

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 6th day of June 2006, 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.

BE IT FURTHER RESOLVED, that the Cameron County Commissioners' Court wishes to dedicate its proceedings in memory of Judge Reynaldo G. Garza.

THE COURT MET AT:

9:30 A.M.

PRESENT:

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

Aide A. Trejo Deputy Clerk

ABSENT:
PEDRO "PETE" BENAVIDES

The meeting was called to order by Commissioner Garza at 9:35 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 June 2, 2006 at 3:05 P.M.:

(1) PUBLIC COMMENTS.

Mr. Alvaro Sosa, a member of Movimiento del Valle por los Derechos Humanos, asked for the Court to pass a resolution against the militarization of the U.S.-Mexico Border.

Mr. Humberto Pablo Hernandez, a member of Movimiento del Valle por los Derechos Humanos, asked for the Commissioners' Court to show support against the militarization of the U.S.-Mexico Border. He noted that on May 20, 1997, 18 year old Esequiel Hernandez Jr. died from a gun shot to the back. He added that the bullet was fired from an M-16 rifle by a Marine.

NOTE: Judge Hinojosa joined the meeting at this time.

Mr. Hernandez stated that Esequiel was less than 100 yards from his house and expressed his concern of an incident such as this happening again.

Mr. Efrain Candanoza Jr., a member of Movimiento del Valle por los Derechos Humanos, requested that the Court pass a resolution opposing the militarization of the U.S.-Mexico Border. He stated that he does not want another person to die due to an error of a soldier.

Ms. Maria Victoria Candanoza, a member of Movimiento del Valle por los Derechos Humanos, asked for the Court's support for all of the immigrants and their families that live in the United States that are trying to provide a better life for their family.

The Forms are as follows:

Judge Hinojosa thanked the Members of Movimiento del Valle por los Derechos Humanos for attending the meeting and voicing their opinion and encouraged the members to continue to express their concerns.

PRESENTATIONS

(3) PRESENTATION BY TEL-COM CONSULTING, LLC REGARDING POSSIBLE ADVANTAGES OF AN AUDIT OF TELEPHONE AND COMMUNICATIONS EXPENSES. (COMM. COURT)

Mr. Joe Alexandre, former Mayor of Raymondville, informed the Court that Tel-com Consulting, LLC has a study that can save Cameron County on communication expenses. He added that Tel-com Consulting, LLC reviewed Willacy County's expenses and saved them over \$20,000 a year.

Mr. Randle Hall, founder of Tel-com Consulting, LLC, stated that his company is interested in assisting the County in investigating ways to reduce annual telecommunications expenses by researching and documenting the current expenses. He stated that he founded Tel-com in 2005 with his wife, Beverlee, who serves as president.

Mr. Hall let it be known that he is the principal consultant with over 40 years of communication experience and a Bachelor of Science in Electrical Engineering. He added that he knows the system from the technical side as well as the retail side. He estimated that there is an 80% chance that the County is spending 15-20% more than should be spent on communication. He noted that the services that Tel-com offers comes with no cost and uses none of the County's resources and he stressed the fact that Tel-com shares in how much is saved; in other words, Tel-com gets paid only if expenses go down and this is done by sharing a percentage of the savings over a period of (24) months.

Judge Hinojosa stated that he a few years ago; he was being billed over \$500 a month in personal cell phone expenses and was able to save over \$350 a month only by asking if there was a better plan available.

Mr. Hall noted that sometimes contracts are under on promotions and when the promotion ends, expenses increase and no one renegotiates the contract to get the best price available.

Commissioner Wood asked if the audit that will be done on the County's communication expenses will include a detail of previous use and a plan for the future.

Mr. Hall replied in the affirmative and added that the audit done will review any incorrect charges, in hopes that the County can receive some sort of reimbursement.

Commissioner Wood noted that a few yeas ago, the City of Brownsville had an audit done on their communication expenses and was reimbursed over \$500,000

Judge Hinojosa asked when the last time the County's communications contracts were renegotiated.

Mr. Mark Yates, County Auditor, stated that Jim Roberts, Computer Center Communications Specialist, actively negotiates these types of services, and noted that the contracts are not without need of audit.

Mr. Mike Forbes, Purchasing Agent, stated that (2) years ago there was an audit done by Southwest Tariff Analyst and (2) years prior that, Phone Billing Examiners conducted an audit of the County's communication expenses.

Judge Hinojosa asked why the Court has not received any sort of report from these (2) previous vendors regarding any recommendations for changes.

Mr. Yates stated that the RFP for this issue was brought to the Court for approval of the specs.

Commissioner Wood noted that there was a presentation done on this issue a couple of years ago.

Mr. Yates stated that these audits typically bring no significant changes.

Judge Hinojosa noted that he has never seen a presentation addressing an audit of communication issues and asked how much is paid to the companies that have done previous audits.

Mr. Yates stated that there was a percentage-based fee for shared services.

Commissioner Garza asked when the current communication agreement expires.

Mr. Forbes replied a year from May 3, 2006.

Commissioner Tamayo asked Mr. Hall if the agreement he is offering the best, in terms of fees.

