

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 18th of May 2010, 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:

8:00 A.M.

PRESENT:

CARLOS H. CASCOS, CPA
COUNTY JUDGE

COMMISSIONER PRECINCT NO. 1

JOHN WOOD
COMMISSIONER PRECINCT NO. 2

DAVID A. GARZA
COMMISSIONER PRECINCT NO. 3

EDNA TAMAYO
COMMISSIONER PRECINCT NO. 4

JOE G. RIVERA
COUNTY CLERK

Aide A. Trejo Deputy Clerk

ABSENT:
SOFIA C. BENAVIDES

The meeting was called to order by Judge Cascos at 8:00 A.M. He then asked for a moment of silence in honor of Mr. Jack Colley, Assistant Director of the Department of Public Safety's Texas Division of Emergency Management, who passed away recently. Mr. Richard Burst, Legal Counsel, 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 May 14, 2010 at 2:51 P.M.:

EXECUTIVE SESSION

Judge Cascos let it be known that Executive Session Item No. 1 (A) is not be discussed and will be TABLED.

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) DELIBERATION REGARDING REAL PROPERTY CONCERNING SETTLEMENT OFFER, CIVIL ACTION NO. 1:08-CV-348; U.S. DISTRICT COURT, FOR THE SALE OF CAMERON COUNTY OWNED PROPERTIES TO THE U.S. DEPARTMENT OF ARMY KNOW AS: TRACT NO. RGV-FTB-1064 AND BEING DESCRIBED AS 0.296 ACRE (12,908 SQUARE FEET) TRACT OF LAND SITUATED IN THE JOSE SALVADOR DE LA GARZA SURVEY, ALSO KNOWN AS THE ESPIRITU SANTO GRANT, ABSTRACT NO. 2, CAMERON COUNTY, TEXAS, AND BEING OUT OF A CALLED 9.50 ACRE TRACT OF LAND DESCRIBED AS 9.50 ACRES OUT OF BLOCKS 73, 74, AND 75, OF EL JARDIN SUBDIVISION, A SUBDIVISION OF RECORD ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 4, PAGE 52, OF THE CAMERON COUNTY MAP RECORDS (C.C.M.R.), SAID 9.50 ACRE TRACT CONVEYED BY WARRANTY DEED FROM RAY LOOP AND FRANK LOOP, DOING BUSINESS AS R & F FARMS TO COUNTY OF CAMERON, DATED JANUARY 15, 1999, AND RECORDED IN VOLUME 5363, PAGE 170, OF THE CAMERON COUNTY DEED RECORDS (C.C.D.R.) AND RGV-FTB-1064-1, AND BEING 0.48 ACRE TRACT OF LAND, SITUATED IN THE JOSE SALVADOR DE LA GARZA SURVEY ALSO KNOWN AS THE ESPIRITU SANTO GRANT, ABSTRACT NO. 2, CAMERON COUNTY, TEXAS, AND BEING OUT OF A CALLED 9.50 ACRE TRACT OF LAND OUT OF BLOCKS 73, 74, AND 75, EL JARDIN SUBDIVISION RECORDED IN VOLUME 4, PAGE 52, CAMERON COUNTY MAP RECORDS, CONVEYED BY WARRANTY DEED FROM RAY LOOP AND FRANK LOOP TO COUNTY OF CAMERON, DATED JANUARY 15, 1999, AND RECORDED IN VOLUME 5363, PAGE 170, OFFICIAL RECORDS OF CAMERON COUNTY, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 550.071 (1) (B). (TABLED)**

- (B) DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 37, FOR FM 106 (GENERAL BRANT ROAD) IN PCT. 3 AREA, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**

- (C) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING ALVARO SANCHEZ VS. BRAD LIVINGSTON, EXECUTIVE DIRECTOR, ET. AL., AUTHORITY TO REPRESENT CAMERON COUNTY, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071 (1) (A) & (2).**

Upon motion by Commissioner Wood, seconded by Commissioner Garza and carried unanimously, the Court reconvened into Regular Session at 8:06 A.M. to discuss the following matters:

(2) ACTION RELATIVE TO EXECUTIVE SESSION:

- (B) DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 37, FOR FM 106 (GENERAL BRANT ROAD) IN PCT. 3 AREA, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**

Commissioner Garza motioned to acknowledge the Report of Mr. Pete Sepulveda, County Administrator, and to accept the counteroffer, based on his recommendation,

of \$1,505.00.

