RUN-OUT CLAIMS AND OR REQUEST TEXAS ASSOCIATION OF COUNTIES TO PROVIDE US WITH A STATUS REPORT ON OUR EXISTING HEALTH PLAN ADMINISTRATION. (MV-HUMAN RESOURCES) (Contract No. 2009C02045)**  
The Documentation is as follows:
- (K) **CONSIDERATION AND AUTHORIZATION FOR JP, PCT. 3, PLACE 2 TO USE THE TECHNOLOGY FUND TO PURCHASE A COMPUTER. (DA-JP 3-2)**  
The Documentation is as follows:
- (L) **CONSIDERATION AND ADOPTION OF A RESOLUTION RECOGNIZING JESUS "CHUY" AGUILERA FOR HIS EFFORTS AND DEDICATION TO THE YOUTH OF CAMERON COUNTY. (CHC-JUDGE)**
- (M) **CONSIDERATION AND ADOPTION OF A PROCLAMATION DECLARING THE MONTH OF MARCH 2009 AS "YOUTH ART MONTH" IN CAMERON COUNTY, TEXAS. (CHC-JUDGE) (Resolution No. 2009R02056)**  
The Resolution is as follows:
- (N) **CONSIDERATION AND POSSIBLE APPROVAL OF THE EQUAL DISTRIBUTION OF THE FAMILY PROTECTION FEES TO FAMILY CRISIS CENTER, FRIENDSHIP OF WOMEN AND CASA, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 51.961 (D) & (E). (DJV-LEGAL) (ACTION TAKEN SEPARATELY)**
- (O) **CONSIDERATION AND AUTHORIZATION TO ALLOW CAMERON COUNTY PARKS AND RECREATION DEPARTMENT TO AWARD BID TO TOM DAUGHERTY D/B/A ABILITY DEVELOPMENT CONSTRUCTION CO., IN AN AMOUNT GREATER THAN \$15,000.00 BUT LESS THAN \$25,000.00 FOR THE SANTA MARIA COMMUNITY CENTER REPAIRS. (JM-PARKS)**  
The Documentation is as follows:
- (P) **CONSIDERATION AND AUTHORIZATION TO ALLOW THE CAMERON COUNTY JUDGE TO SEND A LETTER TO THE UNITED STATES DEPARTMENT OF INTERIOR REQUESTING A RENEWAL OF THE EXISTING LEASE WITH CAMERON COUNTY FOR THE CONTINUAL USE OF APPROXIMATELY 58.65 ACRES OF LAND OUT OF THE LAGUNA ATASCOSA REFUGE TO OPERATE ADOLPH THOMAE JR. COUNTY PARK. (JM-PARKS)**  
The Documentation is as follows:
- (Q) **CONSIDERATION AND AUTHORIZATION TO RENEW FOUR (4) MOBILE VENDING PERMITS TO FRANCISCO H. TORRES, D/B/A EL REY DEL ELOTE FOR UNITS #1, #2, #3 AND #4. (JM-PARKS)**  
The Documentation is as follows:
- (R) **CONSIDERATION AND AUTHORIZATION TO RENEW TWO (2) MOBILE VENDING PERMITS TO MARIA SALAZAR, D/B/A RUDY'S ELOTES MOBILE FOOD VAN FOR UNITS #1 AND #2. (JM-PARKS)**  
The Documentation is as follows:

- (S) **DISCUSSION AND POSSIBLE AUTHORIZATION TO SOLICIT PROPOSALS FOR CONCESSION AT DOLPHIN COVE (LOCATION #11) AND APPROVAL OF R.F.P. #090202. (JM-PARKS) (ACTION TAKEN SEPARATELY)**
- (T) **CONSIDERATION AND AUTHORIZATION TO EXECUTE A LICENSE AGREEMENT WITH SEA TURTLE INC., ALLOWING TEMPORARY USE OF PARK PROPERTY AT ANDY BOWIE PARK TO SET UP A SEA TURTLE EGG CORAL. (JM-PARKS) (Contract No. 2009C02038)**  
**The Agreement is as follows:**
- (U) **CONSIDERATION AND AUTHORIZATION TO RENEW BEACH VENDING PERMIT TO FELICIANO DURAN, D/B/A EL PARAISO. (JM-PARKS)**  
**The Documentation is as follows:**
- (V) **CONSIDERATION AND AUTHORIZATION TO UTILIZE TARRANT COUNTY COOPERATIVE PURCHASING AGREEMENT FOR LAW ENFORCEMENT OVERHEAD LIGHT BARS – TARRANT COUNTY BID #2008-124/CC #500. (MF-PURCHASING)**  
**The Documentation is as follows:**
- (W) **CONSIDERATION AND AUTHORIZATION TO UTILIZE TARRANT COUNTY COOPERATIVE PURCHASING AGREEMENT FOR TRANSPORTATION OF INMATE SERVICES – TARRANT COUNTY BID #07-184/CC #1890 (P.T.S. OF AMERICA). (MF-PURCHASING)**  
**The Documentation is as follows:**
- (X) **CONSIDERATION AND AUTHORIZATION TO RENEW THE FOLLOWING BIDS/RFP’S/RFQ’S: (MF-PURCHASING)**  
**a. ROAD MACHINERY RENTAL – ANNUAL BID #1710 (NUECES POWER EQUIPMENT)**  
**The Tabulation is as follows:**
- (Y) **CONSIDERATION AND AUTHORIZATION TO OPEN THE FOLLOWING BIDS/RFP’S/RFQ’S FOR: (MF-PURCHASING)**  
**a. ARMORED CAR SERVICES – ANNUAL BID #1180**  
**b. UNIFORMS RENTAL / CLEANING – ANNUAL BID #1940**
- (Z) **CONSIDERATION AND APPROVAL OF A CERTIFICATION STATEMENT THAT CERTIFIES THAT CAMERON COUNTY HAS ACQUIRED THE RIGHT OF WAY NEEDED FOR THE IMPROVEMENTS TO PRIMERA ROAD IN THE PCT. 4 AREA. (PSJ-ADMINISTRATOR) (ACTION TAKEN SEPARATELY)**
- (AA) **CONSIDERATION AND POSSIBLE APPROVAL OF ORDER GRANTING AN EXEMPTION UNDER V.T.C.A, LOCAL GOVERNMENT CODE SECTION 262.024 (EMULSION OILS). (MF-PURCHASING) (ACTION TAKEN SEPARATELY)**
- (BB) **CONSIDERATION AND APPROVAL OF LICENSE AGREEMENT BETWEEN CAMERON COUNTY AND TEMPLO SHEKINA FOR THE USE OF COUNTY PROPERTY. (PSJ-ADMINISTRATOR) (Contract No. 2009C02046)**  
**The Agreement is as follows:**
- (CC) **CONSIDERATION AND APPROVAL OF AGREEMENT BETWEEN CAMERON COUNTY AND GIANT AERIAL BILLBOARD FOR THE USE OF THE COUNTY AIRPORT. (PSJ-ADMINISTRATOR) (ACTION TAKEN SEPARATELY)**

