

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 24th day of November 2009, 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:

10:00 A.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 Pro-Tem Garza at 10:00 A.M. The Court then led the 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 20, 2009 at 10:48 A.M.:

EXECUTIVE SESSION

Upon motion by Commissioner Benavides, seconded by Commissioner Garza and carried unanimously, the Court met in Executive Session at 10:02 A.M. to discuss the following matters:

Judge Cascos noted that Executive Session Item No. 1 (A) was posted referencing an incorrect Code Section and should read "Section 551.071(1) (A) & (B)".

(1) EXECUTIVE SESSION:

- (A) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING LINDA MARTINEZ VS. CAMERON COUNTY, CAMERON COUNTY JUVENILE PROBATION DEPARTMENT AND TEXAS JUVENILE PROBATION COMMISSION; IN THE UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS; CIVIL ACTION NO. 09-CV-205, FOR DISCUSSION AND POSSIBLE SETTLEMENT, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 511.071 (1) (A) & (B).**
- (B) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL REGARDING CONTRACT ISSUES WITH AFFILIATED HOSPITALITY, LLC. IN ANDY BOWIE PARK, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071 (2).**
- (C) CONFER WITH DELINQUENT TAX ATTORNEY FOR LEGAL ADVICE OVER PENDING LITIGATION INVOLVING OCEAN TOWER, LP, CAUSE NO. 2009-11-6173-G, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071 (1) (A).**
- (D) CONFER WITH DELINQUENT TAX ATTORNEY FOR LEGAL ADVICE OVER PENDING LITIGATION INVOLVING JOAQUIN BLENGIO, TRUSTEE, IGLESIA DE CRISTO, CAUSE NO. 2009-03-1989-G, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071 (1) (A).**
- (E) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL FOR LEGAL ADVICE ON NEGOTIATIONS AND CONTRACT ISSUES WITH SPI WATERPARK, LTD FOR A 6.730 ACRE IN ISLA BLANCA PARK, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071 (2).**

Upon motion by Commissioner Wood, seconded by Commissioner Garza and carried unanimously, the Court reconvened into Regular Session at 10:27 A.M. to discuss the following matters:

(2) ACTION RELATIVE TO EXECUTIVE SESSION:

- (A) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING LINDA MARTINEZ VS. CAMERON COUNTY, CAMERON COUNTY JUVENILE PROBATION DEPARTMENT AND TEXAS JUVENILE PROBATION COMMISSION; IN THE UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS; CIVIL ACTION NO. 09-CV-205, FOR DISCUSSION AND POSSIBLE SETTLEMENT, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 511.071 (1) (A) & (B).**

Commissioner Garza motioned to approve the settlement agreement as discussed in Executive Session.

The motion was seconded by Commissioner Benavides and carried unanimously.

- (B) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL REGARDING CONTRACT ISSUES WITH AFFILIATED HOSPITALITY, LLC. IN ANDY BOWIE PARK, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071 (2).**

Commissioner Wood motioned to acknowledge the Report by Mr. Javier Mendez, Parks Director, and to approve authorization to proceed along the terms and conditions as discussed in Executive Session.

The motion was seconded by Commissioner Benavides and carried unanimously.

- (C) **CONFER WITH DELINQUENT TAX ATTORNEY FOR LEGAL ADVICE OVER PENDING LITIGATION INVOLVING OCEAN TOWER, LP, CAUSE NO. 2009-11-6173-G, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071 (1) (A).**

Commissioner Wood motioned to acknowledge the Report by Mr. Guevara and to approve authorization to proceed along the terms and conditions as discussed in Executive Session.

The motion was seconded by Commissioner Benavides and carried unanimously.

- (D) **CONFER WITH DELINQUENT TAX ATTORNEY FOR LEGAL ADVICE OVER PENDING LITIGATION INVOLVING JOAQUIN BLENGIO, TRUSTEE, IGLESIA DE CRISTO, CAUSE NO. 2009-03-1989-G, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071 (1) (A).**

Commissioner Garza motioned to acknowledge the Report by Mr. Guevara and to approve authorization to proceed along the terms and conditions as discussed in Executive Session.

The motion was seconded by Commissioner Benavides and carried unanimously.

- (E) **CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL FOR LEGAL ADVICE ON NEGOTIATIONS AND CONTRACT ISSUES WITH SPI WATERPARK, LTD FOR A 6.730 ACRE IN ISLA BLANCA PARK, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071 (2). (TABLED)**

Commissioner Wood motioned to TABLE this item.

The motion was seconded by Commissioner Garza and carried unanimously.

(3) **PUBLIC COMMENTS.**

Commissioner Garza commented on a recent visit to Austin, TX regarding the I-69 Corridor.