Mr. Hall replied in the affirmative and stated that his work is thorough as every phone line will be documented and the last (3) months worth of phone bills will be reviewed. He added that everything is itemized and when the report is generated, he will return to the Court to present his findings and explain all of his recommendations.

Commissioner Garza suggested that a report from the current vendor be requested and reviewed.

Mr. Yates stated that there are continuous updates to the current system and noted that if there were not updates, then perhaps Mr. Hall would find significant savings.

Judge Hinojosa suggested that Mr. Hall be allowed a copy of the previous vendors' work to determine if they are talking about the same service.

Mr. Yates stated that all the current bids and specs are available on-line for review.

Judge Hinojosa recommended to Mr. Hall that he review the specs.

Commissioner Garza stated that he would like to review a report from the current vendor itemizing the expenses for the past (18) months.

Mr. Yates replied that he would get the report for the Court and send it via e-mail as well as a hardcopy.

Commissioner Tamayo recommended that Mr. Yates and Mr. Forbes review the proposal from Tel-com Consulting, LLC.

Judge Hinojosa asked when the last time the telephone services were bid out.

Mr. Forbes replied that the telephone services are bid out every (5) years and that the current plexar agreement is near the end and added that Jim Roberts is reviewing the contract with AT&T and DIR, a State agency, to ensure that the County gets the best rates possible.

Judge Hinojosa asked Mr. Hall for clarification on the services offered by Tel-com.

Mr. Hall stated that he deals with telecommunication and is not a vendor, but an independent contractor and added that he believes that there are areas that have not been looked at where money can be saved. Mr. Hall informed the Court that if the County is currently getting the best deal possible, that will be reflected in his report.

Commissioner Tamayo asked if Willacy County was continually doing audits of their telecommunications systems.

Mr. Alexandre replied in the negative.

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the Presentation by Tel-Com Consulting, LLC regarding possible advantages of an audit of telephone and communications expenses was acknowledged.

The Documentation is as follows:

EXECUTIVE SESSION

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously,

the Court met in Executive Session at 10:15 A.M. to discuss the following matters:

(27) EXECUTIVE SESSION:

- (A) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING CAMERON COUNTY VS. FAULKNER, USA FORMERLY KNOWN AS LANDMARK, APPROVAL OF SETTLEMENT AGREEMENT, PURSUANT TO 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 V.T.C.A. GOVERNMENT CODE, SECTION 551.071(2).**
- (C) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING ISSUES RELATING TO POSSIBLE ACQUISITION OF REAL PROPERTY FOR THE DANCY BUILDING RENOVATION PROJECT, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**
- (D) DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF LAND FOR A PROPOSED PARK IN LA PALOMA, PRECINCT NO. 4, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**
- (E) DELIBERATION REGARDING THE SALE OF REAL PROPERTY FOR FM 511 EXPANSION PROJECT, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**
- (F) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING STATUS OF OVERCROWDING ISSUES AND AGREEMENT WITH ATTORNEY GENERALS OFFICE/TEXAS COMMISSION ON JAIL STANDARDS, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071(2).**
- (G) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING LIABILITY ISSUES AT THE CAMERON COUNTY JAIL INFIRMARY, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071(2).**
- (H) DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 1, FOR EBONY ROAD PROJECT, PRECINCT NO. 3, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**
- (I) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING STATUS OF CONTRACT WITH LYNN PHAM & ROSS, LLP, 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 V.T.C.A. GOVERNMENT CODE, SECTION 551.071(2).**
- (J) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING ROEL GONZALEZ AND SONIA GONZALEZ VS. CAMERON COUNTY, TEXAS AND JESUS VILLANUEVA, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY; CIVIL ACTION NO. 05-278, FOR DISCUSSION ON STATUS OF CASE, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071(1)(A).**

- (K) DELIBERATION REGARDING REAL PROPERTY CONCERNING ALFONSO SALAZAR, D/B/A SEA RANCH GROCERY AND TACKLE CONCESSION LEASE AGREEMENT AT ISLA BLANCA PARK, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.
- (L) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING ISSUES RELATED TO BEACH USER FEES, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071(2).
- (M) DELIBERATION REGARDING REAL PROPERTY CONCERNING THE POSSIBLE ACQUISITION OF PROPERTY IN PORT ISABEL, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.
- (N) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING THE STATUS OF CONTRACT WITH JR JONES AND CONSIDERATION OF LIQUIDATED DAMAGES, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071(2).
- (O) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING COUNTY PROPERTY AT THE NORTH PART OF SOUTH PADRE ISLAND (THE FLATS) AND ISLAND BAPTIST CHURCH, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the Court reconvened into Regular Session at 11:21 A.M. to discuss the following matters:

(28) ACTION RELATIVE TO EXECUTIVE SESSION:

- (A) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING CAMERON COUNTY VS. FAULKNER, USA FORMERLY KNOWN AS LANDMARK, APPROVAL OF SETTLEMENT AGREEMENT, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071(1) (A) (B) & (2).

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

- (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 V.T.C.A. GOVERNMENT CODE, SECTION 551.071(2).
- (F) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING STATUS OF OVERCROWDING ISSUES AND AGREEMENT WITH ATTORNEY GENERALS OFFICE/TEXAS COMMISSION ON JAIL STANDARDS, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071(2).