## **TRAVEL ITEMS**

- (6) **CONSIDERATIONS 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 MEXICO CITY, MEXICO, ON 2/23 TO 2/24/09, TO ATTEND THE BTA INTERNATIONAL CONFERENCE.**



- (B) COMMISSIONER PRECINCT 2 AND STAFF TO TRAVEL TO OMAHA, NEBRASKA, ON 2/8 TO 2/10/09, TO MEET WITH UNION PACIFIC OFFICIALS REGARDING THE WEST RAIL PROJECT.**
- (C) CONSTABLE PRECINCT 4 STAFF (1) TO TRAVEL TO HIDALGO, TEXAS, ON 2/19/09, TO ATTEND THE SPECIAL INVESTIGATIVE TRAINING.**
- (D) CONSTABLE PRECINCT 4 STAFF (4) TO TRAVEL TO DEER PARK, TEXAS, ON 2/23 TO 2/24/09, TO ATTEND THE HOME OF THE STREET SURVIVAL SEMINAR.**
- (E) CONSTABLE PRECINCT 4 STAFF (5) TO TRAVEL TO HIDALGO, TEXAS, ON 3/12/09, TO ATTEND THE SPECIAL INVESTIGATIVE TRAINING AND CULTURAL DIVERSITY TRAINING.**
- (F) COUNTY COURT AT LAW NO. 2 STAFF (1) TO TRAVEL TO SOUTH PADRE ISLAND, TEXAS, ON 3/5 TO 3/6/09, TO ATTEND THE TEXAS COLLEGE OF PROBATE JUDGES.**
- (G) DISTRICT ATTORNEY'S OFFICE STAFF (4) TO TRAVEL TO SAN ANTONIO, TEXAS, ON 2/2 TO 2/6/09, TO ATTEND TEXAS DISTRICT AND COUNTY ATTORNEY ASSOCIATION'S ANNUAL INVESTIGATOR SCHOOL.**
- (H) DISTRICT ATTORNEY'S OFFICE STAFF (1) TO TRAVEL TO LAREDO, TEXAS, ON 2/17 TO 2/19/09, TO ATTEND THE LAREDO INITIATIVES.**
- (I) DISTRICT ATTORNEY'S OFFICE STAFF (1) TO TRAVEL TO HOUSTON, TEXAS, ON 2/18 TO 2/21/09, TO ATTEND THE 22<sup>ND</sup> ANNUAL JUVENILE LAW CONFERENCE.**
- (J) DISTRICT ATTORNEY'S OFFICE STAFF (1) TO TRAVEL TO McALLEN, TEXAS, ON 2/23 TO 2/27/09, TO ATTEND THE McALLEN INITIATIVES.**
- (K) EXTENSION OFFICE STAFF (1) TO TRAVEL TO COLLEGE STATION, TEXAS, ON 1/27/09, TO ATTEND THE DIVERSITY CATALYST TEAM MEETING.**
- (L) HEALTH DEPARTMENT STAFF (2) TO TRAVEL TO AUSTIN, TEXAS, ON 2/10 TO 2/11/09, TO ATTEND THE MEDICAL SPECIAL NEEDS PREPAREDNESS SYMPOSIUM.**
- (M) HEALTH DEPARTMENT STAFF (2) TO TRAVEL TO ROUND ROCK, TEXAS, ON 2/11 TO 2/13/09, TO ATTEND THE TEXAS ASSOCIATION OF LOCAL HEALTH OFFICIALS.**
- (N) HEALTH DEPARTMENT STAFF (1) TO TRAVEL TO AUSTIN, TEXAS, ON 2/16 TO 2/20/09, TO ATTEND THE NEW WIC DIRECTOR TRAINING SESSION.**
- (O) HEALTH DEPARTMENT STAFF (1) TO TRAVEL TO AUSTIN, TEXAS, ON 3/30 TO 4/3/09, TO ATTEND THE TEXAS – WIN EBT OVERVIEW TRAINING.**
- (P) JUSTICE OF THE PEACE PRECINCT 3 PLACE 2 STAFF (1) TO TRAVEL TO SAN MARCOS, TEXAS, ON 3/16 TO 3/18/2009, TO ATTEND THE NEW COURT PERSONNEL SEMINAR.**
- (Q) JUSTICE OF THE PEACE PRECINCT 3 PLACE 2 STAFF (1) TO TRAVEL TO SAN MARCOS, TEXAS, ON 3/16 TO 3/18/2009, TO ATTEND EXPERIENCE COURT PERSONNEL SEMINAR.**
- (R) JUSTICE OF THE PEACE PRECINCT 6 STAFF (1) TO TRAVEL TO AUSTIN, TEXAS, ON 2/11 TO 2/12/09, TO ATTEND THE MEETING WITH TEXAS JUDICIAL COMMISSION.**
- (S) LEGAL DIVISION STAFF (1) TO TRAVEL TO IRVING, TEXAS, ON 3/4 TO 3/6/09, TO ATTEND THE 17<sup>TH</sup> ANNUAL ADVANCED EMPLOYMENT LAW COURSE.**

