

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 1st day of NOVEMBER 2005, 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:

9:30 A.M.

GILBERTO HINOJOSA
COUNTY JUDGE

PEDRO “PETE” 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

Mary Robles Deputy Clerk

ABSENT:



The meeting was called to order by Judge Pro-tem Pedro “Pete” Benavides at 9:30 A.M. He asked Reverend Bob Clark, Brownsville resident, for the invocation, and he then led the Court and audience in reciting the Pledge of Allegiance.

The Court considered the following matters as posted and filed for Record in the Office of the County Clerk on 28th day of October at 4:25 P.M.:

(1) **PUBLIC COMMENTS**

NONE WAS PRESENTED.

PRESENTATION

(2) **PRESENTATION BY DR. VICTOR GONZALEZ, JR., MD, FAAFP, CAMERON COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES HEALTH AUTHORITY REGARDING THE AVIAN FLU VIRUS (YS-HEALTH)**

Dr. Victor M. Gonzalez, Jr. M.D. F.A.A.F.P, presented and highlighted a reported regarding the Avian Flu Virus. He reported that the human cases that have been identified had direct contact with infected chickens and that the mortality rate was about 50%.

NOTE: JUDGE HINOJOSA ARRIVED AT THIS TIME.

Dr. Gonzalez explained that the mortality rate was due to lack of previous contact with the virus, which allows for the body to develop immunity. He reported that a vaccine was presently not available.

Judge Hinojosa asked what the timeline for a vaccine to be developed was.

Dr. Gonzalez responded that a vaccine should be available in about six months on a limited basis.

Commissioner Tamayo asked if any chicken farms in the U.S. have had to be destroyed.

Dr. Gonzalez responded negatively.

Commissioner Garza stated that the virus does not transmit from properly cooked chicken and that it was causing devastating effects to some areas because chicken farms must be destroyed upon the virus being detected.

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the Presentation by Dr. Victor Gonzalez, Jr., MD, FAAFP, Cameron County Department of Health and Human Services Health Authority regarding the Avian Flu Virus was acknowledged.

The Report is as follows:

(3) PRESENTATION BY JOE G. RIVERA, COUNTY CLERK, REGARDING THE 2006 UNITED WAY KICK-OFF. (MV-HUMAN RESOURCES)

Mr. Joe G. Rivera, County Clerk, praised all county employees for giving over \$60,000.00 to United Way last year, and stated that this year counts fifty years of United Way being in existence. He introduced Mr. Al Villarreal, United Way Board Chairman, and Mr. Robert Rodriguez, South Padre Island Chief of Police.

Mr. Al Villarreal, United Way Board Chairman, introduced Mr. Robert Rodriguez as the 2006 United Way Fundraising Campaign Chairman.

Mr. Robert Rodriguez, South Padre Island Chief of Police, stated that United Way ensures that donations are used correctly, reason being why he accepted this challenge. He encouraged everybody to join the United Way Team because numbers make a difference.

At this time a video about our local United Way was presented.

Mr. Rivera informed that Mr. Armando Villalobos, District Attorney, would be the Drive Chairman and Mrs. Aurora de la Garza, District Clerk, would Co-chair the Drive. He presented his and the Human Resources Director's pledges.

Commissioner Garza moved that the Presentation by Joe. G. Rivera, County Clerk, regarding the 2006 United Way Kick-off be acknowledged.

The motion was seconded by Commissioner Tamayo and carried unanimously.

(5) APPROVAL OF CLAIMS

Mr. Mark Yates, County Auditor, presented the following late claims:

Warrant No. 00147315, payable to Daniel Sanchez, in the amount of \$1,800.00; and

Warrant No. 00147316, David Sanchez, in the amount of \$5,000.00.

Commissioner Benavides moved that the Claims be approved, inclusive of the late claims.

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

AYE: Commissioners Benavides and Wood,

NAY: None,

ABSTAIN: Judge Hinojosa as to Warrant No. 00147034, payable to Laguna Madre Water District, in the amount of \$5,861.52; Commissioner Garza as to Warrant No. 0147203, payable to The Medicine Shoppe, in the amount of \$177.70; and Commissioner Tamayo as to Warrant No. 00147310, payable to Red River Services Corporation, in the amount of \$30,201.98.