Upon motion by Commissioner Tamayo, seconded by Commissioner Wood and carried unanimously, the Status Reports by Legal Counsel were acknowledged.

- (C) **CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING ISSUES RELATING TO POSSIBLE ACQUISITION OF REAL PROPERTY FOR THE DANCY BUILDING RENOVATION PROJECT, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, authorization for the Public Works Department to proceed as directed in negotiating offers to purchase property was approved.

- (D) **DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF LAND FOR A PROPOSED PARK IN LA PALOMA, PRECINCT NO. 4, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the Status Report by Javier Mendez was acknowledged.

- (E) **DELIBERATION REGARDING THE SALE OF REAL PROPERTY FOR FM 511 EXPANSION PROJECT, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**

Commissioner Garza moved to accept the offer from the Texas Department of Transportation.

The motion was seconded by Commissioner Tamayo and carried unanimously.

- (G) **CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING LIABILITY ISSUES AT THE CAMERON COUNTY JAIL INFIRMARY, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071(2).**

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

- (H) **DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 1, FOR EBONY ROAD PROJECT, PRECINCT NO. 3, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, authorization to purchase Parcel 1 for \$2,135.28 was approved.

- (I) **CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING STATUS OF CONTRACT WITH LYNN PHAM & ROSS, LLP, 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 V.T.C.A. GOVERNMENT CODE, SECTION 551.071(2).**

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the Status Report by Legal Counsel was acknowledged and authorization to proceed as discussed in Executive Session was approved.

- (J) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING ROEL GONZALEZ AND SONIA GONZALEZ VS. CAMERON COUNTY, TEXAS AND JESUS VILLANUEVA, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY; CIVIL ACTION NO. 05-278, FOR DISCUSSION ON STATUS OF CASE, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071(1)(A).**

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

- (K) DELIBERATION REGARDING REAL PROPERTY CONCERNING ALFONSO SALAZAR, D/B/A SEA RANCH GROCERY AND TACKLE CONCESSION LEASE AGREEMENT AT ISLA BLANCA PARK, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**

Upon motion by Commissioner Wood, seconded by Commissioner Garza and carried unanimously, the negotiation of the expansion to the front of the concession, pursuant to the current agreement, was approved.

- (L) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING ISSUES RELATED TO BEACH USER FEES, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071(2).**

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the Status Report by Javier Mendez was acknowledged and authorization to proceed as discussed in Executive Session was approved.

- (M) DELIBERATION REGARDING REAL PROPERTY CONCERNING THE POSSIBLE ACQUISITION OF PROPERTY IN PORT ISABEL, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, authorization to proceed as discussed in Executive Session was approved.

- (N) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING THE STATUS OF CONTRACT WITH JR JONES AND CONSIDERATION OF LIQUIDATED DAMAGES, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071(2).**

Judge Hinojosa-"Same thing?"

Ms. Dylbia Jeffries Vega-"To acknowledge his report and then to proceed as directed"

Commissioner Tamayo-"Proceed as directed"

Judge Hinojosa-“Motion by Commissioner Tamayo, is there a second?”

Commissioner Garza-“Second”

Judge Hinojosa-“Second by Commissioner Garza, any further discussion? All those in favor signify by stating “aye”.

Commissioner Tamayo, Garza and Wood-“Aye”

Judge Hinojosa-“All opposed? Motion carries.”

(O) CONFER WITH COMMISSIONERS’ COURT LEGAL COUNSEL CONCERNING COUNTY PROPERTY AT THE NORTH PART OF SOUTH PADRE ISLAND (THE FLATS) AND ISLAND BAPTIST CHURCH, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the Status Report by Legal Counsel was acknowledged and authorization to proceed as discussed in Executive Session was approved.

ACTION ITEMS

(7) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 1 FOR THE SAN BENITO (LEVI'S) ANNEX BUILDING RENOVATION PROJECT. (PS-DEPT. OF TRANSPORTATION)

Mr. Joseph Santopetro, of DiStefano/Santopetro Architects, stated that there are (7) items on the change order as these are issues that have arisen during construction. He stated that item (1) on the change order is to build up a low section on the roof as standing water on that section of the roof that has created a low spot. He stated that item (2) is a change to armored cable in lieu of steel conduit, a deduction of \$6,563, as the walls are wood stud and do not allow for steel conduit. He noted that item (3) deals with the fact that there is a concrete wall that needs to be demolished that supports the roof structure and an A/C unit. He noted that before the wall can be removed, there needs to be structural reinforcement placed around the wall.

Judge Hinojosa asked why this wall needs to be torn down.

Mr. Santopetro replied that the plan does not allow for the wall to remain intact. He stated that item (4), installation of a new line for Pharmacy sink, is needed as the line that was thought to be acceptable was completely destroyed.

Mr. Santopetro stated that item (5) deals with a roof repair of broken lightweight fill as much of the lightweight fill is damaged and does not allow anything to be fastened to it.

Mr. Santopetro stated that item (6) addressed the re-route of a fire sprinkler as a plumbing line is prohibiting the original route of the fire sprinkler. He stated that item (7) is a request to change the ITT equipment to the type of equipment that the County is currently using.