PRESENTATIONS

(4) **PRESENTATIONS/RESOLUTIONS.**

- (A) **PRESENTATION BY NRS ENGINEERING WATER SOLUTIONS TO ALLOW CONTINUED USE OF THE SEAWATER DESALINATION PILOT PROJECT (PILOT) SITE FOR A WAVE ENERGY ASSESSMENT AND PILOT AT ANDY BOWIE PARK. (JM-PARKS)**

Mr. Chris Norris, NRS Consulting Engineers, presented the following information regarding the Seawater Desalination Pilot Project (Pilot) Site.

Commissioner Wood motioned to acknowledge the Presentation by NRS Engineering Water Solutions to allow continued use of the Seawater Desalination Pilot Project (Pilot) Site for a Wave Energy Assessment and Pilot at Andy Bowie Park.

The motion was seconded by Commissioner Benavides 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 ITEMS:

Consent Item No. 5 (K):

Ms. Dylbia Jeffries-Vega, Legal Counsel, asked to TABLE this item.

Consent Items No. 5 (H), (J), (M), (O), (P), (Q), (R), and (V):

Commissioner Garza asked to discuss these items separately.

Consent Items No. 5 (B) and (L):

Commissioner Wood asked to discuss these items separately.

Consent Items No. 5 (W) and (Y):

Judge Cascos asked to discuss these items separately.

Commissioner Benavides motioned to approve the "Consent Items", excluding Consent Items No. 5 (B),

(H), (J), (K), (L), (M), (O), (P), (Q), (R), (V), (W) and (Y).

The motion was seconded by Commissioner Garza and carried unanimously.

- (A) **CONSIDERATION AND AUTHORIZATION TO APPROVE THE LETTER OF AUTHORIZATION FOR THE REQUEST OF HISTORICAL USAGE INFORMATION FOR BID TEXAS ON-LINE, INC. (RL-ADMINISTRATIVE SERVICES) (Contract No. 2009C11409)**
The Documentation is as follows:
- (B) **CONSIDERATION AND ACKNOWLEDGEMENT OF SECRETARY OF STATE (SOS) HELP AMERICAN VOTE ACT (HAVA) GRANT MONITORING REVIEW. (MG-AUDITOR) (ACTION TAKEN SEPARATELY)**
- (C) **CONSIDERATION AND AUTHORIZATION TO ADVERTISE FOR BIDS FOR ROADWAY AND DRAINAGE IMPROVEMENTS, BORDER COLONIA ACCESS PROGRAM 3RD CALL, TIERRA BONITA #3 SUBDIVISION – PCT. 4. (EH-CCDoT)**
The Documentation is as follows:
- (D) **CONSIDERATION AND ADOPTION OF A RESOLUTION HONORING MRS. LISSETTE TORRES DE LA CERDA ON THE OCCASION OF HER RETIREMENT. (SB-COMM. PCT. 1) (Resolution No. 2009R11119)**
The Resolution is as follows:
- (E) **CONSIDERATION AND APPROVAL FOR THE CAMERON COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES – PUBLIC HEALTH RESPONSE PROGRAM TO PURCHASE MOTOROLA PTP 54600 LITER CONNECTORISED – LINK COMPLETE, REQUIRED KITS AND BRIDGES THROUGH THE HOUSTON GALVESTON AREA COUNCIL OF GOVERNMENT (H-GAC-CONTRACT #RAS01-08) PRICING UTILIZING THE COMMUNITY PREPAREDNESS SECTION/BIOTERRORISM DISCRETIONARY GRANT FUNDS FOR THE AMOUNT OF \$28,349.00. (YS-HEALTH) (Contract No. 2009C11411)**
The Contract is as follows:
- (F) **CONSIDERATION AND APPROVAL FOR THE CAMERON COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES – PUBLIC HEALTH RESPONSE PROGRAM TO PURCHASE RADIO EQUIPMENT FROM MOTOROLA, INC. THROUGH THE HOUSTON GALVESTON AREA COUNCIL OF GOVERNMENT (H-GAC-CONTACT #RA01-08) PRICING UTILIZING THE COMMUNITY PREPAREDNESS SECTION/BIOTERRORISM DISCRETIONARY GRANT FUNDS FOR THE AMOUNT OF \$38,033.00. (YS-HEALTH) (Contract No. 2009C11412)**
The Contract is as follows:

- (G) **CONSIDERATION AND AUTHORIZATION TO ADVERTISE TO SOLICIT FOR OFFICE SPACE FOR CAMERON COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES (CCDHHS) WIC PROGRAM. (YS-HEALTH)**
The Documentation is as follows:
- (H) **CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN CAMERON COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES CHS-FEE FOR SERVICE-FAMILY PLANNING PROGRAM TO PROVIDE FAMILY PLANNING SERVICES IN CAMERON COUNTY. (YS-HEALTH) (ACTION TAKEN SEPARATELY)**
- (I) **CONSIDERATION AND ACTION FOR THE APPOINTMENT OF HUGO VILLARREAL JR., ARMANDO GOMEZ AND BENJAMIN MURAJDA RESERVE DEPUTY CONSTABLES FOR PRECINCT #2 IN COMPLIANCE WITH THE FINDING THAT IT IS NECESSARY TO APPOINT THE DEPUTIES IN ORDER TO PROPERLY HANDLE THE BUSINESS OF THE CONSTABLE'S OFFICE THAT ORIGINATES IN THE CONSTABLE'S PRECINCT. (MV-HUMAN RESOURCES)**
The Documentation is as follows:
- (J) **CONSIDERATION AND POSSIBLE RENEWAL OF TOWER RENTAL AGREEMENT WITH O.E. INVESTMENTS, INC. (DJV-LEGAL) (ACTION TAKEN SEPARATELY)**
- (K) **CONSIDERATION AND POSSIBLE APPROVAL OF SECOND AMENDMENT TO OPERATING AGREEMENT WITH ARAMARK CORRECTIONAL SERVICES, LLC. (DJV-LEGAL) (ACTION TAKEN SEPARATELY)**
- (L) **CONSIDERATION AND AUTHORIZATION TO APPROVE LICENSE AGREEMENT WITH UNITED WAY. (JM-PARKS) (ACTION TAKEN SEPARATELY)**
- (M) **CONSIDERATION AND AUTHORIZATION TO ACCEPT RAIN DAYS AND EXECUTE CHANGE ORDER #2 TO THE CONTRACT'S (CONTRACT NO. 2009C06216) ORIGINAL NUMBER OF CALENDAR DAYS ALLOTTED FOR PROJECT COMPLETION FOR THE STATE HIGHWAY 48 BOAT RAMP RENOVATION PROJECT WITH TERRY RAY CONSTRUCTION. (JM-PARKS) (ACTION TAKEN SEPARATELY)**
- (N) **CONSIDERATION AND AUTHORIZATION TO EXECUTE AGREEMENT FOR CONTROL OF ANIMAL DAMAGE ON PRIVATE PROPERTY. (JM-PARKS) (Contract No. 2009C11405)**
The Contract is as follows:
- (O) **CONSIDERATION AND AUTHORIZATION TO INCREASE SLOT #2 FROM BUDGET 830-6540 BY \$2,000.00. (JM-PARKS) (ACTION TAKEN SEPARATELY)**
- (P) **CONSIDERATION AND AUTHORIZATION TO AWARD BID TO LOWEST BIDDER, SHIRLEY & SONS FOR THE CONSTRUCTION OF THE SHORELINE RESTORATION PROJECT II AT ADOLPH THOMAE, JR. COUNTY PARK. (JM-PARKS) (ACTION TAKEN SEPARATELY)**
- (Q) **CONSIDERATION AND AUTHORIZATION TO EXECUTE CONTRACT NUMBER 2009C11404 WITH SHIRLEY & SONS FOR THE CONSTRUCTION OF THE SHORELINE RESTORATION PROJECT PHASE II AT ADOLPH THOMAE, JR. COUNTY PARK. (JM-PARKS) (ACTION TAKEN SEPARATELY)**
- (R) **CONSIDERATION AND ADOPTION OF RESOLUTION 2009R11118 AUTHORIZING CAMERON COUNTY TO PARTICIPATE IN THE LOCAL PARK GRANT PROGRAM AND TO DESIGNATE CERTAIN OFFICIALS TO BE RESPONSIBLE IN DEALING WITH TEXAS PARKS & WILDLIFE DEPARTMENT. (JM-PARKS) (ACTION TAKEN SEPARATELY)**
- (S) **CONSIDERATION AND AUTHORIZATION TO EXECUTE CONTRACT NO. 2009C01002 BETWEEN CAMERON COUNTY (PARKS AND RECREATION) AND JOE FORTUGNO FOR ISLA BLANCA PARK BINGO CLUB DIRECTOR. (JM-PARKS) (Contract No. 2009C11415)**
The Contract is as follows:
- (T) **CONSIDERATION AND APPROVAL OF A RESOLUTION OF THE COMMISSIONERS COURT OF CAMERON COUNTY, TEXAS AUTHORIZING THE SUBMISSION OF A NOMINATION APPLICATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION ENHANCEMENT PROGRAM ON BEHALF OF THE TOWN OF SOUTH PADRE ISLAND, TEXAS. (FB-PD&M) (Resolution No. 2009R11120)**

The Resolution is as follows:

- (U) **CONSIDERATION AND ADOPTION OF REVISED 2010-2011 CRIMINAL JUSTICE COMMUNITY PLAN FOR CAMERON COUNTY, PURSUANT TO FUNDING REQUIREMENTS OF THE GOVERNOR'S OFFICE CRIMINAL JUSTICE DIVISION. (FB-PD&M)**
The Documentation is as follows:
- (V) **CONSIDERATION AND APPROVAL OF A RESOLUTION OF THE COMMISSIONERS COURT OF CAMERON COUNTY, TEXAS AUTHORIZING THE SUBMISSION OF A NOMINATION APPLICATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION ENHANCEMENT PROGRAM ON BEHALF OF THE CITY OF PORT ISABEL, TEXAS. (FB-PD&M) (ACTION TAKEN SEPARATELY)**
- (W) **CONSIDERATION AND APPROVAL TO ADD TO EVALUATION COMMITTEE FOR: (MF-PURCHASING) (ACTION TAKEN SEPARATELY)**
a. **INFIRMARY MEDICAL SERVICES – RFP #090902.**
- (X) **CONSIDERATION AND AUTHORIZATION TO APPROVE A 60 MONTH LEASE FOR A COPIER WITH TPASS/XEROX STATE CONTRACT TPASS 985-L2. (LP-REPRODUCTION) (Contract No. 2009C11416)**
The Documentation is as follows:
- (Y) **CONSIDERATION AND POSSIBLE APPROVAL OF CONTRACT TO HIRE DR. ALBERTO ALMEIDA NEW JAIL PHYSICIAN FOR A PERIOD OF 3 MONTHS, PENDING RFQ. (OL-SHERIFF) (ACTION TAKEN SEPARATELY)**
- (Z) **CONSIDERATION AND AUTHORIZATION TO ADVERTISE FOR RFQ'S FOR JAIL PHYSICIAN. (OL-SHERIFF)**
- (AA) **CONSIDERATION AND AUTHORIZATION TO APPROVE A 60 MONTH LEASE FOR A COPIER WITH TPASS/XEROX STATE CONTRACT TPASS 985-L2. (OL-SHERIFF) (Contract No. 2009C11417)**
The Documentation is as follows:
- (BB) **CONSTABLE PRECINCT 1 STAFF (3): CONSTABLE HORACIO ZAMORA, LIEUTENANT SILVERIO CISNEROS AND CORPORAL OVIDIO CISNEROS, TO TRAVEL TO HUMBLE, TEXAS, ON 12/15 TO 12/19/09, TO ATTEND THE COURSE ON CORRECT PROCEDURES IN RECOGNIZING CHILD ABUSE AND THE LAW REGARDING THE RESPONSIBILITY IN THE CHILD ABUSE CASES CONFERENCE.**
The Documentation is as follows:
- (CC) **HEALTH DEPARTMENT STAFF (3): HEALTH INSPECTOR RUBEN PARDO, ASSISTANT DIRECTOR OF ENVIRONMENTAL HEALTH GUSTAVO OLIVARES AND ANIMAL CONTROL OFFICER JACOB CURTIS, TO TRAVEL TO SOUTH PADRE ISLAND, TEXAS, ON 12/9 TO 12/10/09, TO ATTEND THE TEXAS ENVIRONMENTAL HEALTH ASSOCIATION (TEHA) SOUTH TEXAS CHAPTER EDUCATIONAL CONFERENCE.**
The Documentation is as follows:
- (DD) **HEALTH DEPARTMENT STAFF (3): BREAST FEEDING COORDINATOR VERONICA RAMIREZ AND BREAST FEEDING PEER COUNSELORS JESSICA WILSON AND CHRISTINA DEL RIO, TO TRAVEL TO LAREDO, TEXAS, ON 12/9 TO 12/12/09, TO ATTEND THE LACTATION COUNSELING AND PROBLEM SOLVING COURSE.**
The Documentation is as follows:
- (EE) **HEALTH DEPARTMENT STAFF (9): HEALTH ADMINISTRATOR YVETTE SALINAS, ASSISTANT HEALTH ADMINISTRATOR ESMERALDA GUAJARDO, DIRECTOR OF ENVIRONMENTAL HEALTH RAQUEL CASTILLO, ASSISTANT DIRECTOR OF ENVIRONMENTAL HEALTH GUSTAVO OLIVARES, ANIMAL CONTROL SUPERVISOR CARLOS AGADO, ANIMAL CONTROL CLERK PATRICIA OYERVIDES, ANIMAL CONTROL OFFICERS ELOY MALDONADO, HECTOR GOMEZ AND JACOB CURTIS, TO TRAVEL TO HARLINGEN, TEXAS, ON 12/16/09, TO ATTEND THE DEPARTMENT OF STATE HEALTH SERVICES (DSHS) LOCAL RABIES CONTROL AUTHORITY (LRCA) TRAINING.**
The Documentation is as follows:

- (A) CONSIDERATION AND AUTHORIZATION TO APPROVE THE LETTER OF AUTHORIZATION FOR THE REQUEST OF HISTORICAL USAGE INFORMATION FOR BID TEXAS ON-LINE, INC. (RL-ADMINISTRATIVE SERVICES) (Contract No. 2009C11409)
The Documentation is as follows:**