The motion was seconded by Commissioner Wood and carried unanimously.

- (C) **CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING ALVARO SANCHEZ VS. BRAD LIVINGSTON, EXECUTIVE DIRECTOR, ET. AL., AUTHORITY TO REPRESENT CAMERON COUNTY, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071 (1) (A) & (2).**

Commissioner Tamayo motioned to authorize the Civil Division to represent Cameron County in the litigation.

The motion was seconded by Commissioner Wood and carried unanimously.

(3) **PUBLIC COMMENTS.**

None were presented.

PRESENTATIONS

(4) **PRESENTATIONS/RESOLUTIONS.**

- (A) **PRESENTATION OF A PROCLAMATION DECLARING THE MONTH OF MAY 2010 AS "ELDER ABUSE PREVENTION MONTH" IN CAMERON COUNTY, TEXAS." (CHC-JUDGE)**

Judge Cascos read and presented the proclamation declaring the Month of May 2010 as

"Elder Abuse Prevention Month" in Cameron County, Texas.

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 (A):

Mr. Pete Sepulveda, County Administrator, asked to discuss this item separately.

Commissioner Garza motioned to approve the "Consent Items", excluding Consent Item No. 5 (A).

The motion was seconded by Commissioner Tamayo and carried unanimously.

- (A) **CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN CAMERON COUNTY AND W.T. BYLER, INC. FOR THE OLMITO SWITCHYARD EXPANSION PROJECT. (PSJ-ADMINISTRATOR) (ACTION TAKEN SEPARATELY)**