The Claims and Affidavits are as follow:

(6) **CONSIDERATION AND ACKNOWLEDGEMENT OF NOTIFICATION TO THE COMMISSIONERS' COURT OF THE AUDITOR'S CERTIFICATION OF \$608,105.00 IN ADDITIONAL FEDERAL INMATE REVENUE. (MY-AUDITOR)**

Judge Hinojosa asked if the amount being certified was gross revenue.

Mr. Mark Yates, County Auditor, responded in the affirmative, and explained that the \$608,105.00 was revenue for 50 additional federal inmates.

Judge Hinojosa asked what the cost would be for housing the additional inmates.

Mr. Yates stated that the cost for 200 additional inmates at \$0.95 per meal three times a day per would total \$190,713.00.

Commissioner Wood clarified that the meals were based on 500 inmates and the revenue was based on 50 additional inmates, thus there might be a cushion of \$150,000.00.

At this time there was a brief discussion regarding booking unused vacation.

Commissioner Garza commented that in essence overtime was being approved if vacation time was not being used by employees.

Upon motion by Commissioner Benavides, seconded by Commissioner Wood and carried unanimously, the notification to the Commissioners' Court of the Auditor's Certification of \$608,105.00 in additional Federal Inmate Revenue was acknowledged.

The Report is as follows:

(7) **CONSIDERATION AND ACTION REGARDING THE CREATION OF 4 DETENTION OFFICER POSITIONS, 3 SERGEANT POSITIONS AND 2 ADMINISTRATIVE CLERKS FOR DEPT. 1005120 "JAIL AND DETENTION FACILITIES" AND MATTERS RELATED THERETO. (MY-AUDITOR)**

Mr. Mark Yates, County Auditor, expressed concern regarding the language of the item because not all information was posted.

Mr. Remi Garza, County Administrative Assistant, explained that the notice to the public was sufficient to inform the public of what would be discussed as required without having to post specific action. He added that the item presented by the auditor pertains to different matters therefore he split it up, those items relating to the creation of the positions, the payment of accumulated overtime and budgeting \$14,000.00 for miscellaneous. Mr. Garza stated that he felt that the notice was sufficient because the overtime issue was believed to be a budgetary issue and was included as such.

Mrs. Dylbia L. Jeffries, Contract Attorney, recommended that the second portion of the item be tabled.

Commissioner Garza stated that the overtime could be approved since it was included within the Budget Amendments.

Mrs. Jeffries advised against approval of this item.

Mr. Xavier Villarreal, Budget Officer, confirmed that payment of overtime was included within the backup information.

Mr. Yates informed that amounts for payroll checks were already being drafted; therefore, the approved overtime would be included in the following pay checks.

Judge Hinojosa clarified that the positions would no longer be funded from lapsed salaries since additional revenues were certified within item six.

Mr. Yates agreed.

Commissioner Benavides moved that the creation of 4 Detention Officer Positions, 3 Sergeant Positions and 2 Administrative Clerks for Department No. 1005120, Jail and Detention Facilities, be approved.

The motion was seconded by Commissioner Garza and carried unanimously.

The Salary Schedules are as follow:

(4) **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 Documents are as follow:

(8) IN THE REGARDING CONSIDERATION AND POSSIBLE ACTION REGARDING THE PROPOSED DEVELOPMENT OF SOLID WASTE MANAGEMENT FACILITY IN CAMERON COUNTY. (COMM. COURT) (TABLED)

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, this Item was **TABLED**.

