

EXECUTIVE SESSION

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the Court met in Executive Session at 8:03 A.M. to discuss the following matters:

(1) EXECUTIVE SESSION:

- (A) CONFER WITH LEGAL COUNSEL CONCERNING FRANK A. TOMPKINS, INDIVIDUALLY AND AS TRUSTEE, AND CAROLYN TOMPKINS YOUNG VS. COUNTY OF CAMERON, TEXAS, BHARAT R. PATEL, AFFILIATED MANAGEMENT SYSTEMS, LTD., AND AFFILIATED HOSPITALITY, LLC; CAUSE NO. 2009-10-5624-A, FOR DISCUSSION OF STATUS OF CASE, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071 (1) (A) & (2).**
- (B) CONSULTATION WITH ATTORNEY CONCERNING PENDING LITIGATION IN CAMERON COUNTY ATTORNEY V. RICHARD BURST, ET AL; CAUSE NO. 2009-12-6895-H IN THE 444TH DISTRICT COURT OF CAMERON COUNTY, TEXAS, PURSUANT TO V.T.C.A. GOVERNMENT CODE SECTION 551.071 AND SECTION 551.129 (CONSULTATION WITH ATTORNEY).**

Upon motion by Commissioner Garza, seconded by Commissioner Benavides and carried unanimously, the Court reconvened into Regular Session at 8:21 A.M. to discuss the following matters:

NOTE: Commissioner Benavides joined the Meeting when the Court reconvened into Regular Session.

(2) ACTION RELATIVE TO EXECUTIVE SESSION:

- (A) CONFER WITH LEGAL COUNSEL CONCERNING FRANK A. TOMPKINS, INDIVIDUALLY AND AS TRUSTEE, AND CAROLYN TOMPKINS YOUNG VS. COUNTY OF CAMERON, TEXAS, BHARAT R. PATEL, AFFILIATED MANAGEMENT SYSTEMS, LTD., AND AFFILIATED HOSPITALITY, LLC; CAUSE NO. 2009-10-5624-A, FOR DISCUSSION OF STATUS OF CASE, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071 (1) (A) & (2).**

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

The motion was seconded by Commissioner Tamayo and carried unanimously.

- (B) CONSULTATION WITH ATTORNEY CONCERNING PENDING LITIGATION IN CAMERON COUNTY ATTORNEY V. RICHARD BURST, ET AL; CAUSE NO. 2009-12-6895-H IN THE 444TH DISTRICT COURT OF CAMERON COUNTY, TEXAS, PURSUANT TO V.T.C.A. GOVERNMENT CODE SECTION 551.071 AND SECTION 551.129 (CONSULTATION WITH ATTORNEY).**

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

The motion was seconded by Commissioner Garza and carried unanimously.

(3) PUBLIC COMMENTS.

None were presented.

CONSENT ITEMS

- (4) 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. 4 (D):

Commissioner Garza asked to discuss this item separately.

Consent Item No. 4 (E):

Judge Cascos asked to discuss this item separately.

Commissioner Tamayo motioned to approve the "Consent Items", excluding Consent Items No. 4 (D) and (E).

The motion was seconded by Commissioner Garza and carried unanimously.