- (C) CONSIDERATION AND AUTHORIZATION TO ADVERTISE FOR BIDS FOR ROADWAY AND DRAINAGE IMPROVEMENTS, BORDER COLONIA ACCESS PROGRAM 3RD CALL, TIERRA BONITA #3 SUBDIVISION – PCT. 4. (EH-CCDoT)**
The Documentation is as follows:

- (D) CONSIDERATION AND ADOPTION OF A RESOLUTION HONORING MRS. LISSETTE TORRES DE LA CERDA ON THE OCCASION OF HER RETIREMENT. (SB-COMM. PCT. 1) (Resolution No. 2009R11119)**
The Resolution is as follows:

- (E) CONSIDERATION AND APPROVAL FOR THE CAMERON COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES – PUBLIC HEALTH RESPONSE PROGRAM TO PURCHASE MOTOROLA PTP 54600 LITER CONNECTORISED – LINK COMPLETE, REQUIRED KITS AND BRIDGES THROUGH THE HOUSTON GALVESTON AREA COUNCIL OF GOVERNMENT (H-GAC-CONTRACT #RAS01-08) PRICING UTILIZING THE COMMUNITY PREPAREDNESS SECTION/BIOTERRORISM DISCRETIONARY GRANT FUNDS FOR THE AMOUNT OF \$28,349.00. (YS-HEALTH) (Contract No. 2009C11411)**

The Contract is as follows:

- (F) CONSIDERATION AND APPROVAL FOR THE CAMERON COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES – PUBLIC HEALTH RESPONSE PROGRAM TO PURCHASE RADIO EQUIPMENT FROM MOTOROLA, INC. THROUGH THE HOUSTON GALVESTON AREA COUNCIL OF GOVERNMENT (H-GAC-CONTACT #RA01-08) PRICING UTILIZING THE COMMUNITY PREPAREDNESS SECTION/BIOTERRORISM DISCRETIONARY GRANT FUNDS FOR THE AMOUNT OF \$38,033.00. (YS-HEALTH) (Contract No. 2009C11412)
The Contract is as follows:**

- (G) CONSIDERATION AND AUTHORIZATION TO ADVERTISE TO SOLICIT FOR OFFICE SPACE FOR CAMERON COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES (CCDHHS) WIC PROGRAM. (YS-HEALTH)**
The Documentation is as follows:

- (I) CONSIDERATION AND ACTION FOR THE APPOINTMENT OF HUGO VILLARREAL JR., ARMANDO GOMEZ AND BENJAMIN MURIDA RESERVE DEPUTY CONSTABLES FOR PRECINCT #2 IN COMPLIANCE WITH THE FINDING THAT IT IS NECESSARY TO APPOINT THE DEPUTIES IN ORDER TO PROPERLY HANDLE THE BUSINESS OF THE CONSTABLE'S OFFICE THAT ORIGINATES IN THE CONSTABLE'S PRECINCT. (MV-HUMAN RESOURCES)**
The Documentation is as follows:

(N) CONSIDERATION AND AUTHORIZATION TO EXECUTE AGREEMENT FOR CONTROL OF ANIMAL DAMAGE ON PRIVATE PROPERTY. (JM-PARKS) (Contract No. 2009C11405)
The Contract is as follows:

- (S) CONSIDERATION AND AUTHORIZATION TO EXECUTE CONTRACT NO. 2009C01002 BETWEEN CAMERON COUNTY (PARKS AND RECREATION) AND JOE FORTUGNO FOR ISLA BLANCA PARK BINGO CLUB DIRECTOR. (JM-PARKS) (Contract No. 2009C11415)**
The Contract is as follows:

- (T) CONSIDERATION AND APPROVAL OF A RESOLUTION OF THE COMMISSIONERS COURT OF CAMERON COUNTY, TEXAS AUTHORIZING THE SUBMISSION OF A NOMINATION APPLICATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION ENHANCEMENT PROGRAM ON BEHALF OF THE TOWN OF SOUTH PADRE ISLAND, TEXAS. (FB-PD&M) (Resolution No. 2009R11120)**
The Resolution is as follows:

- (U) CONSIDERATION AND ADOPTION OF REVISED 2010-2011 CRIMINAL JUSTICE COMMUNITY PLAN FOR CAMERON COUNTY, PURSUANT TO FUNDING REQUIREMENTS OF THE GOVERNOR'S OFFICE CRIMINAL JUSTICE DIVISION. (FB-PD&M)**
The Documentation is as follows:

- (X) CONSIDERATION AND AUTHORIZATION TO APPROVE A 60 MONTH LEASE FOR A COPIER WITH TPASS/XEROX STATE CONTRACT TPASS 985-L2. (LP-REPRODUCTION) (Contract No. 2009C11416)**
The Documentation is as follows:

**(AA) CONSIDERATION AND AUTHORIZATION TO APPROVE A 60 MONTH LEASE FOR A COPIER WITH TPASS/XEROX STATE CONTRACT TPASS 985-L2. (OL-SHERIFF) (Contract No. 2009C11417)
The Documentation is as follows:**

(BB) CONSTABLE PRECINCT 1 STAFF (3): CONSTABLE HORACIO ZAMORA, LIEUTENANT SILVERIO CISNEROS AND CORPORAL OVIDIO CISNEROS, TO TRAVEL TO HUMBLE, TEXAS, ON 12/15 TO 12/19/09, TO ATTEND THE COURSE ON CORRECT PROCEDURES IN RECOGNIZING CHILD ABUSE AND THE LAW REGARDING THE RESPONSIBILITY IN THE CHILD ABUSE CASES CONFERENCE.