(9) CONSIDERATION AND POSSIBLE ACTION REGARDING ADDITIONAL RESPONSIBILITIES TO BE ASSUMED BY GEOGRAPHIC INFORMATION SYSTEM COORDINATOR AND CARTOGRAPHER AND SALARY ADJUSTMENTS. PS-DEPT. OF TRANSPORTATION)

Mr. Pete Sepulveda, Department of Transportation Director, responded in the affirmative, and reported that the goal was to establish a customer list for the Solid Waste Division to match it to that of Red River Services Corporation to ensure that the number of accounts that Red River Services Corporation says they are serving matches the number of accounts that are making payments to the water corporation, cities or county, noting that the list would be maintained monthly. He added that they want to establish a GPS Tracking System for equipment and vehicles of the Public Works Division, perhaps doing so in phases. Mr. Sepulveda stated that they also want to complete a Road Inventory System Program for which approximately 75% of the information was available but they lack inputting and maintaining it. He explained that the intention was for Commissioners to be able to log on to view the status and maintenance history of every county road. Mr. Sepulveda stated that they also want to establish a Vehicle Maintenance Inventory System that accounts for every piece of equipment and vehicle owned by the county, in addition to a maintenance track record of the equipment and vehicles. He stated that they also want to establish a Building Permit Process that enables communications with the appraisal district. Mr. Sepulveda explained that this process could be done either by updating or replacing the present software.

Commissioner Benavides asked if the GPS Tracking System can read the location and speed of vehicles.

Mr. Sepulveda informed that he has worked with the Purchasing Agent and County Auditor, and that he would meet with vendors, adding that different features could be added once the system is in place.

Commissioner Benavides moved that the additional responsibilities to be assumed by Geographic Information System Coordinator and Cartographer and salary adjustments be approved.

The motion was seconded by Commissioner Garza and carried unanimously.

The Report is as follows:

CONSENT ITEMS

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

Commissioner Benavides moved that the "Travel and Consent Items" be approved.

The motion was seconded by Commissioner Tamayo and carried unanimously.

- (10) **APPROVAL OF PROCLAMATION DECLARING NOVEMBER 2005 AS "HOME CARE AND HOSPICE MONTH." (COMM. COURT)**
The Proclamation follows:
- (11) **ACKNOWLEDGEMENT OF DISTRICT CLERK'S JULY, AUGUST AND SEPTEMBER'S MONTHLY FEE, FINES AND CRIMINAL REPORT. (ADLG-DISTRICT CLERK)**
The Proclamation follows:
- (12) **AUTHORIZATION TO CONVEY AN EASEMENT TO AEP ELECTRIC AT LAGUNA HEIGHTS PARK IN ORDER TO PROVIDE SERVICE TO THE PROPOSED PARK FACILITIES AND AUTHORIZE CAMERON COUNTY JUDGE TO SIGN CONVEYANCE DOCUMENTS. (JM-PARK SYSTEM)**
The Proclamation follows:
- (13) **APPROVAL OF A RESOLUTION AUTHORIZING CAMERON COUNTY TO APPLY FOR AN INDIGENT DEFENSE FORMULA GRANT FROM THE TASK FORCE ON INDIGENT DEFENSE. (FB-PD & M)**
The Resolution follows:
- (14) **APPROVAL OF CONTRACT AMENDMENT BETWEEN THE CAMERON COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE DEPARTMENT OF STATE INFECTIOUS DISEASE INTERVENTION AND CONTROL BRANCH. (YS-HEALTH)**
The Contract follows:
- (15) **APPROVAL OF LEASE AGREEMENT BETWEEN CAMERON COUNTY DRUG ENFORCEMENT TASK FORCE AND ANGELO INTER-LOGISTICS FOR STORAGE SPACE. (AV-DA)**
The Agreement follows:
- (16) **AUTHORIZATION TO AWARD BID TO HOME DEPOT TO PURCHASE BUILDING MATERIAL (LUMBER) FOR THE CAMERON COUNTY ANNEX IN SAN BENITO, TEXAS FOR AN AMOUNT GREATER THAN \$15,000 BUT LESS THAN \$25,000. (MI-BUILDING MAINTENANCE)**
The Tabulation follows:
- (17) **AUTHORIZATION TO OPEN THE FOLLOWING BIDS/RFP/RFQ FOR: (MF-PURCHASING)**
- A. **PROCESS EVALUATION OF JUVENILE PROBATION WEED & SEED PROGRAM – RFP NO. 051001.**
 - B. **TIRES: AUTOMOTIVE, POLICE PATROL, OFF ROAD & HEAVY DUTY – ANNUAL BID NO. 1997.**
 - C. **CAMERON COUNTY INDIGENT HEALTH CARE PROGRAM SERVICES – RFP NO. 050902 AND POSSIBLE SELECTION OF EVALUATION COMMITTEE MEMBERS BY COMMISSIONERS COURT.**
- (18) **AUTHORIZATION TO AWARD THE FOLLOWING BIDS / RFP / RFQ FOR:**
- A. **TIRE REPAIR – ANNUAL BID NO. 1850 TO JAIME'S**