Commissioner Tamayo asked if there are sufficient funds to cover the entire cost of the change order.

Mr. Santopetro stated that when the project started, he recommended setting up a 3.5% line item to cover these types of costs.

Mr. Pete Sepulveda, Department of Transportation Director, stated that bond proceeds are to be used to cover the cost of the change order.

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, Change Order No. 1 for the San Benito (Levi's) Annex Building Renovation Project was approved.

The Change Order and Documentation is as follows:

(8) CONSIDERATION AND APPROVAL OF COLOR SELECTIONS FOR VARIOUS FINISH MATERIALS FOR THE SAN BENITO (LEVI'S) ANNEX BUILDING RENOVATION PROJECT. (PS-DEPT. OF TRANSPORTATION)

Mr. Santopetro, of DiStefano/Santopetro Architects, presented a palette of colors and asked for the Court's recommendation on choice of colors.

Commissioner Wood asked what the colors of the walls are supposed to be.

Mr. Santopetro replied that the walls are off-white.

Commissioner Wood suggested that tan be a better choice of color for the walls to match the baseboard.

Mr. Santopetro noted that it would look better to have a wood baseboard.

Judge Hinojosa asked to see a cost estimate of a wood baseboard to compare.

Mr. Marcelino Ibarra, Maintenance Director, stated that he would get the estimate for the Court to review.

Upon motion by Commissioner Tamayo, seconded by Commissioner Wood and carried unanimously, the color selections for various finish materials for the San Benito (Levi's) Annex Building Renovation Project was approved, pending the selection of the baseboard color.

Mr. Santopetro stated that the County and contractor are working together and noted that the County will be very pleased with the work completed. He added that employees will be able to move in sooner than expected.

Judge Hinojosa asked for a date of completion.

Mr. Santopetro stated that the renovation project should be complete by October 13, 2006 and was originally scheduled to be done by February 2007.

Commissioner Garza commended the maintenance crew for working hard to move the project forward and noted the coordination between the different entities.

The Documentation is as follows:

(9) **CONSIDERATION AND AUTHORIZATION TO UTILIZE THE TEXAS COOPERATIVE PURCHASING NETWORK AND NEGOTIATE CONTRACT WITH CENTENNIAL CONSTRUCTION TO REPLACE THE EXISTING ELEVATORS WITH AT THE CAMERON COUNTY JUDICIAL COURTHOUSE. (MI-BUILDING MAINTENANCE)**

Mr. Marcelino Ibarra, Maintenance Director, stated that the elevators in the Judicial Courthouse need to be replaced as parts for the current elevators cannot be found and one elevator has been shut down completely. He added that the elevators are over (20) years old.

Commissioner Garza asked if Legal Counsel was satisfied with the contract.

Ms. Dylbia Jeffries Vega, Legal Counsel, replied in the affirmative.

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, authorization to begin negotiations with Centennial Construction to replace the Existing Elevators at the Cameron County Judicial Courthouse was approved.

The Documentation is as follows:

(10) **CONSIDERATION AND AUTHORIZATION TO REQUEST AN ADDITIONAL REGISTRATION AND TITLE SYSTEM WORKSTATION FORM THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE NEW PORT ISABEL ANNEX BUILDING DRIVE-UP WINDOW AND PROVIDE ONE ADDITIONAL PERSON TO SERVICE THAT WINDOW. (TY-TAX ASSESSOR-COLLECTOR)**

Mr. Tony Yzaguirre, Tax Assessor-Collector, stated that the office is to be opened in (60) days or less and noted the additional equipment is needed in order to operate.

Judge Hinojosa asked if Cameron County has to pay for equipment.

Mr. Yzaguirre stated that there is a \$1,500 a year lease unless funds can be generated to cover the cost.

Commissioner Garza asked how many transactions are done on a daily basis.

Mr. Yzaguirre stated as many as 12,700 transactions are performed in one year and added that he believes the office will generate more business when the drive-up window is in operation. He stated that approximately \$2.5 million was generated last year.

Commissioner Garza asked if there are funds available to purchase the system.

Mr. Xavier Villarreal, Budget Officer, stated that there are no funds available at the present time and added that he is looking at lapsed salaries for funding.

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the authorization to request an additional Registration and Title System Workstation form the Texas Department of Transportation for the new Port Isabel Annex Building Drive-up Window and provide one additional person to service that window was approved, subject to the availability of funding.

The Documentation is as follows:

(11) **DISCUSSION AND POSSIBLE ACTION AUTHORIZING THE CAMERON COUNTY DEPARTMENT OF TRANSPORTATION BUILDING PERMIT DIVISION TO HAVE ACCESS TO THE TAX ASSESSOR-COLLECTOR'S DATA BASE FILE (VIEWING ONLY). (TY-TAX ASSESSOR-COLLECTOR)**

Mark Yates, County Auditor, stated that the purpose was not to deny anyone a permit in delinquent taxes.

Commissioner Garza asked why Mr. Yates is speaking on this issue when it was place on the agenda by the Tax Assessor-Collector.

Tony Yzaguirre, Tax Assessor-Collector, stated this is to get more information on the permit application and would like the Building Permit Division to have as much information as possible and that information could then be transferred to the Appraisal District.