The Documentation is as follows:

**(CC) HEALTH DEPARTMENT STAFF (3): HEALTH INSPECTOR RUBEN PARDO, ASSISTANT DIRECTOR OF ENVIRONMENTAL HEALTH GUSTAVO OLIVARES AND ANIMAL CONTROL OFFICER JACOB CURTIS, TO TRAVEL TO SOUTH PADRE ISLAND, TEXAS, ON 12/9 TO 12/10/09, TO ATTEND THE TEXAS ENVIRONMENTAL HEALTH ASSOCIATION (TEHA) SOUTH TEXAS CHAPTER EDUCATIONAL CONFERENCE.
The Documentation is as follows:**

(DD) HEALTH DEPARTMENT STAFF (3): BREAST FEEDING COORDINATOR VERONICA RAMIREZ AND BREAST FEEDING PEER COUNSELORS JESSICA WILSON AND CHRISTINA DEL RIO, TO TRAVEL TO LAREDO, TEXAS, ON 12/9 TO 12/12/09, TO ATTEND THE LACTATION COUNSELING AND PROBLEM SOLVING COURSE.

The Documentation is as follows:

(EE) HEALTH DEPARTMENT STAFF (9): HEALTH ADMINISTRATOR YVETTE SALINAS, ASSISTANT HEALTH ADMINISTRATOR ESMERALDA GUAJARDO, DIRECTOR OF ENVIRONMENTAL HEALTH RAQUEL CASTILLO, ASSISTANT DIRECTOR OF ENVIRONMENTAL HEALTH GUSTAVO OLIVARES, ANIMAL CONTROL SUPERVISOR CARLOS AGADO, ANIMAL CONTROL CLERK PATRICIA OYERVIDES, ANIMAL CONTROL OFFICERS ELOY MALDONADO, HECTOR GOMEZ AND JACOB CURTIS, TO TRAVEL TO HARLINGEN, TEXAS, ON 12/16/09, TO ATTEND THE DEPARTMENT OF STATE HEALTH SERVICES (DSHS) LOCAL RABIES CONTROL AUTHORITY (LRCA) TRAINING.

The Documentation is as follows:

CONSENT ITEMS

(5) CONSENT ITEMS.

(B) CONSIDERATION AND ACKNOWLEDGEMENT OF SECRETARY OF STATE (SOS) HELP AMERICAN VOTE ACT (HAVA) GRANT MONITORING REVIEW. (MG-AUDITOR)

Commissioner Garza motioned to acknowledge the Secretary of State (SOS) Help American Vote Act (HAVA) Grant Monitoring Review.

The motion was seconded by Commissioner Wood and carried unanimously.

The Documentation is as follows:

(H) CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN CAMERON COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES CHS-FEE FOR SERVICE-FAMILY PLANNING PROGRAM TO PROVIDE FAMILY PLANNING SERVICES IN CAMERON COUNTY. (YS-HEALTH) (Contract No. 2009C11413)

Commissioner Garza motioned to approve the Contract between Cameron County Department of Health and Human Services and the Texas Department of State Health Services CHS-Fee for Service-Family Planning Program to Provide Family Planning Services in Cameron County.

The motion was seconded by Commissioner Wood and carried unanimously.

The Contract is as follows:

(J) CONSIDERATION AND POSSIBLE RENEWAL OF TOWER RENTAL AGREEMENT WITH O.E. INVESTMENTS, INC. (DJV-LEGAL)

Commissioner Garza motioned to approve the Renewal of the Tower Rental Agreement with O.E. Investments, Inc.

The motion was seconded by Commissioner Wood and carried unanimously.

The Documentation is as follows:

(K) CONSIDERATION AND POSSIBLE APPROVAL OF SECOND AMENDMENT TO OPERATING AGREEMENT WITH ARAMARK CORRECTIONAL SERVICES, LLC. (DJV-LEGAL) (TABLED)

Commissioner Benavides motioned to TABLE this item.

The motion was seconded by Commissioner Garza and carried unanimously.

(L) CONSIDERATION AND AUTHORIZATION TO APPROVE LICENSE AGREEMENT WITH UNITED WAY. (JM-PARKS) (Contract No. 2009C11414)

Commissioner Benavides motioned to approve the License Agreement with United Way.