The Tabulation follows:

- (19) APPROVAL OF ENGINEERING AGREEMENT BETWEEN CAMERON COUNTY AND TEDSI INFRASTRUCTURE GROUP FOR THE GRIMES ROAD PROJECT. (PS-DEPT. OF TRANSPORTATION)

The Agreement follows:

- (20) AUTHORIZATION FOR PRELIMINARY APPROVAL FOR: (PS-DEPT. OF TRANSPORTATION)

A. PRECINCT NO. 4- LOBITAS ESTATES SUBDIVISION PHASE III, BEING A SUBDIVISION OF 14.34 ACRES OF LAND COMPRISED OF 5.79 ACRES OUT OF BLOCK 1, 5.55 ACRES OUT OF BLOCK 2, AND 3.00 ACRES OUT OF BLOCK 3, E.E. EVANS SUBDIVISION, CAMERON COUNTY, TEXAS AS RECORDED IN VOLUME 2, PAGE 9 OF THE MAP RECORDS OF CAMERON COUNTY, TEXAS.

- (21) AUTHORIZATION FOR PRELIMINARY AND FINAL APPROVAL FOR: (PS-DEPT. OF TRANSPORTATION)

A. PRECINCT NO. 2- T & S GUTIERREZ SUBDIVISION, BEING ALL OF BLOCK 4, OLMITO GARDENS TRACT NO. 2 SUBDIVISION, CONTAINING 10 ACRES OF LAND MORE OR LESS, ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 6, PAGE 42 OF THE MAP RECORDS OF CAMERON COUNTY, TEXAS.

B. PRECINCT NO. 2- PINWOOD NO. 3 SUBDIVISION, BEING 16.840 ACRES OF LAND, COMPRISED OF 7.667 ACRES OUT OF BLOCK 1, AND 9.173 ACRES OUT OF BLOCK 6, EL JARDIN HEIGHTS SUBDIVISION, CAMERON COUNTY, TEXAS AS RECORDED IN VOLUME 5, PAGE 48 OF THE MAP RECORDS OF CAMERON COUNTY, TEXAS.

TRAVEL ITEMS

- (22) 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) ASSISTANT DISTRICT ATTORNEY TO ATTEND "9TH ANNUAL DOMESTIC VIOLENCE CONFERENCE" IN LAREDO, TEXAS, OCTOBER 5-7, 2005;
- (B) SEVEN (7) DRUG ENFORCEMENT TASK FORCE EMPLOYEES TO ATTEND "IN-SERVICE NARCOTIC SCHOOL" IN CORPUS CHRISTI, TEXAS, NOVEMBER 6-11, 2005;
- (C) UNIFIED NARCOTICS INTELLIGENCE TASK FORCE ADMINISTRATIVE ASSISTANT TO ATTEND "FINANCIAL TRAINING CONFERENCE" IN SOUTH PADRE ISLAND, TEXAS, NOVEMBER 29 THRU DECEMBER 2, 2005;
- (D) JUSTICE OF THE PEACE PRECINCT 2, PLACE 1 AND EMPLOYEE TO ATTEND THE "COMMERCIAL DRIVER'S LICENSE WORKSHOP" IN NEW BRAUNFELS, TEXAS, NOVEMBER 16-17, 2005;
- (E) TAX ASSESSOR-COLLECTOR AND CHIEF OF INVESTIGATIONS TO ATTEND THE "23RD ANNUAL COUNTY TAX ASSESSOR-COLLECTOR'S CONTINUING EDUCATION SEMINAR" IN COLLEGE STATION, TEXAS, NOVEMBER 13-17, 2005;
- (F) WIC DIRECTOR TO ATTEND A "TEXAS WIC DIETETIC INTERNSHIP PLANNING AND EVALUATION COMMITTEE MEETING" IN AUSTIN, TEXAS, ON 11/9-10/05,.