- (B) **CONSIDERATION AND AUTHORIZATION FOR COUNTY AUDITOR TO CLAIM UNCLAIMED PROPERTY FOR CAMERON COUNTY - \$4,357.10. (MG-AUDITOR)**
The Documentation is as follows:
- (C) **CONSIDERATION AND APPROVAL OF MONTHLY FINANCIAL INFORMATION IN COMPLIANCE WITH LGC 114.023 AND 114.024. (MG-AUDITOR)**
- (D) **CONSIDERATION AND APPROVAL TO PURCHASE (2) CANINES \$7,000.00 EACH FROM FUND 900 VENDOR – KASSEBURG CANINE TRAINING CENTER. (OL-SHERIFF) (Contract No. 2010C05201)**
The Documentation is as follows:
- (E) **CONSIDERATION AND APPROVAL TO PURCHASE (1) 2010 FORD F-150 XL SUPERCAB 4X4 VENDOR CHASTANG FORD THROUGH HGAC PRICING. (OL-SHERIFF)**
The Documentation is as follows:
- (F) **COUNTY AND DISTRICT ATTORNEY’S OFFICE STAFF (1): EXECUTIVE FIRST ASSISTANT RENE GARZA, TRAVELED TO LAREDO, TEXAS, ON 5/17 TO 5/19/10, TO ATTEND THE STX HIDTA SUB-COMMITTEE MEETINGS.**
The Documentation is as follows:
- (G) **EXTENSION DEPARTMENT STAFF (1): CEA-FCS ROSA GUEL, TRAVELED TO LAREDO, TEXAS, ON 4/23 TO 4/24/10, TO ATTEND AND ASSIST IN THE 4-H D12 FASHION SHOW.**
The Documentation is as follows:
- (H) **JUSTICE OF THE PEACE 5-1 JUDGE SALLIE GONZALEZ AND STAFF (5): COURT ADMINISTRATOR PAT GARCIA, BAILIFF ELOY GARCIA, COURT CLERK GABRIEL FLORES, TRAFFIC CLERK SANDRA DIAZ AND COURT ADMINISTRATOR II DEL LONGORIA, TO TRAVEL TO SOUTH PADRE ISLAND, TEXAS, ON 5/22 TO 5/27/10, TO ATTEND THE JUSTICES OF THE PEACE & CONSTABLES ASSOCIATION OF TEXAS 2010.**
The Documentation is as follows:
- (I) **JUVENILE PROBATION DEPARTMENT STAFF (1): STAFF PSYCHOLOGIST SABRINA CHAVEZ, TO TRAVEL TO WESLACO, TEXAS, ON 7/15 TO 7/16/10, TO ATTEND THE MENTAL HEALTH FIRST AID.**
The Documentation is as follows:
- (J) **PARKS DIRECTOR JAVIER MENDEZ, CCDOT PUBLIC WORKS DIRECTOR LOUIS ARA, III, AND ADMINISTRATIVE SERVICES DIRECTOR ROBERT LOPEZ, TRAVELED TO CORPUS CHRISTI, TEXAS, ON 5/10/10, TO ATTEND THE TEXAS GENERAL LAND OFFICE AND U.S. COAST GUARD SITUATIONAL AWARENESS MEETING TO BEGIN DIALOG WITH COASTAL COMMUNITIES THAT MAY BE IMPACTED BY THE RECENT BP INCIDENT OIL SPILL IN THE GULF.**
The Documentation is as follows:
- (K) **SHERIFF’S OFFICE STAFF (1): DETENTION OFFICER CARLOS HERNANDEZ, TO TRAVEL TO DENTON AND COLLIN, TEXAS, ON 5/17 TO 5/21/10, TO ATTEND THE TOUR COUNTY FACILITIES (DIRECT SUPERVISION JAILS).**
The Documentation is as follows:
- (L) **COUNTY AND DISTRICT ATTORNEY ARMANDO R. VILLALOBOS AND EXECUTIVE FIRST ASSISTANT COUNTY AND DISTRICT ATTORNEY RENE GARZA, TO TRAVEL TO AUSTIN, TEXAS, ON 5/31 TO 6/4/10, TO ATTEND THE TEXAS BORDER PROSECUTOR UNIT AND TEXAS DPS JOINT BORDER INITIATIVE TRAINING.**
The Documentation is as follows:

**(B) CONSIDERATION AND AUTHORIZATION FOR COUNTY AUDITOR TO CLAIM UNCLAIMED
PROPERTY FOR CAMERON COUNTY - \$4,357.10. (MG-AUDITOR)**

The Documentation is as follows:

- (D) CONSIDERATION AND APPROVAL TO PURCHASE (2) CANINES \$7,000.00 EACH FROM FUND 900
VENDOR – KASSEBURG CANINE TRAINING CENTER. (OL-SHERIFF) (Contract No. 2010C05201)
The Documentation is as follows:**

(E) CONSIDERATION AND APPROVAL TO PURCHASE (1) 2010 FORD F-150 XL SUPERCAB 4X4 VENDOR CHASTANG FORD THROUGH HGAC PRICING. (OL-SHERIFF)

The Documentation is as follows:

- (F) COUNTY AND DISTRICT ATTORNEY'S OFFICE STAFF (1): EXECUTIVE FIRST ASSISTANT RENE GARZA, TRAVELED TO LAREDO, TEXAS, ON 5/17 TO 5/19/10, TO ATTEND THE STX HIDTA SUB-COMMITTEE MEETINGS.
The Documentation is as follows:**

(G) EXTENSION DEPARTMENT STAFF (1): CEA-FCS ROSA GUEL, TRAVELED TO LAREDO, TEXAS, ON 4/23 TO 4/24/10, TO ATTEND AND ASSIST IN THE 4-H D12 FASHION SHOW.