The motion was seconded by Commissioner Wood and carried unanimously.

The Contract is as follows:

(M) CONSIDERATION AND AUTHORIZATION TO ACCEPT RAIN DAYS AND EXECUTE CHANGE ORDER #2 TO THE CONTRACT'S (CONTRACT NO. 2009C06216) ORIGINAL NUMBER OF CALENDAR DAYS ALLOTTED FOR PROJECT COMPLETION FOR THE STATE HIGHWAY 48 BOAT RAMP RENOVATION PROJECT WITH TERRY RAY CONSTRUCTION. (JM-PARKS) (Order No. 2009O11061)

Commissioner Garza motioned to accept the Rain Days and execute Change Order #2 to the Contract's (Contract No. 2009C06216) Original Number of Calendar Days allotted for Project Completion for the State Highway 48 Boat Ramp Renovation Project with Terry Ray Construction.

The motion was seconded by Commissioner Wood and carried unanimously.

The Order is as follows:

(O) CONSIDERATION AND AUTHORIZATION TO INCREASE SLOT #2 FROM BUDGET 830-6540 BY \$2,000.00. (JM-PARKS)

Commissioner Garza motioned to authorize the increase to Slot #2 from Budget 830-6540 by \$2,000.00.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Documentation is as follows:

(P) CONSIDERATION AND AUTHORIZATION TO AWARD BID TO LOWEST BIDDER, SHIRLEY & SONS FOR THE CONSTRUCTION OF THE SHORELINE RESTORATION PROJECT II AT ADOLPH THOMAE, JR. COUNTY PARK. (JM-PARKS)

Commissioner Garza motioned to award the bid to the lowest bidder Shirley & Sons for the Construction of the Shoreline Restoration Project II at Adolph Thomae, Jr. County Park.

The motion was seconded by Commissioner Wood and carried unanimously.

The Documentation is as follows:

(Q) CONSIDERATION AND AUTHORIZATION TO EXECUTE CONTRACT NUMBER 2009C11404 WITH SHIRLEY & SONS FOR THE CONSTRUCTION OF THE SHORELINE RESTORATION PROJECT PHASE II AT ADOLPH THOMAE, JR. COUNTY PARK. (JM-PARKS)

Commissioner Garza motioned to approve the Contract with Shirley & Sons for the Construction of the Shoreline Restoration Project Phase II at Adolph Thomae, Jr. County Park.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Contract is as follows:

(R) CONSIDERATION AND ADOPTION OF RESOLUTION 2009R11118 AUTHORIZING CAMERON COUNTY TO PARTICIPATE IN THE LOCAL PARK GRANT PROGRAM AND TO DESIGNATE CERTAIN OFFICIALS TO BE RESPONSIBLE IN DEALING WITH TEXAS PARKS & WILDLIFE DEPARTMENT. (JM-PARKS)

Commissioner Wood motioned to adopt the Resolution authorizing Cameron County to participate in the Local Park Grant Program and to designate certain Officials to be responsible in dealing with the Texas Parks & Wildlife Department.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Resolution is as follows:

(V) **CONSIDERATION AND APPROVAL OF A RESOLUTION OF THE COMMISSIONERS COURT OF CAMERON COUNTY, TEXAS AUTHORIZING THE SUBMISSION OF A NOMINATION APPLICATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION ENHANCEMENT PROGRAM ON BEHALF OF THE CITY OF PORT ISABEL, TEXAS. (FB-PD&M) (Resolution No. 2009R11121)**

Commissioner Garza motioned to approve the Resolution of the Commissioners Court of Cameron County, Texas authorizing the Submission of a Nomination Application to the Texas Department of Transportation Enhancement Program on behalf of the City of Port Isabel, Texas.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Resolution is as follows:

-
- (W) CONSIDERATION AND APPROVAL TO ADD TO EVALUATION COMMITTEE FOR: (MF-PURCHASING)**
a. INFIRMARY MEDICAL SERVICES – RFP #090902.

Commissioner Garza motioned to add Mr. Dean Garza to the Evaluation Committee for Infirmary Medical Services – RFP #090902.

The motion was seconded by Commissioner Benavides and carried unanimously.

-
- (Y) CONSIDERATION AND POSSIBLE APPROVAL OF CONTRACT TO HIRE DR. ALBERTO ALMEIDA NEW JAIL PHYSICIAN FOR A PERIOD OF 3 MONTHS, PENDING RFQ. (OL-SHERIFF) (Contract No. 2009C11418)**

Commissioner Garza motioned to approve the Contract to hire Dr. Alberto Almeida as the New Jail Physician for a period of 3 Months, pending the RFQ.

The motion was seconded by Commissioner Wood and carried unanimously.

The Contract is as follows:

ACTION ITEMS

(6) ACTION ITEMS.