- (B) CONSIDERATION AND AUTHORIZATION TO ACCEPT RIGHT OF ENTRY AND POSSESSION FOR PARCEL 7, OF THE DIXIELAND ROAD PROJECT. (PSJ-ADMINISTRATOR) (Contract No. 2009C02042)**  
**The Documentation is as follows:**

**(C) CONSIDERATION AND ACCEPTANCE OF THE ONDCP GRANT AGREEMENT AWARD NUMBER G09SS003A AS WELL AS GRANT AWARD NUMBER I5PSSP600Z, SUPPLEMENT NUMBER 4 AND GRANT AWARD NUMBER I6PSSP600Z, SUPPLEMENT NUMBER 8. (MG-AUDITOR) (Contract No. 2009C02043)**

**The Documentation is as follows:**

- (D) CONSIDERATION AND AUTHORIZATION FOR PRELIMINARY PLAT APPROVAL FOR JESSE R. GOMEZ SUBDIVISION, PCT. 2, BEING A 6.37 ACRE TRACT OUT OF LOT TWENTY-NINE (29), BLOCK ELEVEN (11), BARRERA GARDENS SUBDIVISION, MAP NO. 2 CAMERON COUNTY, TEXAS ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 8, PAGE 20, OF THE MAP RECORDS OF CAMERON COUNTY, TEXAS. (EH-CCDoT)**  
**The Documentation is as follows:**

- (E) CONSIDERATION AND AUTHORIZATION FOR FINAL PLAT APPROVAL FOR LONGORIA ACRES SECTION 1, PCT. 4, BEING A 23.81 ACRES OUT OF 41.84 ACRE TRACT OUT OF THE NORTH ONE-HALF (1/2) NUMBER TWENTY-ONE (21) OF CAMERON COUNTY DEVELOPMENT COMPANY'S SUBDIVISION OF THE CANTU TRACT, LA FERIA GRANT, CAMERON COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 4, PAGE 45, MAP RECORDS OF CAMERON COUNTY, TEXAS. (EH-CCDoT)**  
**The Documentation is as follows:**

- (F) CONSIDERATION AND AUTHORIZATION TO INITIATE THE DRAWING PROCESS ON LETTER OF CREDIT FOR HERON COVE SUBDIVISION, PCT. 4, FOR UNBUILT SEPTIC SYSTEMS. (EH-CCD6T)  
The Documentation is as follows:**

- (G) CONSIDERATION AND AUTHORIZATION TO INITIATE THE DRAWING PROCESS ON LETTER OF CREDIT FOR SYCAMORE SUBDIVISION, PCT. 4, FOR UNBUILT SEPTIC SYSTEMS. (EH-CCDøT)  
The Documentation is as follows:**

- (H) CONSIDERATION AND AUTHORIZATION TO RELEASE THE FINANCIAL GUARANTEE FOR INSTALLATION OF SEPTIC SYSTEM FOR TIO PANCHO GARZA SUBDIVISION, PCT. 4. (EH-CCDoT)**  
**The Documentation is as follows:**



- (I) CONSIDERATION AND APPROVAL OF TIME EXTENSION FROM JANUARY 25, 2009 TO JANUARY 25, 2010, FOR PROVIDING SEWER FACILITIES (SEPTIC SYSTEMS) AT WHISPERING OAKS SUBDIVISION. (EH-CCDoT)**  
**The Documentation is as follows:**

- (J) REQUEST FOR AUTHORIZATION AND APPROVAL OF RENEWAL FOR CONSULTANT SERVICES BY KEN WETHE, INDEPENDENT INSURANCE CONSULTANT TO EVALUATE OUR EXISTING HEALTH PLAN TO INCLUDE BLUE CROSS BLUE SHIELD RUN-OUT CLAIMS AND OR REQUEST TEXAS ASSOCIATION OF COUNTIES TO PROVIDE US WITH A STATUS REPORT ON OUR EXISTING HEALTH PLAN ADMINISTRATION. (MV-HUMAN RESOURCES) (Contract No. 2009C02045)**  
**The Documentation is as follows:**

- (K) CONSIDERATION AND AUTHORIZATION FOR JP, PCT. 3, PLACE 2 TO USE THE TECHNOLOGY FUND TO PURCHASE A COMPUTER. (DA-JP 3-2)**  
**The Documentation is as follows:**

**(M) CONSIDERATION AND ADOPTION OF A PROCLAMATION DECLARING THE MONTH OF MARCH 2009 AS “YOUTH ART MONTH” IN CAMERON COUNTY, TEXAS. (CHC-JUDGE) (Resolution No. 2009R02056)**

**The Resolution is as follows:**

- (O) CONSIDERATION AND AUTHORIZATION TO ALLOW CAMERON COUNTY PARKS AND RECREATION DEPARTMENT TO AWARD BID TO TOM DAUGHERTY D/B/A ABILITY DEVELOPMENT CONSTRUCTION CO., IN AN AMOUNT GREATER THAN \$15,000.00 BUT LESS THAN \$25,000.00 FOR THE SANTA MARIA COMMUNITY CENTER REPAIRS. (JM-PARKS)**  
**The Documentation is as follows:**