- (G) SHERIFF, CHIEF DEPUTY AND CHIEF JAIL ADMINISTRATOR TO ATTEND THE “COMMISSION ON JAIL STANDARDS MEETING” IN KAUFMAN, TEXAS, NOVEMBER 1-4, 2005;
 - (H) SHERIFF’S DEPARTMENT INVESTIGATOR TO ATTEND THE “2ND RIO GRANDE VALLEY SEMINAR IN FORENSIC SCIENCES” IN SOUTH PADRE ISLAND, TEXAS, NOVEMBER 4-5, 2005;
 - (I) SHERIFF AND CAPTAIN TO ATTEND THE “TEXAS BORDER SHERIFF’S COALITION MEETING” IN SAN ANTONIO, TEXAS, NOVEMBER 6-7, 2005;
 - (J) ASSISTANT COUNTY ADMINISTRATOR, ADMINISTRATIVE ASSISTANT FOR INTERGOVERNMENTAL AFFAIRS, CHIEF EMERGENCY OFFICER AND ASSISTANT COORDINATOR TO ATTEND THE “GOVERNOR’S TASK FORCE ON EVACUATION TRANSPORTATION AND LOGISTICS MEETING” IN CORPUS CHRISTI, TEXAS, NOVEMBER 2, 2005;
 - (K) COUNTY COURT AT LAW JUDGE NO. 2 TO ATTEND “MANDATORY CONTINUING EDUCATION” IN MCALLEN, TEXAS, OCTOBER 21, 2005;
 - (L) DIRECTOR OF DEPARTMENT OF TRANSPORTATION TO MEET WITH UP OFFICIALS ON THE WEST RAIL AND NORTH RAIL RELOCATION PROJECTS IN HOUSTON, TEXAS, OCTOBER 28, 2005;
 - (M) DIRECTOR OF DEPARTMENT OF TRANSPORTATION TO MEET WITH SECRETARY OF THE DEPARTMENT OF HOMELAND SECURITY REGARDING BORDER ISSUES IN EL PASO, TEXAS, NOVEMBER 1-2, 2005; AND
 - (N) TWO (2) COMPUTER DEPARTMENT EMPLOYEES (2) TO ATTEND THE “SECURITY, WIRELESS, VOIP SEMINAR” IN SAN ANTONIO, TEXAS, NOVEMBER 8-9, 2005.
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- (10) APPROVAL OF PROCLAMATION DECLARING NOVEMBER 2005 AS “HOME CARE AND HOSPICE MONTH.” (COMM. COURT)**
The Proclamation follows:

- (11) ACKNOWLEDGEMENT OF DISTRICT CLERK'S JULY, AUGUST AND SEPTEMBER'S MONTHLY FEE, FINES AND CRIMINAL REPORT. (ADLG-DISTRICT CLERK)**
The Proclamation follows:

- (12) AUTHORIZATION TO CONVEY AN EASEMENT TO AEP ELECTRIC AT LAGUNA HEIGHTS PARK IN ORDER TO PROVIDE SERVICE TO THE PROPOSED PARK FACILITIES AND AUTHORIZE CAMERON COUNTY JUDGE TO SIGN CONVEYANCE DOCUMENTS. (JM-PARK SYSTEM)**
The Proclamation follows:

- (13) APPROVAL OF A RESOLUTION AUTHORIZING CAMERON COUNTY TO APPLY FOR AN INDIGENT DEFENSE FORMULA GRANT FROM THE TASK FORCE ON INDIGENT DEFENSE. (FB-PD & M)**
The Resolution follows:

- (14) APPROVAL OF CONTRACT AMENDMENT BETWEEN THE CAMERON COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE DEPARTMENT OF STATE INFECTIOUS DISEASE INTERVENTION AND CONTROL BRANCH. (YS-HEALTH)**
The Contract follows:

- (15) APPROVAL OF LEASE AGREEMENT BETWEEN CAMERON COUNTY DRUG ENFORCEMENT TASK FORCE AND ANGELO INTER-LOGISTICS FOR STORAGE SPACE. (AV-DA)**
The Agreement follows:

- (16) **AUTHORIZATION TO AWARD BID TO HOME DEPOT TO PURCHASE BUILDING MATERIAL (LUMBER) FOR THE CAMERON COUNTY ANNEX IN SAN BENITO, TEXAS FOR AN AMOUNT GREATER THAN \$15,000 BUT LESS THAN \$25,000. (MI-BUILDING MAINTENANCE)**
The Tabulation follows:

- (18) AUTHORIZATION TO AWARD THE FOLLOWING BIDS / RFP / RFQ FOR:**
A. TIRE REPAIR – ANNUAL BID NO. 1850 TO JAIME’S
The Tabulation follows:

- (19) APPROVAL OF ENGINEERING AGREEMENT BETWEEN CAMERON COUNTY AND TEDSI INFRASTRUCTURE GROUP FOR THE GRIMES ROAD PROJECT. (PS-DEPT. OF TRANSPORTATION)**
The Agreement follows:

EXECUTIVE SESSION

Upon motion by Commissioner Tamayo, seconded by Commissioner Wood and carried unanimously, the Court met in Executive Session at 10:33 A.M. to discuss the following matters:

(23) EXECUTIVE SESSION:

- (A) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING CAMERON COUNTY VERSUS FAULKNER, USA, FORMERLY KNOWN AS LANDMARK, APPROVAL OF SETTLEMENT AGREEMENT; PURSUANT TO VERNON TEXAS CODE ANNOTATED (V.T.C.A.) GOVERNMENT CODE, SECTION 551.071(A) (B) & (2);**
- (B) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING ISSUES REGARDING THE CAMERON COUNTY DETENTION CENTERS AND THE CAMERON COUNTY SHERIFF'S ADMINISTRATION BUILDING; PURSUANT TO VERNON TEXAS CODE ANNOTATED (V.T.C.A.) GOVERNMENT CODE, SECTION 551.071(2);**
- (C) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING THE PROPOSED SOLID WASTE MANAGEMENT FACILITY SITE EAST OF LOS FRESNOS PROPOSED BY CONSOLIDATED WASTE INDUSTRIES, INC.; PURSUANT TO VERNON TEXAS CODE ANNOTATED (V.T.C.A.) GOVERNMENT CODE, SECTION 551.071(1)(A)&(2);**
- (D) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING ISSUES RELATING TO THE POSSIBLE ACQUISITION OF REAL PROPERTY FOR THE DANCY BUILDING RENOVATION PROJECT; PURSUANT TO VERNON TEXAS CODE ANNOTATED (V.T.C.A.) GOVERNMENT CODE, SECTION 551.072;**
- (E) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING COUNTY OF CAMERON VERSUS BFI WASTE COLLECTION, ET. AL., CAUSE NO. 2005-07-3905-A, FOR DISCUSSION OF CASE STATUS PURSUANT TO VERNON TEXAS CODE ANNOTATED (V.T.C.A.) GOVERNMENT CODE, SECTION 551.071(A)&(B);**
- (F) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING BFI WASTE SERVICES OF TEXAS, L.P. VERSUS COUNTY OF CAMERON AND RED RIVER SERVICE CORPORATION OF TEXAS, INC., CASE NO. B-05-279, FOR DISCUSSION AND AUTHORITY TO REPRESENT CAMERON COUNTY; PURSUANT TO VERNON TEXAS CODE ANNOTATED (V.T.C.A.) GOVERNMENT CODE, SECTION 551.071(A)&(2);**
- (G) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING ISSUES ON PROPERTIES LOCATED ON THE OLMITO TOWNSITE AMENDED MAP VOL. 8, PG. 83; PURSUANT TO VERNON TEXAS CODE ANNOTATED (V.T.C.A.) GOVERNMENT CODE, SECTION 551.072;**
- (H) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING PAYMENT OF MEDICAL BENEFITS FROM SELF-FUNDED GROUP HEALTH PLAN, ON A MATTER IN WHICH THE DUTY OF THE ATTORNEY TO THE GOVERNMENTAL BODY UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH THIS CHAPTER; PURSUANT TO VERNON TEXAS CODE ANNOTATED (V.T.C.A.) GOVERNMENT CODE, SECTION 551.071(2);**