Judge Hinojosa stated that there have been complaints regarding the re-evaluations from the Appraisal District and asked Mr. Yzaguirre to look into the matter. He added that people are under the impression that the Appraisal District is a department of Cameron County.

Commissioner Garza stated that Legal Counsel has researched this matter and no statute exists that permits a denial of a building permit.

Commissioner Tamayo noted that the wording is confusing.

Commissioner Garza stated that any permit issued is automatically sent to the Appraisal District and asked if the Appraisal District can look up the information instead of the Building Permit Division.

Commissioner Tamayo asked if there is any burden placed on the Building Permit Division to look up this information before issuing a permit.

Pete Sepulveda, Department of Transportation Director, stated that looking up this information should not be that time consuming.

Commissioner Wood noted that the wording of this item on the Agenda is not the full caption that was place on the Agenda Request Form and recommended that the action taken on the item reflect the actual request.

Commissioner Tamayo moved to approve authorization of the Cameron County Department of Transportation Building Permit Division to have access to the Tax Assessor-Collector's Data Base File (Viewing Only).

The motion was seconded by Judge Hinojosa and the vote is as follows:

AYE: Commissioner Tamayo and Judge Hinojosa

NAY: Commissioner Wood and Commissioner Garza

The motion does not carry by a tied vote of (2) to (2).

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.

DISCUSSION CONCERNING CONSENT AND TRAVEL ITEMS:

ITEM NO 12: Ms. Dylbia Jeffries Vega, Legal Counsel, stated that Mr. Pete Sepulveda, Department of Transportation Director, requested that the inspection services be for all the bridges.

ITEM NO 13: Ms. Dylbia Jeffries Vega, Legal Counsel, requested that this item be **TABLED**.

ITEM NO. 16, 17 and 18: Commissioner Wood expressed his concern on the signage of the concession stand.

Commissioner Garza stated that he has received several emails regarding this issue.

Mr. Javier Mendez, Parks Director, stated that the concessionaire did not follow the proper procedures and has since complied and changed the signs.

Judge Hinojosa expressed his distaste for the name of the concession stand and requested that these items be tabled until the concessionaire comes up with a more appropriate name as the stand is located on a family beach.

Commissioner Garza moved that the "Travel and Consent Items" and the "Supplemental Consent Item" be approved, excluding Consent Item No. 11 and tabling Consent Item No. 13, 16, 17 and 18.

The motion was seconded by Commissioner Tamayo and carried unanimously.

- (11) **DISCUSSION AND POSSIBLE ACTION AUTHORIZING THE CAMERON COUNTY DEPARTMENT OF TRANSPORTATION BUILDING PERMIT DIVISION TO HAVE ACCESS TO THE TAX ASSESSOR-COLLECTOR'S DATA BASE FILE (VIEWING ONLY). (TY-TAX ASSESSOR-COLLECTOR) (ACTION TAKEN SEPARATELY)**
- (12) **CONSIDERATION AND POSSIBLE FINDING OF AN EXEMPTION UNDER V.T.C.A., LOCAL GOVERNMENT CODE, SECTION 262.024(A)(4) FROM THE COMPETITIVE REQUIREMENTS FOR CERTAIN PURCHASES BY A COUNTY IN REFERENCE TO CONTRACTING WITH A COMPANY FOR ENGINEERING SERVICES FOR BRIDGE INSPECTION AT THE VETERANS INTERNATIONAL BRIDGE. (DJV-LEGAL)**
The Order is as follows:
- (13) **CONSIDERATION AND POSSIBLE FINDING OF AN EXEMPTION UNDER V.T.C.A. , LOCAL GOVERNMENT CODE, SECTION 262.024(A)(4) FROM THE COMPETITIVE REQUIREMENTS FOR CERTAIN PURCHASES BY A COUNTY IN REFERENCE TO CONTRACTING WITH A COMPANY FOR ENGINEERING SERVICES FOR AN ASSESSMENT AND MATERIALS TESTING FOR THE VETERANS INTERNATIONAL BRIDGE. (DJV-LEGAL) (TABLED)**
- (14) **CONSIDERATION AND POSSIBLE APPROVAL OF RESOLUTION TO ACQUIRE PARCEL #1 FOR THE WEST RAIL PROJECT THROUGH THE CONDEMNATION PROCESS. (DJV-LEGAL)**
The Documentation is as follows:
- (15) **CONSIDERATION AND AUTHORIZATION OF PROFESSIONAL SERVICES AGREEMENT FOR THE FEDERAL BUREAU OF INVESTIGATION'S MCALLEN INTELLIGENCE CENTER (MIC) TASK FORCE; A HIDTA SPONSORED MULTI-AGENCY INTELLIGENCE CENTER INITIATIVE. (AV-DA)**
The Agreement is as follows
- (16) **CONSIDERATION AND POSSIBLE APPROVAL OF A SIGN APPLICATION FOR CONCESSIONAIRE WALTER CONRAD, D/B/A WOODY AND DICK'S BEACH SHACK TO BE PLACED ON FRONT OF BUILDING. (JM-PARK SYSTEM) (TABLED)**