- (P) CONSIDERATION AND AUTHORIZATION TO ALLOW THE CAMERON COUNTY JUDGE TO SEND A LETTER TO THE UNITED STATES DEPARTMENT OF INTERIOR REQUESTING A RENEWAL OF THE EXISTING LEASE WITH CAMERON COUNTY FOR THE CONTINUAL USE OF APPROXIMATELY 58.65 ACRES OF LAND OUT OF THE LAGUNA ATASCOSA REFUGE TO OPERATE ADOLPH THOMAE JR. COUNTY PARK. (JM-PARKS)**  
**The Documentation is as follows:**

- (Q) CONSIDERATION AND AUTHORIZATION TO RENEW FOUR (4) MOBILE VENDING PERMITS TO FRANCISCO H. TORRES, D/B/A EL REY DEL ELOTE FOR UNITS #1, #2, #3 AND #4. (JM-PARKS)  
The Documentation is as follows:**

- (R) CONSIDERATION AND AUTHORIZATION TO RENEW TWO (2) MOBILE VENDING PERMITS TO MARIA SALAZAR, D/B/A RUDY'S ELOTES MOBILE FOOD VAN FOR UNITS #1 AND #2. (JM-PARKS)**  
**The Documentation is as follows:**



- (T) CONSIDERATION AND AUTHORIZATION TO EXECUTE A LICENSE AGREEMENT WITH SEA TURTLE INC., ALLOWING TEMPORARY USE OF PARK PROPERTY AT ANDY BOWIE PARK TO SET UP A SEA TURTLE EGG CORAL. (JM-PARKS) (Contract No. 2009C02038)**  
**The Agreement is as follows:**

- (U) CONSIDERATION AND AUTHORIZATION TO RENEW BEACH VENDING PERMIT TO FELICIANO DURAN, D/B/A EL PARAISO. (JM-PARKS)**  
**The Documentation is as follows:**

- (V) **CONSIDERATION AND AUTHORIZATION TO UTILIZE TARRANT COUNTY COOPERATIVE PURCHASING AGREEMENT FOR LAW ENFORCEMENT OVERHEAD LIGHT BARS – TARRANT COUNTY BID #2008-124/CC #500. (MF-PURCHASING)**  
**The Documentation is as follows:**

- (W) CONSIDERATION AND AUTHORIZATION TO UTILIZE TARRANT COUNTY COOPERATIVE PURCHASING AGREEMENT FOR TRANSPORTATION OF INMATE SERVICES – TARRANT COUNTY BID #07-184/CC #1890 (P.T.S. OF AMERICA). (MF-PURCHASING)**  
**The Documentation is as follows:**

- (X) CONSIDERATION AND AUTHORIZATION TO RENEW THE FOLLOWING BIDS/RFP'S/RFQ'S: (MF-PURCHASING)**
- a. ROAD MACHINERY RENTAL – ANNUAL BID #1710 (NUECES POWER EQUIPMENT)**
- The Tabulation is as follows:**

**(BB) CONSIDERATION AND APPROVAL OF LICENSE AGREEMENT BETWEEN CAMERON COUNTY AND TEMPLO SHEKINA FOR THE USE OF COUNTY PROPERTY. (PSJ-ADMINISTRATOR)  
(Contract No. 2009C02046)  
The Agreement is as follows:**

---

**(5) CONSENT ITEMS.**

**(N) CONSIDERATION AND POSSIBLE APPROVAL OF THE EQUAL DISTRIBUTION OF THE FAMILY PROTECTION FEES TO FAMILY CRISIS CENTER, FRIENDSHIP OF WOMEN AND CASA, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 51.961 (D) & (E). (DJV-LEGAL)**

Ms. Dylbia Jeffries-Vega, Legal Counsel, explained to the Court that \$20,853 was collected in regards to the family protection fee and that the Family Crisis Center, Friendship of Women and CASA would each receive an equal distribution of the total, which amounts to \$6,951 for each entity.

Commissioner Garza motioned to approve the Equal Distribution of the Family Protection Fees to Family Crisis Center, Friendship of Women and CASA, pursuant to V.T.C.A. Government Code, Section 51.961 (D) & (E).

The motion was seconded by Commissioner Wood and carried unanimously.

---

**(S) DISCUSSION AND POSSIBLE AUTHORIZATION TO SOLICIT PROPOSALS FOR CONCESSION AT DOLPHIN COVE (LOCATION #11) AND APPROVAL OF R.F.P. #090202. (JM-PARKS) (TABLED)**

Commissioner Garza motioned to TABLE this item.

The motion was seconded by Commissioner Benavides and carried unanimously.

---

**(Z) CONSIDERATION AND APPROVAL OF A CERTIFICATION STATEMENT THAT CERTIFIES THAT CAMERON COUNTY HAS ACQUIRED THE RIGHT OF WAY NEEDED FOR THE IMPROVEMENTS TO PRIMERA ROAD IN THE PCT. 4 AREA. (PSJ-ADMINISTRATOR)**

Commissioner Garza motioned to approve the statement that certifies that Cameron County has acquired the Right of Way needed for the improvements to Primera Road in the Pct. 4 Area.

The motion was seconded by Commissioner Wood and carried unanimously.

**The Documentation is as follows:**

---

**(AA) CONSIDERATION AND POSSIBLE APPROVAL OF ORDER GRANTING AN EXEMPTION UNDER V.T.C.A, LOCAL GOVERNMENT CODE SECTION 262.024 (EMULSION OILS). (MF-PURCHASING) (Order No. 2009O2004)**

Judge Cascos-“Mike (Forbes)? Who pulled that? Commissioner?”

Commissioner Garza-“I did.”

Mr. Mike Forbes, Purchasing Agent-“Yes, sir?”

Commissioner Garza-“An exemption from competitive bidding, we can do that on this particular case?”

Mr. Forbes-“The best person to ask this question to would be Richard (Burst). He worked with Commissioner Tamayo on this. She requested this be placed on the agenda.”