- (A) CONSIDERATION AND AUTHORITY OF THE CAMERON COUNTY AUDITOR, MARTHA GALARZA, TO HIRE AN ATTORNEY FOR REPRESENTATION IN A DEPOSITION IN CASE NO. 2009-12-6895-H UNDER THE AUTHORITY OF ATTORNEY GENERAL OPINION GA 0545, HENDERSON COUNTY AUDITOR. (MG-AUDITOR)
- (B) CONSIDERATION AND AUTHORIZATION TO EXEMPT THE MEMORANDUM OF UNDERSTANDING WITH AMERICAN ELECTRIC POWER FROM THE ORDER ESTABLISHING CONTRACT APPROVAL PROCEDURES, ORDER NO. 2009O4013 FOR THE WEST RAIL RELOCATION PROJECT. (PSJ-ADMINISTRATOR)
- (C) CONSIDERATION AND APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN CAMERON COUNTY AND AMERICAN ELECTRIC POWER FOR THE WEST RAIL RELOCATION PROJECT. (PSJ-ADMINISTRATOR) (Contract No. 2010C03101)
The Memorandum of Understanding is as follows:
- (D) CONSIDERATION AND APPROVAL OF REDISTRICTING LEGAL SERVICES AGREEMENT WITH ROLANDO L. RIOS AND ASSOCIATES. (DAG-DEPUTY ADMINISTRATOR) (ACTION TAKEN SEPARATELY)
- (E) CONSIDERATION AND APPROVAL OF RETAINING BENIGNO "TREY" MARTINEZ, III, TO REPRESENT CAMERON COUNTY IN FRANK A. TOMPKINS, INDIVIDUALLY AND AS TRUSTEE, AND CAROLYN TOMPKINS YOUNG VS. CAMERON COUNTY, TEXAS, BHARAT R. PATEL, AFFILIATED MANAGEMENT SYSTEMS, LTD., AND AFFILIATED HOSPITALITY, LLC; CAUSE NO. 209-10-5624-A. (ROB-LEGAL) (ACTION TAKEN SEPARATELY)
- (F) CONSTABLE PCT. 4 ROBERT LOPEZ AND STAFF (4): DEPUTY CONSTABLES GUILLERMO ALVAREZ, MANUEL FLORES, DAVID L. GARCIA, AND XAVIER VILLALOBOS, TO TRAVEL TO GALVESTON, TEXAS, ON 4/25 TO 4/28/10, TO ATTEND THE 20-HOUR CIVIL PROCESS SEMINAR HELD BY THE TEXAS JUSTICE COURT TRAINING CENTER.
The Documentation is as follows:
- (G) DIVERT COURT JUDGE AND STAFF (2): COURT COORDINATOR BLANCA CASTANEDA AND APPOINTED ATTORNEY RUBEN HERRERA, TO TRAVEL TO BOSTON, MASSACHUSETTS, ON 6/1 TO 6/5/10, TO ATTEND THE NATIONAL ASSOCIATION OF DRUG COURT PROFESSIONAL TRAINING CONFERENCE.
The Documentation is as follows:

- (H) EXTENSION OFFICE STAFF (2): CEA-4-H MARCO PONCE AND CEA-AG ENRIQUE PEREZ, TO TRAVEL TO BENAVIDES, TEXAS, ON 4/10/10, TO ACCOMPANY AND SUPPORT THE CAMERON COUNTY 4-HER'S THAT ARE PARTICIPATING IN THE DISTRICT 12 SMALLBORE RIFLE MATCH. The Documentation is as follows:**
- (I) EXTENSION OFFICE STAFF (3): CEA-FR LILIAN MEZQUIDA, CEA-FCS ROSA GUEL, AND CEA-AG ENRIQUE PEREZ, TO TRAVEL TO KINGSVILLE, TEXAS, ON 4/10/10, TO ATTEND AND ASSIST IN THE 4-H DISTRICT 12 ROUND UP. The Documentation is as follows:**
- (J) EXTENSION OFFICE STAFF (1): CEA-4-H MARCO PONCE, TO TRAVEL TO COLLEGE STATION, TEXAS, ON 5/1/10, TO ACCOMPANY AND SUPPORT THE CAMERON COUNTY 4-HER'S THAT ARE PARTICIPATING IN THE D12 MULTI DISTRICT JUDGING. The Documentation is as follows:**

- (C) CONSIDERATION AND APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN CAMERON COUNTY AND AMERICAN ELECTRIC POWER FOR THE WEST RAIL RELOCATION PROJECT. (PSJ-ADMINISTRATOR) (Contract No. 2010C03101)**
The Memorandum of Understanding is as follows:

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The Documentation is as follows:**

- (J) EXTENSION OFFICE STAFF (1): CEA-4-H MARCO PONCE, TO TRAVEL TO COLLEGE STATION, TEXAS, ON 5/1/10, TO ACCOMPANY AND SUPPORT THE CAMERON COUNTY 4-HER'S THAT ARE PARTICIPATING IN THE D12 MULTI DISTRICT JUDGING.
The Documentation is as follows:**

