

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 14th day of October 2010, 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:

5:00 P.M.

PRESENT:

CARLOS H. CASCOS, CPA
COUNTY JUDGE

SOFIA C. BENAVIDES
COMMISSIONER PRECINCT NO. 1

JOHN WOOD
COMMISSIONER PRECINCT NO. 2

DAVID A. GARZA
COMMISSIONER PRECINCT NO. 3

EDNA TAMAYO
COMMISSIONER PRECINCT NO. 4

JOE G. RIVERA
COUNTY CLERK

Aide A. Trejo Deputy Clerk

ABSENT:

The meeting was called to order by Judge Cascos at 5:00 P.M. He then asked for a moment of silence.

Mr. Joe Hernandez 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 October 11, 2010 at 3:02 P.M.:

EXECUTIVE SESSION

Upon motion by Commissioner Wood, seconded by Commissioner Tamayo and carried unanimously, the Court met in Executive Session at 5:02 P.M. to discuss the following matters:

(1) EXECUTIVE SESSION:

- (A) CONFER WITH COMMISSIONERS COURT'S LEGAL COUNSEL UNDER THE AUTHORITY OF THE V.T.C.A GOVERNMENT CODE, SECTION 551.071(1)(A) AND (2) FOR AUTHORITY TO REPRESENT, RETAIN OUTSIDE COUNSEL OR AUTHORIZE CAMERON COUNTY ATTORNEY'S OFFICE TO PURSUE LEGAL REMEDIES AGAINST JUSTICE OF THE PEACE PCT. 2, PL. 2 TO COLLECT A DEBT IN ACCORDANCE WITH V.T.C.A. TEXAS LOCAL GOVERNMENT SECTION 113.902. (BWH-LEGAL)**

Upon motion by Commissioner Garza, seconded by Commissioner Wood and carried unanimously, the Court reconvened into Regular Session at 5:17 P.M. to discuss the following matters:

(2) ACTION RELATIVE TO EXECUTIVE SESSION:

- (A) CONFER WITH COMMISSIONERS COURT'S LEGAL COUNSEL UNDER THE AUTHORITY OF THE V.T.C.A GOVERNMENT CODE, SECTION 551.071(1)(A) AND (2) FOR AUTHORITY TO REPRESENT, RETAIN OUTSIDE COUNSEL OR AUTHORIZE CAMERON COUNTY ATTORNEY'S OFFICE TO PURSUE LEGAL REMEDIES AGAINST JUSTICE OF THE PEACE PCT. 2, PL. 2 TO COLLECT A DEBT IN ACCORDANCE WITH V.T.C.A. TEXAS LOCAL GOVERNMENT SECTION 113.902. (BWH-LEGAL)**

Commissioner Tamayo motioned to acknowledge the Report of Legal Counsel.

The motion was seconded by Commissioner Wood and carried unanimously.

(3) PUBLIC COMMENTS.

Mr. Steve Perez presented a model of a long-combination vehicle and informed the Court that the Texas Department of Transportation is conducting a study that is to consider the impact that larger, productive trucks would have if permitted on Texas highways.

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 (G):

Commissioner Garza asked to discuss this item separately.

Consent Item No. 4 (A):

Mr. Pete Sepulveda, County Administrator, asked to TABLE this item.

Consent Items No. 4 (C) and (D):

Ms. Dylbia Jeffries-Vega, Legal Counsel, asked to discuss these items separately.

Commissioner Garza motioned to approve the "Consent Items", excluding Consent Items No. 4 (C), (D) and (G) and tabling Consent Item No. 4 (A).

The motion was seconded by Commissioner Tamayo and carried unanimously.