Judge Cascos-“Richard?”

Commissioner Garza-“Well, what I want to know is if I’m going to get in trouble for voting on this.”

Mr. Forbes-“I believe Richard can answer that.”

Mr. Richard Burst, Legal Counsel-“I couldn’t hear all the statements, but this is an emergency that was created not by our own doing. We had emulsion oil that was not satisfactory to the purpose it was intended and we couldn’t locate an alternate purchaser through, as I understand it Mike, through a Buyboard, so we’re left without any-we’re going to have to go out for RFP and we’re left without anything in the interim. So that’s why this purchase is authorized if you approve...”

Commissioner Garza-“Do we have any documentation as far as testing is concerned on the product so that we would be protected in case our previous supplier says, ‘I was providing what the specifications called for and it’s not my fault that you’re doing this, so now I have a claim against the County?’”

Mr. Burst-“If you, no-as far as the existing contract that’s out there, I don’t have any documentation, no.”

Commissioner Garza-“Did we do any testing on the product?”

Mr. Forbes-“I asked Engineering that question. They did not test.”

Commissioner Garza-“So we’re just arbitrarily just kind of...”

Mr. Forbes-“Because it was more than just the quality of the material Commissioner (Garza), Commissioner Tamayo also had delivery concerns with the vendor. More than once she had crews out there and the vendor never showed up.”

Commissioner Garza-“Well, I’m not-please don’t misunderstand me I’m not defending the vendor. I’m just trying to protect the County. I don’t want for us to do something that later would give whoever has the contract now a claim against the County because we did no specific testing on the product that we rejected. I mean, everything



we know is because of what someone said not because we took it to the lab service and had it tested and it didn't meet specs. That's all I'm-I just want to make sure that the County will not have a claim by exempting a new bidder and us dropping the other one and I think Richard can answer that for me."

Mr. Burst-"Well, it's kind of a double question. As far as a claim by the existing contract against us I don't-Commissioner Tamayo went out there and I don't know who all went out there, but it was my understanding that it was determined that the existing-that the oil that was being provided wasn't suitable for the job and I really don't know anything about emulsion oil but as far as the issue of approving this order, it is discretionary with the Court and you have the statements of Mike (Forbes), you can ask any questions you want or of any person, but certainly this Court has the ability to make a discretion for the exemption."

Mr. Forbes-"But to answer your question Commissioner, no they did not conduct testing on the material."

Commissioner Garza-"Is there any problem with a potential claim to us if we approve the new vendor and drop the old vendor? Simple as that."

Mr. Forbes-"The old vendor..."

Mr. Burst-"The existing vendor can always bring a lawsuit. I've got to rely on the representation that his product isn't suitable. If he can show it is suitable then he can possibly sustain his suit against us, but I don't have that information personally. I don't know one way or the other. I have to rely on what's represented to me by the Department."

Commissioner Garza-"Because I know when they deliver even something as simple as a load of caliche, there's certain grades of caliche that they bring out to the site and they have a certification from where it's being picked up as to what grade it is and there's a way that you can easily test that. Ok? We've gone through that when we had gravel in the past that didn't comply..."

Mr. Forbes-"Correct."

Commissioner Garza-"...you know, again there was a very easy way for us to determine that the size of the particular particulate was not correct and correct it."

Mr. Forbes-"They pull a sample out and they run it through the lab and the lab sends the result."

Commissioner Garza-"Yeah, you take a 5-gallon bucket and you go and run it through the lab and it's done."

Mr. Forbes-"Correct."

Commissioner Garza-"And we've done that in those situations. I'm simply asking if we did any type of testing in this situation."

Mr. Forbes-“No and I spoke-well Ernest is here, Ernesto Hinojosa. Public Works and Ernest met at the site but no lab testing was done when the decision was made to pull the plug on the vendor. It was the vendor’s third shipment, I believe, and each time they had to remove the material from the road because they said the quality just was not adequate for the rock to adhere to the emulsion surface on the road. So they actually lifted the material back up and moved on to another site. The vendor was actually was there the last time and he left during the pour process. He said he had to go back to south of Houston for an emergency trip, so he didn’t actually stay long enough to see the entire pour but as long as he was there he felt that the material seemed to be able to adhere; however, when they put the second course of rock, which is the smaller finer rock, it did not adhere to the road the way the crews and Engineering felt it should have. However, they did not conduct testing. When I met with Commissioner Tamayo, she then felt that we should place an agenda to let the vendor know that we were not satisfied with their services, not just because of quality material because of missed deliveries as well with the crews out at the job site and the truck not showing up when it was supposed to. Because of several of these issues, she felt it was time to move on.”

Judge Cascos-“I remember seeing-well let me ask a question. I don’t remember, was it on the agenda last week to terminate the contract?”

Mr. Forbes-“It was on last week.”

Commissioner Wood-“But it was for a 30-day termination, wasn’t it?”

Mr. Forbes-“Exactly...”

Commissioner Wood-“30 days.”

Mr. Forbes-“...and we worked with Legal on the termination notice that did go out to the vendor.”

Judge Cascos-“We’ve already complied in terms of giving him a termination notice, right?”

Mr. Forbes-“Correct.”

Judge Cascos-“So, in terms of a claim that he could have against us, have you heard anything back from the vendor?”

Mr. Forbes-“He just said that, in an email to me which I have, that he was sorry that we weren’t happy with the material. He did recommend another material he thought we would try which is called a-do you remember the name Ernest? One that we’ve never tried and it’s not in the bid but he felt that it would do a better job for us but the Commissioner felt that, you know, we would be in the experimental mode and she didn’t feel that’d be the best bet.”

Judge Cascos-“Well, let me ask a question. Who over there on the other side looked at the contract? My question is going to be this: Is there anything in the contract, language in the contract, that says before we terminate we must test this? Is there anything on there?”