CONSENT ITEMS

(4) **CONSENT ITEMS.**

(D) CONSIDERATION AND APPROVAL OF REDISTRICTING LEGAL SERVICES AGREEMENT WITH ROLANDO L. RIOS AND ASSOCIATES. (DAG-DEPUTY ADMINISTRATOR) (Contract No. 2010C03116)

Commissioner Garza asked if the Agreement includes any indication of possible defense/legal work that maybe be needed in dealing with the proposed redistricting plan and the Department of Justice. He noted that 10 years prior there were some issues with the census and Mr. Rolando Rios was hired at that time.

Mr. David Garcia, Deputy County Administrator, responded that the initial proposal did include a Task that outlined additional work and such language was removed by County staff.

Commissioner Tamayo recommended that the Agreement be approved subject to an amendment.

Ms. Martha Galarza advised the Court that the Tasks outlined in the Agreement dictate that \$40,000 is needed for this Fiscal Year and the remaining balance can be budgeted in Fiscal Year 2011. She recommended that the Agreement be paid through lapsed fringe benefits.

Commissioner Garza motioned to approve the Redistricting Legal Services Agreement with Rolando L. Rios and Associates subject to the amendment.

The motion was seconded by Commissioner Tamayo and carried unanimously.

The Agreement is as follows:

(E) CONSIDERATION AND APPROVAL OF RETAINING BENIGNO “TREY” MARTINEZ, III, TO REPRESENT CAMERON COUNTY IN FRANK A. TOMPKINS, INDIVIDUALLY AND AS TRUSTEE, AND CAROLYN TOMPKINS YOUNG VS. CAMERON COUNTY, TEXAS, BHARAT R. PATEL, AFFILIATED MANAGEMENT SYSTEMS, LTD., AND AFFILIATED HOSPITALITY, LLC; CAUSE NO. 209-10-5624-A. (ROB-LEGAL) (Contract No. 2010C04119)

Commissioner Garza motioned to approve the retaining of Benigno “Trey” Martinez, III, to represent Cameron County in Frank A. Tompkins, individually and as trustee, and Carolyn Tompkins Young vs. Cameron County, Texas, Bharat R. Patel, Affiliated Management Systems, Ltd., and Affiliated Hospitality, LLC; Cause No. 209-10-5624-A.

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

AYE: Commissioner Benavides, Commissioner Wood, Commissioner Garza and Commissioner Tamayo

NAY: None

ABSTAIN: Judge Cascos

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 Tamayo 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.

Ms. Martha Galarza, County Auditor, asked the Court to approve an additional Claim, made payable to Vincent & Elkins, in the amount of \$19,000.00 and asked to void Warrant No. 00236166.

Commissioner Wood motioned to approve the Claims.

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

AYE: Commissioner Benavides, Commissioner Wood, Commissioner Garza and Commissioner Tamayo

NAY: None

ABSTAIN: Judge Cascos as to Warrant No. 00236170, made payable to Phillip T. Cowen, Warrant No. 00236210, made payable to Laguna Madre Water District, Warrant No. 00236239, made payable to Public Utilities Board, Warrant No. 00236281, made payable to Laguna Madre Water District and Warrant No. 00236287, made payable to Public Utilities Board.

The Claims and Affidavits are as follows:

(C) CONSIDERATION AND POSSIBLE APPROVAL TO ADVERTISE FOR POSITION NUMBER 1004100 6002, SENIOR LEGAL COUNSEL FOR CAMERON COUNTY COMMISSIONERS COURT. (PSJ-ADMINISTRATOR)

Mr. Pete Sepulveda, County Administrator, asked for direction from the Court as to which publications the position should be advertised in.

Judge Cascos recommended that a minimum of 10 years governmental experience be added to the job requirements and that each applicant is licensed to practice law in the State of Texas and possess a certificate of admission to the Bar of the Supreme Court of Texas.

Mr. Richard Burst, Legal Counsel, recommended that the minimum years of experience be reduced to five.

Judge Cascos suggested a compromise of a minimum of 7 years governmental experience and recommended that the position be advertised within the major Texas cities.