- (A) **CONSIDERATION AND APPROVAL OF MONTHLY FINANCIAL INFORMATION IN COMPLIANCE WITH LGC 114.023 AND 114.024 (MG-AUDITOR'S OFFICE) (TABLED)**
- (B) **CONSIDERATION AND AUTHORIZATION TO PURCHASE HP SUPPORT SERVICES UTILIZING STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES INTER-LOCAL COOPERATIVE PURCHASING AGREEMENT CONTRACTS. (JR-COMPUTER CENTER)**
- a. **MASTER AGREEMENT #DIR-SDD-223 AND DIR-SDD-1364 CONTRACT #2010C10373**
The Documentation is as follows:
- (C) **CONSIDERATION AND AUTHORIZATION TO EXECUTE A LICENSE AGREEMENT (CONTRACT NO. 2010C08300) BETWEEN CAMERON COUNTY (PARKS AND RECREATION) AND BROWNSVILLE INDEPENDENT SCHOOL DISTRICT ADULT CONTINUING EDUCATION TO PROVIDE ADULT BASIC EDUCATION SERVICES AT THE BROWNE ROAD SOCIAL SERVICE CENTER. (JM-PARKS AND RECREATION) (ACTION TAKEN SEPARATELY)**
- (D) **CONSIDERATION AND AUTHORIZATION TO EXECUTE A LICENSE AGREEMENT (CONTRACT NO. 2010C08301) BETWEEN CAMERON COUNTY (PARKS AND RECREATION) AND BROWNSVILLE INDEPENDENT SCHOOL DISTRICT ADULT CONTINUING EDUCATION TO PROVIDE ADULT BASIC EDUCATION SERVICES AT EL CENTRO CULTURAL-CAMERON PARK. (JM-PARKS AND RECREATION) (ACTION TAKEN SEPARATELY)**
- (E) **CONSIDERATION AND APPROVAL TO MODIFY CURRENT XEROX AGREEMENT 9546484695 FOR WC7232P SERIAL NUMBER GBP237562. ADDITIONAL MONTHLY COST \$45.20. (OL-SHERIFF'S OFFICE) (Contract No. 2010C10381)**
The Agreement is as follows:
- (F) **CONSIDERATION AND APPROVAL TO PURCHASE (3) 2011 CHEVROLET TRAVERSE LS (AWD) CV14526 AND (1) 2011 CHEVROLET 2500 HD SILVERADO 4X4 LWB CREW CK20943 VENDOR CALDWELL COUNTRY CHEVROLET AS PER CONTRACT NUMBER TASB #281-07 (UTILIZING STONE GARDEN #210-5615-6096). (OL-SHERIFF'S OFFICE)**
The Documentation is as follows:
- (G) **CONSIDERATION AND APPROVAL OF STANDARD WATER USE AGREEMENT BETWEEN CAMERON COUNTY AND EAST RIO HONDO WATER SUPPLY CORPORATION FOR THE CAMERON COUNTY AIRPORT. (PSJ-ADMINISTRATOR) (ACTION TAKEN SEPARATELY)**

**(B) CONSIDERATION AND AUTHORIZATION TO PURCHASE HP SUPPORT SERVICES UTILIZING
STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES INTER-LOCAL COOPERATIVE
PURCHASING AGREEMENT**

- a. MASTER AGREEMENT #DIR-SDD-223 AND DIR-SDD-1364 CONTRACT #2010C10373
The Documentation is as follows:**

- (E) CONSIDERATION AND APPROVAL TO MODIFY CURRENT XEROX AGREEMENT 9546484695 FOR WC7232P SERIAL NUMBER GBP237562. ADDITIONAL MONTHLY COST \$45.20. (OL-SHERIFF'S OFFICE) (Contract No. 2010C10381)**
The Agreement is as follows:

- (F) CONSIDERATION AND APPROVAL TO PURCHASE (3) 2011 CHEVROLET TRAVERSE LS (AWD) CV14526 AND (1) 2011 CHEVROLET 2500 HD SILVERADO 4X4 LWB CREW CK20943 VENDOR CALDWELL COUNTRY CHEVROLET AS PER CONTRACT NUMBER TASB #281-07 (UTILIZING STONE GARDEN #210-5615-6096). (OL-SHERIFF'S OFFICE)**
The Documentation is as follows:

(4) CONSENT ITEMS.

- (C) **CONSIDERATION AND AUTHORIZATION TO EXECUTE A LICENSE AGREEMENT (CONTRACT NO. 2010C08300) BETWEEN CAMERON COUNTY (PARKS AND RECREATION) AND BROWNSVILLE INDEPENDENT SCHOOL DISTRICT ADULT CONTINUING EDUCATION TO PROVIDE ADULT BASIC EDUCATION SERVICES AT THE BROWNE ROAD SOCIAL SERVICE CENTER. (JM-PARKS AND RECREATION)**
- (D) **CONSIDERATION AND AUTHORIZATION TO EXECUTE A LICENSE AGREEMENT (CONTRACT NO. 2010C08301) BETWEEN CAMERON COUNTY (PARKS AND RECREATION) AND BROWNSVILLE INDEPENDENT SCHOOL DISTRICT ADULT CONTINUING EDUCATION TO PROVIDE ADULT BASIC EDUCATION SERVICES AT EL CENTRO CULTURAL-CAMERON PARK. (JM-PARKS AND RECREATION)**

Ms. Dylbia Jeffries-Vega, Legal Counsel, advised the Court that the attorney for the Brownsville Independent School District has an issue with the indemnification clause in the License Agreements and has requested that the clause be removed. She recommended that the indemnification clause remain.

Commissioner Garza motioned to approve the License Agreement between Cameron County (Parks and Recreation) and Brownsville Independent School District Adult Continuing Education to provide Adult Basic Education Services at the Browne Road Social Service Center and the License Agreement between Cameron County (Parks and Recreation) and Brownsville Independent School District Adult Continuing Education to provide Adult Basic Education Services at El Centro Cultural-Cameron Park.

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

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

NAY: None

ABSTAIN: Judge Cascos

The Agreements are as follows:

(G) CONSIDERATION AND APPROVAL OF STANDARD WATER USE AGREEMENT BETWEEN CAMERON COUNTY AND EAST RIO HONDO WATER SUPPLY CORPORATION FOR THE CAMERON COUNTY AIRPORT. (PSJ-ADMINISTRATOR) (Contract No. 2010C10382)

Commissioner Garza noted that page 3, Item No. 9, of the Interlocal Agreement needs to be amended as the amount listed at \$8,560.00 is incorrect and should be \$4,280.00.

