

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 19TH day of DECEMBER 2005, 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:

8:30 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:

DAVID A. GARZA

The meeting was called to order by Judge Gilberto Hinojosa at 8:33 A.M. He asked Commissioner Tamayo 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 15th day of December at 5:00 P.M.:

At this time, Judge Hinojosa informed of the passing of Judge Darrel Hester at the age of eighty and recognized him for his tremendous achievements throughout his career. He offered his condolences to his family and friends, and stated that flags would be flown half staff.

Commissioner Tamayo requested that a moment of silence be held in his memory and that of Commissioner Garza's father for his passing last week.

(1) **PUBLIC COMMENTS.**

None was presented.

PRESENTATION

(2) **REPORT FROM JOHN WOOD, COMMISSIONER
PRECINCT NO. 2, ON THE ACTIVITIES OF THE RIO
GRANDE REGIONAL WATER PLANNING GROUP
(REGION "M") FOR THE YEAR 2005. (JW-COMM.
PCT 2)**

Commissioner Wood reported that the Rio Grande Regional Water Planning Group (Region M) was the entity designated by State and the Texas Water Development Board to look at the water availability, planning and future along the river up to Eagle Pass and what it has achieved in the past year. He presented a five year plan that said entity is required to develop for the future and explained that it will carry the region out for the next five years and will plan for the next fifty years.

Judge Hinojosa stated that now that Commissioner Wood is a member of said board, he has more confidence in the ability of the organization to provide something that works for the entire community. He stated that someone that can view water issues globally was needed on the board as well as being a business person.

Commissioner Wood stated that water was a problem that must be looked at because without it neither growth nor development can occur. He stated that he did pretty well since he created total turmoil at only one meeting.

Judge Hinojosa stated that water issues must be addressed in order to provide good jobs that come with growth which can only be achieved by addressing and establishing a strong regional water policy.

Upon motion by Commissioner Tamayo, seconded by Commissioner Benavides and carried unanimously, the Report by Commissioner Wood regarding the activities of the Rio Grande Regional Water Planning Group (Region "M") for the year 2005 was acknowledged.

The Report is as follows:

ACTION ITEMS

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

Commissioner Benavides moved that the Budget Amendments, Line Item Transfers and/or salary schedules be

APPROVED.

The motion was seconded by Commissioner Wood and carried unanimously.

The Documents are as follow:

- (4) **APPROVAL OF MINUTES FOR:**
A. **SEPTEMBER 13, 2005-REGULAR MEETING**
B. **SEPTEMBER 16, 2005-SPECIAL MEETING**
C. **SEPTEMBER 20, 2005-REGULAR MEETING**

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, this item was **APPROVED**.

(5) **APPROVAL OF CLAIMS**

Commissioner Wood moved that this item be APPROVED.

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

AYE-Commissioner Benavides, Wood

NAY-None

ABSTAIN- Commissioner Tamayo as to Warrant No. 00150023 payable to Red River Service in the amount of \$103,820.91; Judge Hinojosa as to Warrant No. 00150565 payable to Southwest Key Program in the amount of \$48,796.00;

The Documents and Affidavit is as follow:

(6) **CONSIDERATION AND APPROVAL OF THE
2005-2006 EQUIPMENT LIST. (XV-BUDGET
OFFICER)**

Commissioner Tamayo move that this item be **APPROVED**.

The motion was seconded by Commissioner Benavides and carried unanimously.

The List is as follows:

(7) **CONSIDERATION AND ACTION
REGARDING SHERIFF'S DEPARTMENT
"CLOTHING ALLOWANCE" TO NON-UNIFORMED
INVESTIGATORS FROM THE SHERIFF'S
FORFEITURE FUND (FUND 9005600) IN A ONE-TIME
PAYMENT FOR THE AMOUNTS AND PERSONNEL
LISTED (SEE ATTACHED). (OL-SHERIFF)**

Upon motion by Commissioner Benavides, seconded by Commissioner Wood and carried unanimously,
this item was **APPROVED**.

(8) **CONSIDERATION AND POSSIBLE ACTION
REGARDING AN INTERLOCAL AGREEMENT
BETWEEN CAMERON COUNTY AND CITY OF
PRIMERA FOR THE PURCHASE OF SURPLUS
COUNTY EQUIPMENT. (COMM. COURT)**

Commissioner Tamayo moved that this item be **APPROVED**.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Information is as follows:

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

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

(10) **CONSIDERATION AND POSSIBLE ACTION
REGARDING THE NAMING OF THE TEEN AND
SENIOR CENTER WING AT BROWNE ROAD
REGIONAL PARK. (JM-PARKS)**

Upon motion by Judge Hinojosa seconded by Commissioner Wood and carried unanimously, this item was
APPROVED.