Mr. Burst-“If my memory serves me right, Judge, and I don’t have an independent recollection of this but if my memory serves right and Mike can verify this, it’s a 30-day out that’s in the bid and that’s what we exercised.”

Judge Cascos-“So there’s nothing that we’ve done-I mean of course they can claim anything they want, but there’s nothing that we’ve done that would create a cause of action from them to us because we’re in a breach of some sort?”

Mr. Burst-“Well, that’s kind of hard-I mean from their perspective, I don’t know. In the bid, there’s no contract, it’s a purchase order and it was bid out. In the bid, it’s a 30-day notice and there’s ability for us to give 30-day notice and there is no cause of action if we, you know, once we give the notice and after 30 days there’s none.”

Judge Cascos-“Let me get somebody from Public (Works). Ernesto, can you please? Because even though, I think the way these low bids work is it’s the lowest responsible bid. He may have been the low bid in the number but based on what I’m hearing, if he was chronically late on deliveries then it wasn’t a responsible bid at this point. So the quality of the emulsion oil may not be a point if you can’t get it there on time. We’ve got crews sitting around waiting for them to show up; that to me, that’s reason enough to you know go someplace else. Ernesto, what can you shed on this because it’s not fair to Mike or to Richard because you’re in there. What’s going on?”

Mr. Ernesto Hinojosa, County Engineer-“There was a series of things that happened. You know, we’ve been specifying this particular product, emulsions, for many years. It’s always worked well with exceptions of maybe a few instances where the product may not be what we wanted. So the recent deliveries that we’re talking about and gathering from the field the people that apply the product on the road, I’m talking about the foreman, the superintendent, were dissatisfied with the way it was-when it was applied, the way it was not performing. And so what do we do? The man that provided the product said, ‘Well, we’re sending you what we normally send you’.”

Judge Cascos-“How long have we done business with this vendor?”

Mr. Forbes-“This is a new...”

Judge Cascos-“This is a new vendor or is this...”

Mr. Forbes-“This vendor was awarded probably August, September of last year.”

Judge Cascos-“Ok.”

Mr. Forbes-“Now we had two vendors and the second vendor on the bid, which was a very good vendor we never had a problem with, actually went out of business. So this is the only vendor that, you know, we had left at the time.”

Judge Cascos-“I guess what I’m saying though, have we had problems with this vendor from the beginning or did this just start in the last 30 days?”

Mr. Hinojosa-“No it was after the fact. The last two, three deliveries I would say for this particular road, Huie Road, that we were working on and then moving onto Parker Road but that was what we received from the field that the particular product that we received was not performing as it was before and there was some other instances from the other Precincts where they were having problems. I didn’t know there was still problems.”

Judge Cascos-“What other Precincts were having problems?”

Mr. Hinojosa-“I think (Precinct) 3 might have had a couple of times. I’m not sure, the superintendent would be able to tell a little bit more where those problems were existing but from Precinct 4, this is where it lead to. We were just not satisfied with the product. We did not test it, as indicated, but that was because we felt that the product was just not performing. Now we can test, I mean that’s why we specify a particular product out of the TxDOT manual and if it meets their requirement, then it meets that requirement. In this particular instance, the dissatisfaction led to the 30-day notice and termination, I guess, but we can test. I mean it’s just a matter of...”

Commissioner Garza-“So, is this exemption only for 6 weeks and 3 roads?”

Mr. Forbes-“Commissioner Tamayo said she sent a letter to Richard that she wanted it to apply to Huie Road in Rio Hondo, Parker Road in Santa Rosa, Jimenez Road in Rangerville and Joines Road in San Benito.”

Commissioner Garza-“Ok, so then what are the other Precincts going to do for delivery of product to them?”

Mr. Forbes-“We do have a bid out. At the next Court meeting, the bid will be opened.”

Commissioner Garza-“We have a bid out until next week?”

Commissioner Garza-“We do have a bid out...”

Mr. Forbes-“We do have a bid out.”

Commissioner Garza-“...until next week?”

Mr. Forbes-“The vendors are working on it so at the next Court meeting, I’ll be opening the bids and then we’ll sit down with Ernest and Public Works and then have a recommendation for the Court to award.”

Commissioner Garza-“So it would be one week?”

Mr. Forbes-“So we’re a few weeks away.”

Commissioner Garza-“We’re a week away or two weeks?”

Mr. Forbes-“The deadline on the bid is the 18<sup>th</sup>.”

Judge Cascos-“Well, that’s just to open.”

Mr. Forbes-“That’s to open them and if we push it, we can do an open and award if the Court’s comfortable with that the same day since we’re under the gun on the delivery.”

Commissioner Garza-“I have a concern. If you mention some other Precincts having potential problems, under this exemption, they’re not going to be able to order anything because this exemption is only for 3 roads and only for those areas. So, it’s not going to help John or Sofie or me to have an exemption because we’re not going to be able to access product.”

Mr. Forbes-“Richard, would it be possible to expand this to the other Precincts as well? What the Commissioner’s, I guess, asking is would it be possible to expand it to the other Precincts as well including these 4 roads until the new bid’s awarded?”

Mr. Burst-“One of the reasons the Commissioner, as I recall, one of the reasons she wanted it now was there was these particular roads were needed to be improved so that you could get-there were some issues about buses being able to travel on them, I think, I just don’t remember specifically. If you’re going to expand it to other roads then there needs to be a reason for it.”

Commissioner Garza-“If you’re going to expand it to other roads, what?”

Judge Cascos-“There’s got to be a reason for it.”

Commissioner Garza-“Well most of the roads have bus routes, you know. I mean...”

Mr. Burst-“Well, do you have roads that are not passable right now but the buses aren’t traveling on them because...”