Commissioner Tamayo recommended advertising the position in the newsletter for the Texas Bar Association.

Commissioner Wood motioned to approve advertising for position number 1004100 6002, Senior Legal Counsel for Cameron County Commissioners Court, with the modifications to the job description and job requirements as stated.

The motion was seconded by Commissioner Garza and carried unanimously.

The Documentation is as follows:

(D) CONSIDERATION AND AUTHORIZATION OF AMENDMENT TO GROUND LEASE AGREEMENT (CONTRACT NO. 2009CO3125) WITH AFFILIATED HOSPITALITY LLC, TO EXTEND THE INTERIM CONSTRUCTION PERIOD FOR HILTON GARDEN INN AT ANDY BOWIE PARK. (JM-PARKS) (Contract No. 2010C04118)

Commissioner Garza motioned to approve the Amendment to the Ground Lease Agreement (Contract No. 2009C03125) with Affiliated Hospitality LLC, to extend the Interim Construction Period for Hilton Garden Inn at Andy Bowie Park.

The motion was seconded by Commissioner Tamayo and carried unanimously.

The Amendment is as follows:

(E) CONSIDERATION AND AUTHORIZATION TO APPROVE DUNE PROTECTION PERMIT AND BEACH FRONT CONSTRUCTION CERTIFICATE TO HOLLAND DUEL TO CONSTRUCT A SINGLE FAMILY RESIDENCE ON LOT 11, BLOCK 3, OF HANSHAW SUBDIVISION. (JM-PARKS)

Commissioner Tamayo motioned to approve the Dune Protection Permit and Beach Front Construction Certificate to Holland Duel to construct a single family residence on Lot 11, Block 3 of Hanshaw Subdivision.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Documentation is as follows:

(F) CONSIDERATION AND AUTHORIZATION FOR PROFESSIONAL SERVICES FROM ALFREDO PADILLA, ATTORNEY AT LAW. (AV-DISTRICT ATTORNEY) (TABLED)

Commissioner Tamayo motioned to TABLE this item.

The motion was seconded by Commissioner Benavides and carried unanimously.

(G) CONSIDERATION AND AUTHORIZATION FOR PROFESSIONAL SERVICES FROM BENIGNO "TREY" MARTINEZ, P.C. (AV-DISTRICT ATTORNEY) (Contract No. 2010C03113)

Commissioner Benavides motioned to approve the Professional Services from Benigno "Trey" Martinez, P.C.

The motion was seconded by Commissioner Tamayo and carried unanimously.

The Documentation is as follows:

(H) CONSIDERATION AND AUTHORIZATION FOR PROFESSIONAL SERVICES FROM RENE GONZALEZ, ATTORNEY AT LAW, A LICENSED ATTORNEY IN THE STATE OF TEXAS, TO ACT AS A CONTRACTED ATTORNEY ON BEHALF OF THE CAMERON COUNTY DISTRICT ATTORNEY'S OFFICE. (AV-DISTRICT ATTORNEY) (Contract No. 2010C03114)

Judge Cascos inquired as to whether this agreement will replace the existing contract.

Mr. Rene Garza, District Attorney's Office, stated that there is no current contract with Mr. Gonzalez as he was an employee with the DA's Office and recently retired.

Commissioner Wood motioned to approve the agreement.

The motion was seconded by Commissioner Garza.

Commissioner Garza asked for an explanation as to the need to hire Mr. Gonzalez as a contracted attorney.

Mr. Rene Garza responded that Mr. Gonzalez was the top appellate attorney while working at the DA's Office and he has several cases which are pending that the DA's Office wishes for him to oversee.

Commissioner Wood motioned to approve the Professional Services from Rene Gonzalez, Attorney At Law, a licensed attorney in the State of Texas, to act as a Contracted Attorney on behalf of the Cameron County District Attorney's Office.

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 Tamayo and carried unanimously, the meeting was **ADJOURNED** at 8:43 A.M.

APPROVED this 22nd day of **April 2010**

CARLOS H. CASCOS, CPA
COUNTY JUDGE

ATTEST:

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