(11) **CONSIDERATION AND AUTHORIZATION TO ADD
AN ADDITIONAL POSITION WITHIN THE TAX
ASSESSOR-COLLECTOR'S AUTOMOBILE
BOOKKEEPING DIVISION TO ADMINISTER
INTEREST FOR THE AUTOMOBILE SALES TAX
COLLECTION IN COMPLIANCE WITH THE STATE
COMPTROLLER'S OFFICE AUDIT. (TY-TAX
ASSESSOR-COLLECTOR)**

Commissioner Benavides moved that this item be **APPROVED**.

The motion was seconded by Commissioner Tamayo and carried unanimously.

The Information is as follows:

(12) **CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 2 FOR THE DANCY BUILDING PROJECT. (PS-DEPT. OF TRANSPORTATION)**

(13) **CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 3 FOR THE DANCY BUILDING PROJECT. (PS-DEPT. OF TRANSPORTATION)**

Commissioner Benavides moved that this item be **APPROVED**.

The motion was seconded by Commissioner Wood and carried unanimously.

The Information is as follows:

(14) **CONSIDERATION AND APPOINTMENT OF
COMMITTEE MEMBERS TO REVIEW THE RFQ'S
SUBMITTED FOR THE STORM WATER
PREVENTION PLAN. (PS-DEPT. OF
TRANSPORTATION)**

The following members were recommended by Judge Hinojosa to form the review the RFQ'S submitted for the Storm Water Prevention Plan the members are as follows:

Mike Forbes, Auditors Office, Ernesto Hinojosa, Engineering Department, Xavier Villarreal, Budget Officer, Remi Garza, County Judges' Office, and Mr. Pete Sepulveda, Department of Transportation Director.

Commissioner Tamayo moved that this item be **APPROVED**.

The motion was seconded by Commissioner Wood and carried unanimously.

(15) **CONSIDERATION AND POSSIBLE ACTION
REGARDING CAMERON COUNTY COUNTYWIDE
FINES AND FEES COLLECTIONS PROGRAM.
(COMM. COURT)**

Mr. Remi Garza, County Administrative Assistant asked that the Court appoint a committee to implement a plan that would build on the existing plan the County Clerk already has in place. The committee would oversee the development and implementation of the plan.

Mr. Garza's recommended that the members of the committee consist of: the County Clerk, District Clerk, Budget Officer, a representative of the Commissioner's Court, and a Court representative at the JP level.

Commissioner Tamayo moved that this item be **APPROVED** as recommended.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Information 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 Wood moved that the "Travel and Consent Items" be approved.

The motion was seconded by Commissioner Tamayo and carried unanimously.

- (16) **CONSIDERATION AND AUTHORIZATION OF ADDENDUM TO MASTER AGREEMENT FOR SPC PREMIERE SERVE VOICE CPE SUPPORT SERVICES FOR CAMERON COUNTY DISTRICT ATTORNEY'S OFFICE. (AV-DA)**
The Agreement is as follow:
- (17) **CONSIDERATION AND POSSIBLE APPROVAL OF AGREEMENT WITH TIME WARNER CABLE FOR UNITS AT THE DANCY BUILDING. (DJV-LEGAL)**
The Agreement is follows:
- (18) **CONSIDERATION AND APPROVAL OF GRANT AWARD FOR THE FY 2006 CAMERON COUNTY DRUG ENFORCEMENT TASK FORCE GRANT. (FB-PD & M)**
The Information is as follows:
- (19) **CONSIDERATION AND AUTHORIZATION TO PURCHASE SHERIFF SERVER UPGRADE EQUIPMENT USING TDIR-TEXAS DEPARTMENT OF INFORMATION RESOURCES. (RJ-COMPUTER CENTER)**
- (20) **CONSIDERATION AND AUTHORIZATION TO PURCHASE SERVER UPGRADE EQUIPMENT USING TDIR-TEXAS DEPARTMENT OF INFORMATION RESOURCES. (RJ-COMPUTER CENTER)**
- (21) **CONSIDERATION AND AUTHORIZATION TO UTILIZE THE STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES (DIR) CONTRACT TEXAS 2000 FOR WIRELESS DATA SERVICES CONTRACT #06-27-03 TEXAS 2000 SPRW TO PURCHASE HIGH SPEED DATA CONNECTION CARDS UTILIZING SPRINT PCS. (RO-ELECTIONS)**
- (22) **CONSIDERATION AND ACTION FOR THE APPOINTMENT OF CLEVE J. BREEDLOVE RESERVE DEPUTY CONSTABLE FOR PRECINCT NO. 6 IN COMPLIANCE WITH THE FINDING THAT IT IS NECESSARY TO APPOINT THE DEPUTY IN ORDER TO PROPERLY HANDLE THE BUSINESS OF THE CONSTABLE'S OFFICE THAT ORIGINATES IN THE CONSTABLE'S PRECINCT AND THAT THE APPOINTMENT IS VALID ONLY THROUGH THE END OF THE FISCAL YEAR IN WHICH THE APPOINTMENT IS MADE OR THE CURRENT TERM OF THE ELECTED CONSTABLE WHICH EVER ENDS SOONER. (MV-HUMAN RESOURCES)**
- (23) **CONSIDERATION AND ACTION FOR THE APPOINTMENT OF JOSE LUIS LEDEZMA RESERVE DEPUTY CONSTABLE FOR PRECINCT NO. 2 IN COMPLIANCE WITH THE FINDING THAT IT IS NECESSARY TO APPOINT THE DEPUTY IN ORDER TO PROPERLY HANDLE THE BUSINESS OF THE CONSTABLE'S OFFICE THAT ORIGINATES IN THE CONSTABLE'S PRECINCT AND THAT THE APPOINTMENT IS VALID ONLY THROUGH THE END OF THE FISCAL YEAR IN WHICH THE APPOINTMENT IS MADE OR THE CURRENT TERM OF THE ELECTED CONSTABLE WHICH EVER ENDS SOONER. (MV-HUMAN RESOURCES)**