- (17) CONSIDERATION AND POSSIBLE APPROVAL OF A SIGN APPLICATION FOR CONCESSIONAIRE WALTER CONRAD, D/B/A WOODY AND DICK'S BEACH SHACK TO BE PLACED ON SIDE OF BUILDING. (JM-PARK SYSTEM) (TABLED)
- (18) CONSIDERATION AND POSSIBLE APPROVAL OF A SIGN APPLICATION FOR CONCESSIONAIRE WALTER CONRAD, D/B/A WOODY AND DICK'S BEACH SHACK TO BE PLACED IN FRONT OF BUILDING. (JM-PARK SYSTEM) (TABLED)
- (19) CONSIDERATION AND POSSIBLE APPROVAL TO EXECUTE AMENDMENT NO. 1 ON TX GLO CONTRACT AGREEMENT NO. 05-266N – "LAGUNA HEIGHTS REGIONAL PARK" BETWEEN CAMERON COUNTY AND THE TEXAS GENERAL LAND OFFICE. (JM-PARK SYSTEM)
The Documentation is as follows:
- (20) CONSIDERATION AND AUTHORIZATION TO AWARD BID TO KING ROOFING, 3461 NOTTINGHAM, BROWNSVILLE, TEXAS, LOWEST BIDDER (AS PER #3 INFORMAL BIDS) FOR THE JUVENILE PROBATION BUILDING AT 35 ORANGE STREET, BROWNSVILLE, TEXAS. (MI-BUILDING MAINTENANCE)
The Agreement is as follows:
- (21) CONSIDERATION AND AUTHORIZATION TO BRING JOHNSON CONTROL TO DO A SURVEY AND STUDY ON THE EXISTING HONEYWELL ENERGY MANAGEMENT AND FIRE ALARMS SYSTEM AT THE CAMERON COUNTY JUDICIAL COURTHOUSE. (MI-BUILDING MAINTENANCE)
The Agreement is as follows:
- (22) CONSIDERATION AND AUTHORIZATION TO OPEN SAFETY PRESCRIPTION GLASSES – ANNUAL BID #2610. (MF-PURCHASING)
- (23) CONSIDERATION AND AUTHORIZATION TO PAY LICENSE RENEWAL FEES FOR STAFF ENGINEER, ERNESTO HINOJOSA. (PS-DEPT. OF TRANSPORTATION)
- (24) CONSIDERATION AND AUTHORIZATION TO UTILIZE TEXAS COOPERATIVE PURCHASING NETWORK TO NEGOTIATE CONTRACT WITH CENTENNIAL CONSTRUCTION TO CONSTRUCT IMPROVEMENTS AT THE CARRIZALES RUCKER FACILITY. (PS-DEPT. OF TRANSPORTATION)
- (25) CONSIDERATION AND AUTHORIZATION FOR FINAL APPROVAL FOR: (PS-DEPT. OF TRANSPORTATION)
(A) PRECINCT NO. 4-BROWNSTONE SUBDIVISION, BEING 20.00 ACRES OUT OF BLOCK 216 OF ADAMS GARDENS SUBDIVISION, CAMERON COUNTY, TEXAS AS RECORDED IN VOLUME 10, PAGE 3 OF THE MAP RECORDS OF CAMERON COUNTY, TEXAS.

The Documentation is as follows:

TRAVEL ITEMS

- (26) 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) CONSTABLE PRECINCT NO. 6 DEPUTIES (2), TO TRAVEL TO SAN ANTONIO, TX, ON 6/18-20/06, TO ATTEND TRAINING SEMINAR HANDS-ON "HOW TO DEVELOP, LIFT AND DOCUMENT FINGERPRINTS."
- (B) COUNTY COURT AT LAW NO. 2 JUDGE, TO TRAVEL TO AUSTIN, TX, ON 6/14-16/06, TO ATTEND STATE BAR OF TEXAS ANNUAL MEETING.