Commissioner Garza-“So you’re telling me that those 3 roads are not passable today, Richard?”

Mr. Burst-“No, I’m repeating what I was told. I don’t know.”

Commissioner Garza-“We’ve got Holly Beach Road passable today; really well done after the donation that we got. I don’t know of any road that is impassable right now.”

Mr. Burst-“This is only an interim between the time you can bid it out and the time that the oil-again I’m taking the representation of the Department that the existing oil is not satisfactory. I have no knowledge of that; I have no way of checking it out. I know that Mike attempted to get a direct purchase through another vendor that was on a Board or through some method. I’m not sure, you would have to ask him that, and he came against a wall. He couldn’t find any way to get any oil now and the Commissioner said she needed it now and so now and between the time we bid it and so for that limited purpose, you have the discretion to declare an emergency. If you’ve got a

need, then that's fine. This Court has the discretion to declare it under 262.024 of the Purchasing Act and it's a discretionary issue with the Court. You can only be challenged if you abuse it and with those facts, I don't believe it would be an abused discretion but if you don't want to do it, again, its discretionary. You vote to do it or not to do it."

Judge Cascos-"What's the difference in price, just out of curiosity, from the old vendor to this emergency vendor?"

Mr. Forbes-"This price is actually lower."

Judge Cascos-"Really?"

Mr. Forbes-"We expect it will be a lot lower with the bids."

Commissioner Garza-"It has gone down, ok."

Judge Cascos-"So we're not paying any more. All we're doing is trying to expedite some roads getting done."

Mr. Forbes-"We're looking to keeping a continuum going so work doesn't stop. And I think for the other Precincts, if you can just hold for a week or two doing other work, other than pouring emulsion..."

Commissioner Garza-"Most of the other Precincts have been on hold also if there's an issue as Ernesto said, ok? It's not one that just does paving. All of them do."

Mr. Forbes-"The 18<sup>th</sup> is a couple of weeks away. Now if there is an urgency to do other Precincts, maybe this can be expanded to be all 4 Precincts until two weeks are up?"

Judge Cascos-"Richard, do we have to be specific on roads where this is going to be applied or just can we expand it just to include any emulsion oil orders by any Precinct?"

Mr. Burst-"Well, yeah. You need to be specific on what roads there is. A fill-in-the-blank paragraph that was prepared here to determine what roads that there's an urgent need to repair for the lack of oil and yes, if you've got-that's what I'm saying, if Commissioner Garza's got some specific need that's similar to that then that's not a problem."

Judge Cascos-"Or anybody."

Mr. Burst-"Anybody, that is correct. This is just a fill gap that was not created by any action of the Commissioners' Court or the County."

Commissioner Garza-"I don't have a problem if we make sure and include whoever needs to have the product, you know, because it's blank there. I have a question though. Why is the top, it says, 'Local Government Code 262.024' and then on the 'whereas' part it says, '262.023'?"

Mr. Burst-“That’s because 262.024 is a Section that exempts the purchase from the purchase requirement that’s set out in 262.023.”

Commissioner Garza-“Ok. I don’t have a problem if you blanket it for whoever needs it.”

Mr. Forbes-“Ok and to help put you all at ease within two weeks, we have been talking with two vendors. Louis Ara is out there checking their materials to see if it is adequate and hopefully in a few weeks we’ll have-we’re planning this time around to have a primary and secondary vendor. If there’s any problem with the primary vendor, we revert back to the secondary vendor to keep the show on the road.”

Mr. Hinojosa-“In following through with that, what we’ll do is once we bid out this particular product, we’ll go ahead and test it. That way we can make sure that it meets the specifications and that there’s no-I mean it’ll be black and white; either it does or it doesn’t and if it doesn’t, then we go to the next vendor.”

Judge Cascos-“Well, the problem that you have with the testing is that you test it once and you don’t know what you’re getting subsequent to that. I mean, are you going to be testing every truck load that comes in? That’s not really practical.”

Commissioner Garza-“You just need a reliable supplier. Well, I would move to approve (the order) if it includes whoever needs the product because of the need for finding of emergency or whatever it is that Legal wants us to do here.”

Judge Cascos-“Well, what that means is you-don’t you have to provide specific roads that you’re going to be doing, Richard?”

Mr. Burst-“No. The way it’s drafted, you can fill in the blanks, but the way he’s moved is fine, too. You’re declaring an emergency for those that need oil, the roads that need oil, right now because of the unavailability and it’s not a cause of the County. So I don’t have a problem with that.”

Judge Cascos-“Got it. Moved by Commissioner Garza. Do I have a second?”

Commissioner Wood-“Second.”

Judge Cascos-“By Commissioner Wood. Any further discussion? All those in favor please signify by saying ‘aye’.”

Commissioner Garza, Commissioner Wood and Commissioner Benavides-“Aye.”

Judge Cascos-“Any opposed? Item carries.”

**The Order is as follows:**

---

**(CC) CONSIDERATION AND APPROVAL OF AGREEMENT BETWEEN CAMERON COUNTY AND GIANT AERIAL BILLBOARD FOR THE USE OF THE COUNTY AIRPORT. (PSJ-ADMINISTRATOR) (Contract No. 2009C02041)**

Commissioner Wood inquired as to whom will be approving the content of the banners.

Mr. Pete Sepulveda, County Administrator, referred to Section 4 of the Contract.

Commissioner Garza asked for clarification as to who is considered "Cameron County" under Section 4.

Commissioner Wood recommended the Parks Director be responsible for approving the advertisements on the banners.

Judge Cascos recommended that Mr. Pete Sepulveda, County Administrator, Mr. Javier Mendez, Parks Director, and Ms. Martha Galarza, County Auditor, be in charge of reviewing the content of the banners.

Commissioner Garza motioned to approve the Agreement between Cameron County and Giant Aerial Billboard for the Use of the County Airport.