The Documentation is as follows:

- (H) JUSTICE OF THE PEACE 5-1 JUDGE SALLIE GONZALEZ AND STAFF (5): COURT ADMINISTRATOR PAT GARCIA, BAILIFF ELOY GARCIA, COURT CLERK GABRIEL FLORES, TRAFFIC CLERK SANDRA DIAZ AND COURT ADMINISTRATOR II DEL LONGORIA, TO TRAVEL TO SOUTH PADRE ISLAND, TEXAS, ON 5/22 TO 5/27/10, TO ATTEND THE JUSTICES OF THE PEACE & CONSTABLES ASSOCIATION OF TEXAS 2010.
The Documentation is as follows:**

- (I) JUVENILE PROBATION DEPARTMENT STAFF (1): STAFF PSYCHOLOGIST SABRINA CHAVEZ, TO TRAVEL TO WESLACO, TEXAS, ON 7/15 TO 7/16/10, TO ATTEND THE MENTAL HEALTH FIRST AID. The Documentation is as follows:**

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The Documentation is as follows:

(5) **CONSENT ITEMS.**

(A) **CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN CAMERON COUNTY AND W.T. BYLER, INC. FOR THE OLMITO SWITCHYARD EXPANSION PROJECT. (PSJ-ADMINISTRATOR) (Contract No. 2010C05200)**

Mr. Pete Sepulveda, County Administrator, presented several changes to the Contract.

Commissioner Garza inquired as to when the notice to proceed will be issued.

Mr. Sepulveda replied that the notice to proceed can be issued once the contract has been executed.

Commissioner Garza motioned to approve the Contract between Cameron County and W.T. Byler, Inc. for the Olmito Switchyard Expansion Project with the changes as presented.

The motion was seconded by Commissioner Tamayo and carried unanimously.

The Contract is as follows:

ACTION ITEMS

(6) ACTION ITEMS.

**(A) BUDGET AMENDMENTS, LINE ITEM TRANSFERS AND/OR SALARY SCHEDULES.
(NO ACTION TAKEN)**

Ms. Martha Galarza, County Auditor, advised the Court that there are no budget amendments, line item transfers and/or salary schedules for approval.

(B) APPROVAL OF CLAIMS.

Ms. Martha Galarza, County Auditor, asked to void Warrant No. 00238578.
Commissioner Tamayo motioned to approve the Claims.

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

AYE: Commissioner Wood, Commissioner Garza and Commissioner Tamayo

NAY: None

ABSTAIN: Judge Cascos as to Warrant No. 00238239, made payable to Brownsville Independent School District, in the amount of \$15.00, Warrant No. 00238281, made payable to Phillip T. Cowen, in the amount of \$620.00, Warrant No. 00238402, made payable to Los Fresnos ISD, in the amount of \$21.77 and Warrant No. 00238481, made payable to Rio Hondo ISD, in the amount of \$12.91.

The Claims and Affidavits are as follows:

**(C) APPROVAL OF MINUTES FOR:
APRIL 29, 2010 - SPECIAL MEETING
APRIL 29, 2010 - REGULAR MEETING**

Commissioner Tamayo motioned to approve the Minutes for the April 29, 2010-Special Meeting and the April 29, 2010-Regular Meeting.

The motion was seconded by Commissioner Garza and carried unanimously.

**(D) CONSIDERATION AND POSSIBLE ACTION REGARDING REIMBURSEMENTS FROM FEMA.
(PSJ-ADMINISTRATOR) (NO ACTION TAKEN)**

Mr. Robert L. Lopez, Director of Administrative Services, stated that there is no new information to report.

There being no further business to come before the Court, upon motion by Commissioner Tamayo, seconded by Commissioner Wood and carried unanimously, the Meeting was **ADJOURNED** at 8:16 A.M.

APPROVED this 10th day of **June 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**