- (24) CONSIDERATION AND AUTHORIZATION TO INITIATE NEGOTIATIONS WITH AFFILIATED MANAGEMENT SYSTEMS RESPONDERS TO RFP #050901. (JM-PARK SYSTEM)
- (25) CONSIDERATION AND AUTHORIZATION TO ALLOW THE CAMERON COUNTY PARKS AND RECREATION DEPARTMENT TO AWARD BID TO GONZALEZ SEPTIC TANK SERVICE TO PURCHASE MATERIALS AND INSTALL THE SEPTIC TANK AND GREASE TRAP AT BROWNE ROAD PARK. (JM-PARK SYSTEM)
The Information is as follows:
- (26) CONSIDERATION AND AUTHORIZATION TO EXECUTE A STANDARD FORM OF AGREEMENT BETWEEN CAMERON COUNTY PARKS AND RECREATION AND JOSE ANGEL GONZALEZ, D/B/A GONZALEZ SEPTIC TANK SERVICE. (JM-PARK SYSTEM)
The Agreement is as follows:
- (27) CONSIDERATION AND APPROVAL OF MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CAMERON COUNTY AND THE VALLEY AIDS COUNCIL. (YS-HEALTH)
The MOU is as follow:
- (28) CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN CAMERON COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES INFECTIOUS DISEASE INTERVENTION AND CONTROL BRANCH. (YS-HEALTH)
The Contract is as follow:
- (29) CONSIDERATION AND AUTHORIZATION TO OPEN THE FOLLOWING BIDS/RFP/RFQ FOR: (MF-PURCHASING)
A. INFIRMARY MEDICAL SERVICES FOR COUNTY JAILS & DETENTION FACILITIES – RFP #051105 AND POSSIBLE SELECTION OF EVALUATION COMMITTEE BY COMMISSIONERS’ COURT.
- (30) CONSIDERATION AND APPROVAL OF SPECIFICATIONS FOR PATROL CARS & SHERIFF’S /CONSTABLES PICK-UPS. (MF-PURCHASING)
- (31) CONSIDERATION AND APPROVAL OF TIME EXTENSION FROM DECEMBER 15, 2005 TO DECEMBER 15, 2006 FOR PROVIDING SEWER FACILITIES (SEPTIC SYSTEMS) AT LOBITAS ESTATE SUBDIVISION PHASE II, PRECINCT NO. 4. (PS-DEPT. OF TRANSPORTATION)
- (32) CONSIDERATION AND APPROVAL OF TIME EXTENSION FROM DECEMBER 23, 2005 TO DECEMBER 23, 2006 FOR PROVIDING SEWER FACILITIES (SEPTIC SYSTEMS) AT LOBITAS ESTATES SUBDIVISION, PRECINCT NO. 4. (PS-DEPT. OF TRANSPORTATION)
- (33) CONSIDERATION AND AUTHORIZATION TO ALLOW THE DEPARTMENT OF TRANSPORTATION PUBLIC WORKS DIVISION TO UTILIZE THE BUY BOARD FOR PURCHASING THREE MOTOR GRADERS, ONE FRONT END LOADER AND ONE DURA STORAGE TANK FOR EMULSION. (PS-DEPT. OF TRANSPORTATION)
- (34) CONSIDERATION AND AUTHORIZATION TO ACCEPT RIGHT OF ENTRY AND POSSESSION OF PARCEL 3 FOR FM 803 BRIDGE REPLACEMENT IN THE PRECINCT NO. 3 AREA. (PS-DEPT. OF TRANSPORTATION)
-