- (C) COUNTY COURT AT LAW NO. 2 COURT ADMINISTRATOR, TO TRAVEL TO AUSTIN, TX, ON 6/19-23/06, TO ATTEND PROFESSIONAL DEVELOPMENT PROGRAM CONFERENCE.
- (D) COUNTY COURT AT LAW NO. 2 COURT REPORTER, TO TRAVEL TO HOUSTON, TX, ON 6/22-25/06, TO ATTEND 2006 TCRA COURT REPORTER'S ANNUAL CONVENTION/SEMINAR.
- (E) 107TH DISTRICT COURT COORDINATOR, TO TRAVEL TO AUSTIN, TX, ON 6/19-23/06, TO ATTEND THE PDP (PROFESSIONAL DEVELOPMENT PROGRAM) TRIAL COURT COORDINATION PROGRAM.
- (F) COMMISSIONER PRECINCT NO. 3, TO TRAVEL TO GALVESTON, TX, ON 6/26-29/06, TO ATTEND THE 72ND ANNUAL SOUTH TEXAS COUNTY JUDGES AND COMMISSIONERS ASSOCIATION CONFERENCE.
- (G) CONSTABLE PRECINCT NO. 3, TO TRAVEL TO HUNTSVILLE, TX, ON 6/19-23/06, TO ATTEND LEMIT TRAINING COURSE FOR NEWLY ELECTED CONSTABLES TRAINING AND CONTINUED EDUCATION FOR CONSTABLES.
- (H) ASSISTANT DISTRICT ATTORNEY, TRAVEL TO AUSTIN, TX, ON 6/20-23/06, TO ATTEND TDCAA'S INVESTIGATING & PROSECUTING SEXUAL ASSAULTS OF CHILDREN.
- (I) CONSTABLE PRECINCT NO. 4 DEPUTY, TO TRAVEL TO ROCK PORT, TX, ON 7/17-19/06, TO ATTEND THE "CRIMINAL DRUG INTERDICTION FOR STREET AND ROAD PATROL OFFICER."
- (J) COUNTY EXTENSION AGENTS (2), TO TRAVEL TO COLLEGE STATION, TX, ON 6/5-8/06, TO TRANSPORT, CHAPERONE CAMERON COUNTY 4 HER'S WHO ARE PARTICIPATING AT THE TEXAS 4-H ROUNDUP.
- (K) COUNTY EXTENSION AGENT AND PROGRAM ASSOCIATE, TO TRAVEL TO LAREDO, TX, ON 6/12-15/06, TO TRANSPORT AND CHAPERONE CAMERON COUNTY 4 HER'S WHO ARE PARTICIPATING AT THE D12 LEADERSHIP LAB.
- (L) JUVENILE PROBATION OFFICER AND ASSISTANT FACILITY ADMINISTRATOR, TO TRAVEL TO AUSTIN, TX, ON 6/15-16/06, TO ATTEND "CW5 REVISION & EDI SPECIFICATIONS TRAINING."
- (M) JUVENILE PROBATION LIEUTENANTS (2), TO TRAVEL TO AUSTIN, TX, ON 7/17-21/06, TO ATTEND "10TH ANNUAL DI INSTITUTE."
- (N) JUVENILE PROBATION ADMINISTRATIVE ASSISTANT, TO TRAVEL TO MCALLEN, TX, ON 7/20/06, TO ATTEND "EXCELLENCE AS A FIRST TIME SUPERVISOR."
- (O) JUVENILE PROBATION OFFICERS (9), ASSISTANT CHIEF, SUPERVISOR AND FISCAL ADMINISTRATOR, TO TRAVEL TO SOUTH PADRE ISLAND, TX, ON 5/22-26/06, TO ATTEND "13TH ANNUAL JUVENILE JUSTICE TITLE IV-E CONFERENCE."

- (P) COUNTY COURT AT LAW NO. 1 BAILIFF, TO TRAVEL TO ROCKPORT, TX, ON 7/4-7/06, TO ATTEND SEMINAR ON LAW ENFORCEMENT SUPERVISION, MANAGEMENT AND LEADERSHIP SKILLS.
- (Q) COUNTY EXTENSION AGENT, TO TRAVEL TO COTULLA, TX, ON 6/3/06, TO ASSIST AND JUDGE AT THE DISTRICT 12 HORSE SHOW.
- (R) COUNTY EXTENSION AGENTS (2), TO TRAVEL TO ALICE, TX, ON 5/31/06, TO HOST AND ATTEND THE CAREER LADDER TRAINING.
- (S) COUNTY EXTENSION AGENTS (2), TO TRAVEL TO CINCINNATI, OH, ON 7/27-28/06, TO ATTEND THE NATIONAL ASSOCIATION OF COUNTY AGRICULTURAL AGENTS MEETINGS AND RECEIVE THE AWARD.
- (T) EXTENSION OFFICE PROGRAM ASSOCIATE, TO TRAVEL TO COLLEGE STATION, TX, ON 6/5-8/06, TO TRANSPORT AND CHAPERONE THE CAMERON COUNTY 4 HERS WHO ARE PARTICIPATING AT THE TEXAS 4-H ROUNDUP.
- (U) COUNTY EXTENSION AGENT, TO TRAVEL TO FORT WORTH, TX, ON 7/17/06, TO ATTEND THE TEXAS COUNTY AGRICULTURAL AGENTS ASSOCIATION MEETING.
- (V) COUNTY EXTENSION AGENTS (4), TO TRAVEL TO FALFURRIAS, TX, ON 7/13/06, TO ATTEND AND ASSIST WITH THE DISTRICT 12 4-H RECORD BOOK JUDGING AND ELECTION CONVENTION.

SUPPLEMENTAL CONSENT ITEMS

- (1) CONSIDERATION AND AUTHORIZATION TO UTILIZE COUNTY AWARDED BID #060201 FOR THE PURCHASE OF ONE (1) PICK-UP TRUCK FOR THE SHERIFF'S COMMUNITY SERVICE PROGRAM (PAW). (OL-SHERIFF)

- (12) **CONSIDERATION AND POSSIBLE FINDING OF AN EXEMPTION UNDER V.T.C.A., LOCAL GOVERNMENT CODE, SECTION 262.024(A)(4) FROM THE COMPETITIVE REQUIREMENTS FOR CERTAIN PURCHASES BY A COUNTY IN REFERENCE TO CONTRACTING WITH A COMPANY FOR ENGINEERING SERVICES FOR BRIDGE INSPECTION AT THE VETERANS INTERNATIONAL BRIDGE. (DJV-LEGAL)**
The Order is as follows:

- (14) **CONSIDERATION AND POSSIBLE APPROVAL OF RESOLUTION TO ACQUIRE PARCEL #1 FOR THE WEST RAIL PROJECT THROUGH THE CONDEMNATION PROCESS. (DJV-LEGAL)**
The Documentation is as follows:

- (15) **CONSIDERATION AND AUTHORIZATION OF PROFESSIONAL SERVICES AGREEMENT FOR THE FEDERAL BUREAU OF INVESTIGATION'S MCALLEN INTELLIGENCE CENTER (MIC) TASK FORCE; A HIDTA SPONSORED MULTI-AGENCY INTELLIGENCE CENTER INITIATIVE. (AV-DA)**
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- (19) CONSIDERATION AND POSSIBLE APPROVAL TO EXECUTE AMENDMENT NO. 1 ON TX GLO CONTRACT AGREEMENT NO. 05-266N – “LAGUNA HEIGHTS REGIONAL PARK” BETWEEN CAMERON COUNTY AND THE TEXAS GENERAL LAND OFFICE. (JM-PARK SYSTEM)
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The Documentation is as follows:

PRESENTATIONS

(2) PRESENTATION OF MID-YEAR BUDGET REVIEW BY BUDGET OFFICER AND COUNTY AUDITOR. (MY-AUDITOR)

NOTE: Commissioner Garza left the meeting at this time.

Mr. Xavier Villarreal, Budget Officer, stated that the department totals are based as of April 30, 2006 and noted that budget percentages within 50-60% are normal. He expressed concern for gasoline usage as gas prices are hovering between \$2.50 and \$3.00 a gallon.

Mr. Villarreal stated that that electricity costs are running higher than previous years as the Brownsville Public Utilities Board increased their rates last September. He stated that he met with Marcelino Ibarra, Maintenance Director, to ensure that air conditioners are shut off when buildings are not in use. He added that office supply budgets for many departments are near exhaustion.

Mr. Villarreal stated that Child Protective Services is estimated to be running \$150,000 short regarding court costs as each child is now assigned a different attorney, even if they are in the same family. He stated that there has been an increase in court costs for mental hearings that are paid to Bexar County and estimates that \$20,000 is needed to cover the remainder of the fiscal year.

Mr. Villarreal stated that the funds for the Unemployment Insurance Reserve Deficit, the BUS Grant Match and the contract for the stray livestock have been addressed and funding for those items is covered.

Mr. Villarreal noted that the Road and Bridge Budget is at the expected level, other than the road material budget, which has been exhausted. He requested that the Court designate any future lapsed salaries and/or fringe benefits be used to cover items that are in need of extra funds.

Commissioner Tamayo expressed her concern about the Office Supply Budgets.

Mr. Villarreal noted that some of the departments ordered most of their supplies at the beginning of the fiscal year and added that there has been an increase in price for paper and toner as gas prices remain high.

Commissioner Wood asked about the fuel usage of Child Welfare and what the plan is to cover the rest of the fiscal year.

Mr. Villarreal stated that Child Welfare is traveling more as foster children are placed out of the Valley and regular visits are made to these children. He added that Child Welfare has been renting a car when visiting foster

children in lieu of using their person vehicles as the County only reimburses \$.20 per mile. He noted stated that the rental charge is deducted from fuel usage, when it should be deducted from the travel budget.

Mr. Mark Yates, County Auditor, stated that the (5) Child Welfare employees are not under County supervision and added that he is working with different County departments to see if they could supervise these employees and their activities.

Commissioner Wood asked about the Road and Bridge Budget, line item (1).

Mr. Villarreal stated that the District Attorney position was created (3) years ago and is funded through bond forfeitures. He added that to assist DA's Office to process the position through the system, a clerical position was approved within Road and Bridge as the bond forfeiture monies come back into Road and Bridge.

Mr. Mark Yates, County Auditor, stated that he e-mailed information to the Commissioners and the County Judge regarding revenue projections. He noted that the housing of federal inmates is expected to generate \$840,000 above the 350 inmate per day budget level.

Mr. Yates stated that the tax collection rates are projected to be between 94% and 95%. He added that the revenue for the toll bridges is expected to be at or a bit below expectations.

Upon motion by Commissioner Tamayo, seconded by Commissioner Wood and carried unanimously, the Presentation of the Mid-Year Budget Review by the Budget Officer and County Auditor was acknowledged.

The Documentation is as follows:

(5) APPROVAL OF MINUTES FOR:

(A) MAY 23, 2006-REGULAR MEETING

Upon motion by Commissioner Tamayo, seconded by Commissioner Wood and carried unanimously, the Minutes for the May 23, 2006-Regular meeting were approved.

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

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

The Documents are as follows:

(6) APPROVAL OF CLAIMS.

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

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

AYE: Commissioner Wood and Commissioner Tamayo

NAY: None

ABSTAIN: Judge Hinojosa as to Warrant No. 00160882, made payable to Laguna Madre Water District, in the amount of \$20,700.77 and Commissioner Garza as to Warrant No. 00160912, made payable to The Medicine Shoppe, in the amount of \$114.38.

The Claims and Affidavit are as follows:

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 12:32 P.M.

APPROVED this 20th day of **June 2006**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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