The motion was seconded by Commissioner Wood and carried unanimously.

**The Contract 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 Garza 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 Wood motioned to approve the Claims.

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

AYE: Commissioner Wood, Commissioner Benavides and Commissioner Garza

NAY: None

ABSTAIN: Judge Cascos as to Warrant No. 00214049, made payable to Brownsville Independent School District, in the amount of \$40.00 and Warrant No. 00214182, made payable to Los Fresnos Consolidated Independent School District, in the amount of \$20.00 and Warrant No. 00214234, made payable to City of Port Isabel, in the amount of \$45.00 and Warrant No. 00214239, made payable to Public Utilities Board, in the amount of \$756.72.

**The Claims and Affidavits are as follows:**

---

**(C) APPROVAL OF MINUTES FOR:  
JANUARY 8, 2009 – SPECIAL MEETING  
JANUARY 8, 2009 – REGULAR MEETING**

Commissioner Benavides motioned to approve the Minutes for the January 8, 2009-Special Meeting and the January 8, 2009-Regular Meeting.

The motion was seconded by Commissioner Garza and carried unanimously.

---

**(D) CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN CAMERON COUNTY AND W.G. YATES & SONS CONSTRUCTION COMPANY FOR THE ADDITION TO THE CARRIZALEZ RUCKER FACILITY. (PSJ-ADMINISTRATOR) (TABLED)**

Commissioner Garza motioned to TABLE this item.

The motion was seconded by Commissioner Wood and carried unanimously.

---

**(E) CONSIDERATION AND ACTION ON BUDGETING/ACCOUNTING ISSUES REGARDING DISTRICT ATTORNEY'S OFFICE FUND 900-475, FUND 600-475, AND THE DISTRICT ATTORNEY'S FORFEITURE ACCOUNT. (AV-DISTRICT ATTORNEY) (TABLED)**

Commissioner Wood motioned to TABLE this item.

The motion was seconded by Commissioner Garza and carried unanimously.

---

**(F) DISCUSSION AND POSSIBLE ACTION ON THE APPROVAL OF THE VETERAN'S POLICY WHICH WILL ALLOW VETERAN'S DISCOUNT INTO COUNTY PARKS. (JM-PARKS)**

Mr. Javier Mendez, Parks Director, presented to the Court the Veteran Admission Discount Policy.

Commissioner Garza asked if County employees currently receive a discount to County Parks.

Mr. Mendez replied that such a discount has never been approved by Commissioners' Court.

Commissioner Garza asked that a policy be brought to the Court in regards to an employee discount into County Parks.

Commissioner Garza motioned to approve the Veteran's Policy which will allow Veteran's a discount into County Parks.

The motion was seconded by Commissioner Wood and carried unanimously.

**The Documentation is as follows:**

---

**(G) CONSIDERATION AND AUTHORIZATION TO AWARD BID #081201  
TO LOWEST BIDDER, GARCO CONSTRUCTION, LLC IN THE  
AMOUNT OF \$720,880.00. (JM-PARKS)**

Commissioner Garza motioned to award Bid #081201 to the Lowest Bidder, Garco Construction, LLC, in the amount of \$720,880.00.

The motion was seconded by Commissioner Wood and carried unanimously.

**The Documentation is as follows:**

---

**(H) CONSIDERATION AND AUTHORIZATION TO EXECUTE  
CONTRACT WITH GARCO CONSTRUCTION, LLC FOR THE  
CONSTRUCTION OF THE LOS FRESNOS BOYS & GIRLS CLUB.  
(JM-PARKS) (Contract No. 2009C02037)**

Commissioner Garza motioned to approve the execution of the Contract with Garco Construction, LLC, for the Construction of the Los Fresnos Boys & Girls Club.

The motion was seconded by Commissioner Benavides and carried unanimously.

**The Contract is as follows:**

---

**(J) CONSIDER APPOINTMENT OF "OTHER QUALIFIED PERSON" (SHERIFF OR CONSTABLE) AS CHIEF OF THE PARK RANGERS PURSUANT TO LOCAL GOVERNMENT CODE, CHAPTER 351, SUB-CHAPTER E. (CHC-JUDGE) (TABLED)**

Commissioner Garza motioned to TABLE this item.

The motion was seconded by Commissioner Wood and carried unanimously.

---

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

Mr. Robert L. Lopez, Director of Administrative Services, reported that the most recent deposit was issued on February 4, 2009 and amounts to \$2,891.29.

Judge Cascos inquired as to the amount pending.

Mr. Lopez replied that approximately \$1.5 million is still outstanding, according to the numbers obligated. He explained that \$4.7 million has been received as of January 27, 2009 and \$6.4 million was obligated to Cameron County. He noted that project worksheets are still being submitted and that the amount obligated may increase.

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

The motion was seconded by Commissioner Garza and carried unanimously.

**The Documentation is as follows:**

# **SUPPLEMENTAL AGENDA**

## **CONSENT ITEMS**

- (1) **CONSIDERATION AND APPROVAL FOR THE SHERIFF'S DEPARTMENT TO SUBMIT A CONTINUATION GRANT APPLICATION TO THE TEXAS DEPARTMENT OF PUBLIC SAFETY FOR THE 2009 OPERATION STONEGARDEN GRANT. (OL-SHERIFF)**

Commissioner Wood motioned to approve the Sheriff's Department to submit a Continuation Grant

Application to the Texas Department of Public Safety for the 2009 Operation Stonegarden Grant.

The motion was seconded by Commissioner Garza and carried unanimously.

**The Documentation is as follows:**

---

There being no further business to come before the Court, upon motion by Commissioner Benavides, seconded by Commissioner Garza and carried unanimously, the meeting was **ADJOURNED** at 6:35 P.M.

---

---

**APPROVED** this 5<sup>th</sup> day of **March 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**