- (I) **CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING ARNOLDO TOVAR VERSUS CAMERON COUNTY, TEXAS AND CONRADO CANTU IN HIS INDIVIDUAL IN THE 103RD DISTRICT COURT; CAUSE NO. 2005-10-4987-D, FOR AUTHORITY TO REPRESENT CAMERON COUNTY AND REMOVE IT TO FEDERAL COURT; PURSUANT TO VERNON TEXAS CODE ANNOTATED (V.T.C.A.) GOVERNMENT CODE, SECTION 551.071(A)&(2);**
- (J) **DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 28, FOR PRIMERA ROAD PROJECT IN THE PRIMERA, PRECINCT NO. 4 AREA; PURSUANT TO VERNON TEXAS CODE ANNOTATED (V.T.C.A.) GOVERNMENT CODE, SECTION 551.072;**
- (K) **DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 50, FOR PRIMERA ROAD PROJECT IN THE PRIMERA, PRECINCT NO. 4 AREA; PURSUANT TO VERNON TEXAS CODE ANNOTATED (V.T.C.A.) GOVERNMENT CODE, SECTION 551.072;**
- (L) **DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 53, FOR PRIMERA ROAD PROJECT IN THE PRIMERA, PRECINCT NO. 4 AREA; PURSUANT TO VERNON TEXAS CODE ANNOTATED (V.T.C.A.) GOVERNMENT CODE, SECTION 551.072;**
- (M) **DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 57, FOR PRIMERA ROAD PROJECT IN THE PRIMERA, PRECINCT NO. 4 AREA; PURSUANT TO VERNON TEXAS CODE ANNOTATED (V.T.C.A.) GOVERNMENT CODE, SECTION 551.072; AND**
- (N) **DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCELS 111A, 111B AND 111C, FOR PRIMERA ROAD PROJECT IN THE PRIMERA, PRECINCT NO. 4 AREA; PURSUANT TO VERNON TEXAS CODE ANNOTATED (V.T.C.A.) GOVERNMENT CODE, SECTION 551.072**

(24) ACTION RELATIVE TO EXECUTIVE SESSION

Upon motion by Commissioner Wood, seconded by Commissioner Garza and carried unanimously, the

Court reconvened into Regular Session at 11:26 A.M. to discuss the following matters:

- (A) **CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING CAMERON COUNTY VERSUS FAULKNER, USA, FORMERLY KNOWN AS LANDMARK, APPROVAL OF SETTLEMENT AGREEMENT.**

Upon motion by Commissioner Tamayo, seconded by Commissioner Benavides and carried unanimously, the Status Report by Legal Counsel was acknowledged.

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- (B) **CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING ISSUES REGARDING THE CAMERON COUNTY DETENTION CENTERS AND THE CAMERON COUNTY SHERIFF'S ADMINISTRATION BUILDING.**

Commissioner Garza moved that the Status Report by Legal Counsel and Judge Hinojosa be acknowledged.

The motion was seconded by Commissioner Tamayo and carried unanimously.

(C) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING THE PROPOSED SOLID WASTE MANAGEMENT FACILITY SITE EAST OF LOS FRESNOS PROPOSED BY CONSOLIDATED WASTE INDUSTRIES, INC.

Upon motion by Commissioner Tamayo, seconded by Commissioner Benavides and carried unanimously, the Status Report by Legal Counsel was acknowledged.

(D) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING ISSUES RELATING TO THE POSSIBLE ACQUISITION OF REAL PROPERTY FOR THE DANCY BUILDING RENOVATION PROJECT.