TRAVEL ITEMS

(35) 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. County Extension Agent to attend the “TEXHAB Meeting” in Corpus Christi, Texas, December 9, 2005;**
- B. County Extension Agent to attend the “2006 Beltwide Conference” in San Antonio, Texas, January 3-5, 2006;**
- C. County Extension Agent and Program Assistant to attend and assist in the “District 12 Food Show” in Falfurrias, Texas, December 10, 2005;**
- D. County Extension Agent to participate in “2006 Houston International Boat, Sport and Travel Show” in Houston, Texas, January 12-14, 2006;**
- E. Park System Director and Special Projects Administrator to attend a joint evaluation at the U.S. Army Corp. regarding the Adolph Thomae Jr. Park – Shoreline Stabilization Project in Corpus Christi, Texas, December 20, 2005; and**
- F. 138th District Judge to attend “Mandatory College for New Judges” in Austin, Texas, January 8-11, 2006.**

EXECUTIVE SESSION

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the Court met in Executive Session at 9:22 A.M. to discuss the following matters:

(36) 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(1) (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); and**
- 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.**

SUPPLEMENTAL ITEMS

(1) EXECUTIVE SESSION:

- A. Deliberation regarding Real Property relating to the acquisition/acceptance of certain property related to drainage within the general area of the intersection of FM 1732 and US Highway 281; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.072.**

Upon motion by Commissioner Tamayo, seconded by Commissioner Benavides and carried unanimously, the Court reconvened into Regular Session at 9:52 A.M. to discuss the following matters:

(37) ACTION RELATIVE TO EXECUTIVE SESSION

- A. Confer with Commissioners' Court Legal Counsel concerning Cameron County versus Faulkner, USA formerly known as Landmark, approval of settlement agreement.**

- B. Confer with Commissioners' Court Legal Counsel concerning issues regarding the Cameron County Detention Centers and the Cameron County Sheriff's Administration Building.**

Upon motion by Commissioner Wood seconded by Commissioner Tamayo and carried unanimously, these items were **TABLED**.

-
- 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 Wood and carried unanimously, the Status Report by County Judge 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 Wood moved that the status report by Remi Garza, County Judge's Office, and to authorize to proceed as discussed in Executive Session.

SUPPLEMENTAL ITEMS

(2) EXECUTIVE SESSION:

- A. Deliberation regarding Real Property relating to the acquisition/acceptance of certain property related to drainage within the general area of the intersection of FM 1732 and US Highway 281.**

Commissioner Tamayo moved that with the acquisition of the portion of the Drainage Ditch and to proceed with the annexation by Drainage District No. 1.

Commissioner Benavides seconded the motion and carried unanimously.

**(16) CONSIDERATION AND AUTHORIZATION OF ADDENDUM TO MASTER AGREEMENT
FOR SPC PREMIERE SERVE VOICE CPE SUPPORT SERVICES FOR CAMERON
COUNTY DISTRICT ATTORNEY'S OFFICE. (AV-DA)**

The Agreement is as follow:

**(17) CONSIDERATION AND POSSIBLE APPROVAL OF AGREEMENT WITH TIME WARNER
CABLE FOR UNITS AT THE DANCY BUILDING. (DJV-LEGAL)**

The Agreement is follows:

**(18) CONSIDERATION AND APPROVAL OF GRANT AWARD FOR THE FY 2006
CAMERON COUNTY DRUG ENFORCEMENT TASK FORCE GRANT. (FB-PD & M)
The Information is as follows:**

(25) CONSIDERATION AND AUTHORIZATION TO ALLOW THE CAMERON COUNTY PARKS AND RECREATION DEPARTMENT TO AWARD BID TO GONZALEZ SEPTIC TANK SERVICE TO PURCHASE MATERIALS AND INSTALL THE SEPTIC TANK AND GREASE TRAP AT BROWNE ROAD PARK. (JM-PARK SYSTEM)

The Information is as follows:

(26) CONSIDERATION AND AUTHORIZATION TO EXECUTE A STANDARD FORM OF AGREEMENT BETWEEN CAMERON COUNTY PARKS AND RECREATION AND JOSE ANGEL GONZALEZ, D/B/A GONZALEZ SEPTIC TANK SERVICE. (JM-PARK SYSTEM)
The Agreement is as follows:

**(27) CONSIDERATION AND APPROVAL OF MEMORANDUM OF UNDERSTANDING (MOU)
BETWEEN THE CAMERON COUNTY AND THE VALLEY AIDS COUNCIL. (YS-
HEALTH)**

The MOU is as follow:

(28) CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN CAMERON COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES INFECTIOUS DISEASE INTERVENTION AND CONTROL BRANCH. (YS-HEALTH)

The Contract is as follow:

There being no further business to come before the Court, upon motion by Commissioner Tamayo, seconded by Commissioner Benavides and carried unanimously, the meeting was **ADJOURNED** at 9:55 A.M.

APPROVED this 28th day of February 2006.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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