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

Upon motion by Commissioner Garza, seconded by Commissioner Benavides 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 Benavides motioned to approve the Claims.

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

AYE: Commissioner Benavides, Commissioner Wood and Commissioner Garza

NAY: None

ABSTAIN: Judge Cascos as to Warrant No. 00229520, made payable to Phillip T. Cowen, in the amount of \$930.00 and Warrant No. 00229667, made payable to Rio Hondo Independent School District, in the amount of \$800.00.

The Claims and Affidavits are as follows:

(C) CONSIDERATION AND APPROVAL OF THE EARLY VOTING POLLING LOCATIONS FOR THE REPUBLICAN PRIMARY AND THE DEMOCRATIC PRIMARY ELECTIONS OF MARCH 2, 2010 AND SETTING POLL WORKERS COMPENSATION RATES. (RO-ELECTIONS)

Mr. Roger Ortiz, Elections Administrator, informed the Court that the compensation rate for the poll workers is \$7.50 per hour for supervisors and \$7.25 per hour for clerks.

Commissioner Garza motioned to approve the Early Voting Polling Locations for the Republican Primary and the Democratic Primary Elections of March 2, 2010 and to approve the setting of the Poll Workers Compensation Rates.

The motion was seconded by Commissioner Wood and carried unanimously.

The Documentation is as follows:

(D) DISCUSSION AND POSSIBLE ACTION TO ALLOW THE CAMERON COUNTY PARKS & RECREATION DEPARTMENT TO SOLICIT INVITATION TO BIDS FOR ADVERTISING ON R.V. PARK PICNIC TABLES. (JM-PARKS)

Commissioner Garza recommended that language be included in the bid to allow for the approval of the type of advertisement to be placed on the R.V. picnic tables.

Commissioner Wood motioned to allow the Cameron County Parks & Recreation Department to Solicit Invitation to Bids for Advertising on R.V. Park Picnic Tables.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Documentation is as follows:

(E) CONSIDERATION AND POSSIBLE REVOCATION OF THE BEACH FRONT CONSTRUCTION CERTIFICATE AND DUNE PROTECTION PERMIT APPROVED ON NOVEMBER 12, 2009 TO LARRY MARK POLSKY, FOR THE DEVELOPMENT OF SEA BREEZE ESTATES. (JM-PARKS)

Commissioner Garza motioned to approve the Revocation of the Beach Front Construction Certificate and Dune Protection Permit approved on November 12, 2009 to Larry Mark Polsky, for the Development of Sea Breeze Estates.

The motion was seconded by Judge Cascos and the vote was as follows:

AYE: Commissioner Garza and Judge Cascos

NAY: Commissioner Wood and Commissioner Benavides

The motion dies due to a tie vote of (2) to (2).

Commissioner Benavides recommended that the County meet with the Texas General Land Office to resolve any issues.

Mr. Richard Burst, Legal Counsel, advised the Court that the County has an obligation to issue the permit unless the permit is rescinded or revoked.

Commissioner Garza motioned to temporarily rescind the Beach Front Construction Certificate and Dune Protection Permit approved on November 12, 2009 to Larry Mark Polsky, for the Development of Sea Breeze Estates subject to negotiations with the Texas General land Office.

The motion was seconded by Commissioner Wood and carried unanimously.

The Documentation is as follows:

**(F) CONSIDERATION AND APPROVAL OF BEACH FRONT
CONSTRUCTION CERTIFICATE AND DUNE PROTECTION PERMIT
TO ALLOW THE DEMOLITION OF OCEAN TOWERS. (JM-PARKS)**

Commissioner Wood motioned to approve the Beach Front Construction Certificate and Dune Protection Permit to allow the demolition of Ocean Towers.

The motion was seconded by Commissioner Garza and carried unanimously.

The Documentation is as follows:

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

Mr. Robert L. Lopez, Director of Administrative Services, stated that he spoke with the Texas Division of Emergency Management (TDEM), formerly the Governor's Division of Emergency Management, and was advised that the audit process is just beginning between Hurricane Dolly, Hurricane Edward, Hurricane Gustav and Hurricane Ike reimbursements and those audits are being performed in no particular order.

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

The motion was seconded by Commissioner Wood and carried unanimously.

(H) DISCUSSION AND POSSIBLE ACTION REGARDING THE OUTSTANDING REIMBURSEMENTS DUE TO CAMERON COUNTY BY THE CAMERON COUNTY DEMOCRATIC PARTY. (RE-ELECTIONS)

Mr. Roger Ortiz, Elections Administrator, informed the Court that the reimbursement request is at the State-level and is currently being processed. He noted that the reimbursement is approximately \$140,000.00.

Commissioner Wood motioned to acknowledge the Report regarding the Outstanding Reimbursements due to Cameron County by the Cameron County Democratic Party.

The motion was seconded by Commissioner Garza and carried unanimously.

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 12:07 P.M.

APPROVED this 22nd day of **December 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