Commissioner Garza moved that Mr. Pete Sepulveda, Department of Transportation Director, be authorized to negotiate as discussed in Executive Session.

The motion was seconded by Commissioner Tamayo and carried unanimously.

(E) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING COUNTY OF CAMERON VERSUS BFI WASTE COLLECTION, ET. AL., CAUSE NO. 2005-07-3905-A, FOR DISCUSSION OF CASE STATUS.

Commissioner Wood moved that the Status Report by Legal Counsel be acknowledged.

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

AYE: Commissioners Benavides, Wood, Garza and Judge Hinojosa

NAY: None

ABSTAIN: Commissioner Tamayo

The Affidavit follows:

(F) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING BFI WASTE SERVICES OF TEXAS, L.P. VERSUS COUNTY OF CAMERON AND RED RIVER SERVICE CORPORATION OF TEXAS, INC., CASE NO. B-05-279, FOR DISCUSSION AND AUTHORITY TO REPRESENT CAMERON COUNTY.

Commissioner Wood moved that the Status Report by Legal Counsel be acknowledged and that Commissioners' Court Legal Counsel be authorized to represent Cameron County.

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

AYE: Commissioners Benavides, Wood, Garza and Judge Hinojosa

NAY: None

ABSTAIN: Commissioner Tamayo

The Affidavit follows:

(G) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING ISSUES ON PROPERTIES LOCATED ON THE OLMITO TOWNSITE AMENDED MAP VOL. 8, PG. 83.

Commissioner Wood moved that the Status Report by Legal Counsel be acknowledged and that the Right of Way Division be authorized to proceed as discussed in Executive Session.

The motion was seconded by Commissioner Garza and carried unanimously.

(H) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING PAYMENT OF MEDICAL BENEFITS FROM SELF-FUNDED GROUP HEALTH PLAN, ON A MATTER IN WHICH THE DUTY OF THE ATTORNEY TO THE GOVERNMENTAL BODY UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH THIS CHAPTER.

Commissioner Garza moved that the waiver be DENIED.

The motion was seconded by Commissioner Tamayo and the vote was as follows:

AYE: Commissioners Garza and Tamayo

NAY: Commissioners Benavides, Wood and Judge Hinojosa

Commissioner Benavides moved that the waiver be approved.

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

AYE: Commissioners Benavides, Wood and Judge Hinojosa

NAY: Commissioners Garza and Tamayo

(I) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING ARNOLDO TOVAR VERSUS CAMERON COUNTY, TEXAS AND CONRADO CANTU IN HIS INDIVIDUAL IN THE 103RD DISTRICT COURT; CAUSE NO. 2005-10-4987-D, FOR AUTHORITY TO REPRESENT CAMERON COUNTY AND REMOVE IT TO FEDERAL COURT.

Upon motion by Commissioner Garza, seconded by Commissioner Wood and carried unanimously, Legal Counsel was authorized to represent Cameron County and to move the case to federal court.

(J) DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 28, FOR PRIMERA ROAD PROJECT IN THE PRIMERA, PRECINCT NO. 4 AREA.

(K) DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 50, FOR PRIMERA ROAD PROJECT IN THE PRIMERA, PRECINCT NO. 4 AREA.

(L) DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 53, FOR PRIMERA ROAD PROJECT IN THE PRIMERA, PRECINCT NO. 4 AREA.

(M) DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 57, FOR PRIMERA ROAD PROJECT IN THE PRIMERA, PRECINCT NO. 4 AREA.

(N) DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCELS 111A, 111B AND 111C, FOR PRIMERA ROAD PROJECT IN THE PRIMERA, PRECINCT NO. 4 AREA.

Commissioner Wood moved that the acquisition of Parcel 28 for the amount of \$692.00, of Parcel 50 for the amount of \$1,300.00, of Parcel 53 for the amount of \$1,068.00, of Parcel 57 for the amount of \$5,844.00 and of Parcels 111a, 111b and 111c for the amount of \$3,659.00 be approved.

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 11:32 A.M.

APPROVED this 17th day of **January 2006**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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