Commissioner Garza motioned to approve the Standard Water Use Agreement between Cameron County and East Rio Hondo Water Supply Corporation for the Cameron County Airport with the correction to page 3 of the Interlocal Agreement as stated.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Agreement is as follows:

ACTION ITEMS

(5) ACTION ITEMS.

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

Upon motion by Commissioner Benavides, seconded by Commissioner Wood and carried unanimously, the Budget Amendments, Line Item Transfers and/or Salary Schedules were approved.

The Budget Amendments, Line Item Transfers and/or Salary Schedules are as follows:

(B) APPROVAL OF CLAIMS.

Mr. Xavier Villarreal, Auditor's Office, presented the Claims for approval and asked that an additional travel advance, in the amount of \$2,032.00, be approved for the Sheriff's Office.

Commissioner Wood noted that the descriptions for Warrant No. 00246646 thru Warrant No. 00246669 are listed as "indigent payment".

Mr. Villarreal replied that the description listed is incorrect as those claims are contractual payments.

Commissioner Benavides motioned to approve the Claims.

The motion was seconded by Commissioner Garza and carried unanimously.

The Claims are as follows:

(C) CONSIDERATION AND POSSIBLE APPROVAL OF AN ORDER SETTING THE 2010-2011 RATES AND CHARGES SCHEDULE FOR T-HANGARS AT THE CAMERON COUNTY AIRPORT. (PSJ-ADMINISTRATOR) (Order No. 2010O10055)

Commissioner Tamayo motioned to approve the Order setting the 2010-2011 Rates and Charges Schedule for the T-Hangars at the Cameron County Airport.

The motion was seconded by Commissioner Wood and carried unanimously.

The Order is as follows:

(D) CONSIDERATION AND APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN CAMERON COUNTY AND THE TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) WHEREBY CAMERON COUNTY WILL ADOPT TxDOT'S DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM AND APPROVAL OF RESOLUTION AUTHORIZING COUNTY JUDGE TO EXECUTE MEMORANDUM OF UNDERSTANDING. (PSJ-ADMINISTRATOR) (Contract No. 2010C10383) (Resolution No. 2010R10114)

Commissioner Garza motioned to approve the Memorandum of Understanding between Cameron County and the Texas Department of Transportation (TxDOT) whereby Cameron County will adopt TxDOT's Disadvantaged Business Enterprise (DBE) Program and to approve the Resolution authorizing the County Judge to execute the Memorandum of Understanding.

The motion was seconded by Commissioner Wood and carried unanimously.

The Documentation is as follows:

(E) CONSIDERATION AND AUTHORIZATION TO HOLD A PUBLIC HEARING REGARDING THE REZONING FOR (CIBOLA SUBDIVISION), 24.33 ACRES OUT OF THE SOUTH THREE FOURTHS (3/4) OF TRACT 3 OF SOUTH PADRE ISLAND INVESTMENT COMPANY SUBDIVISION SECTION I, CAMERON COUNTY, TEXAS ACCORDING TO MAP OR PLAT THEREOF RECORDED IN VOLUME 16, PAGE 62 MAP RECORDS OF CAMERON COUNTY. (EH-CCD0T ENGINEERING)

Commissioner Tamayo motioned to open the Public Hearing.

The motion was seconded by Commissioner Wood and carried unanimously.

Upon sensing no further comments, Commissioner Wood motioned to close the Public Hearing.

The motion was seconded by Commissioner Tamayo and carried unanimously.

The Documentation is as follows:

(F) CONSIDERATION AND AUTHORIZATION TO APPROVE THE REZONING REQUEST FOR (CIBOLA SUBDIVISION), 24.33 ACRES OUT OF THE SOUTH THREE FOURTHS (3/4) OF TRACT 3 OF SOUTH PADRE ISLAND INVESTMENT COMPANY SUBDIVISION SECTION I, CAMERON COUNTY, TEXAS ACCORDING TO MAP OR PLAT THEREOF RECORDED IN VOLUME 16, PAGE 62 MAP RECORDS OF CAMERON COUNTY. (EH-CCDoT ENGINEERING)

Commissioner Garza motioned to approve the Rezoning Request for (Cibola Subdivision), 24.33 acres out of the south three fourths (3/4) of Tract 3 of South Padre Island Investment Company Subdivision Section I, Cameron County, Texas according to Map or Plat thereof recorded in Volume 16, Page 62 Map Records of Cameron County.

The motion was seconded by Commissioner Benavides 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, reported that there are no new updates.

Commissioner Benavides motioned to acknowledge the Report regarding the reimbursement from FEMA.

The motion was seconded by Commissioner Wood 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 5:43 P.M.

APPROVED this 11th day of **November 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**