

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 15th day of JULY 2003, there was conducted a REGULAR Public 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:

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

Mary Robles Deputy Clerk

ABSENT:

The meeting was called to order by Judge Hinojosa at 9:37 A.M. He then asked Pastor Dell Bran for the invocation, and he led the Court and the 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 July 11, 2003, at 3:45 P.M.:

Judge Hinojosa stated that although Hurricane Claudette was now moving in a different direction it would hopefully provide much needed rain, and commended all Department Heads, Elected Officials, County employees, inmates, and juveniles from La Esperanza Home for their prompt response and cooperation to prepare for the hurricane's possible impact. He advised that Hurricane Season was not over.

Commissioner Benavides thanked all Precinct employees and everyone who participated in preparing for the hurricane's possible impact, and advised that hurricane threats must be taken very seriously and to be prepared.

Commissioner Wood expressed concern with Del Mar Heights residents not wanting to evacuate, and noted the need to continue to address the flooding issues in this and other areas.

Commissioner Tamayo recognized County employees for being pro-active and courteous to County residents.

PRESENTATION

(2) **PRESENTATION TO THE COMMISSIONERS' COURT
ON THE 3RD QUARTERLY REVENUE REPORT FROM
THE CAMERON COUNTY PARK SYSTEM**

Mr. Javier Mendez, Parks System Director, highlighted the 3rd Quarterly Revenue Report from the Parks System, and explained the decrease in revenue, in the amount of \$40,000.00, for Isla Blanca Park resulted from the \$57,000.00 late fees paid by Schlitterbahn Water Park in June 2002, noting that an increase took place even without considering the late fees. He reported the total revenue for 2003 to be \$1,080,928.00 versus \$995,542.00 for 2002, and attributed the difference to the fee increase.

Judge Hinojosa questioned the total revenue lost over the weekend in anticipation of Hurricane Claudette.

Mr. Mendez explained that losses were expected, but would not be known until long term visitors returned, and that short term visitors would be refunded on a pro-rated basis.

Commissioner Benavides expressed appreciation for the improvements and excellent maintenance provided at Thomae Park.

Mr. Mendez stated that the U.S. Fish & Wildlife suggested that the Court's recommendation to increase the number of R.V. Parking Sites be written. He recommended that some of the property be leased to a concessionaire.

The Report is as follows:

(1) **PRESENTATION BY MR. FRANK D. YTURRIA,
REGARDING PROPOSED IMPROVEMENTS TO FM
510 DRAINAGE DITCH**

Mr. Frank Yturria, Laguna Development Group, LTD., informed that in 1957 his father granted the County an easement to drain the City of Laguna Vista into the bay and that due to an error the easement was only granted up to highway 510, yet the contractor built the drainage ditch all the way to the Laguna Madre. He acknowledged the presence of Mr. Chuck Rossi, Representative of the Lloyd Benson Family, Mr. David Privet, Mayor of Laguna Vista. Mr. Yturria offered to donate the easement to the County, and stated that his grandson, Mr. George Farish, Laguna Developments Group, LTD, would elaborate on the matter.

Mr. George Farish, Laguna Developments Group, LTD., highlighted the following proposal to improve 900 linear feet of drainage ditch located beyond FM 510. He explained that the County has owned an easement on most of the drainage ditch since the late 1950's; thereafter, entered into a joint use Agreement with TXDOT where TXDOT agrees to upgrade and maintain the drainage ditch. Mr. Farish presented photographs of the ditch's bad conditions cause from being improperly grated and obstacles preventing proper drainage. He proposed, on behalf of Mr. Yturria and the Benson Family, to grant a joint easement to the County for purposes of extending the ditch from FM 510 to Laguna Madre, to work with the County to expand the Agreement with TXDOT to provide maintenance to the remaining 900 linear feet, and for the Benson Family, Mr. Yturria, the City of Laguna Vista, and the County to work together to develop a solution to firm up the sides of the ditch to ensure proper drainage. Mr. Farish noted that vegetation growth and erosion would continue if the sides of the ditch were not firmed up, and presented photographs of the ditch's severe erosion that could cut off vital utilities to the City of Laguna Vista during a crisis and of a proposed retaining wall that could firm up the ditch.

Mr. Chuck Rossi, Representative of the Lloyd Benson Family, stated that improper grating of the ditch was a serious issue for drainage of the City of Laguna Vista and caused damage to properties. He requested that the Court consider the proposal.

Mr. David Privet, Mayor of Laguna Vista, explained that in reviewing the City of Laguna Vista's drainage problems the property was found to be owned by the Yturria and the Benson Families and that no one was responsible for maintaining the ditch, adding that the proposal was developed by meeting with the parties involved.

Judge Hinojosa stated that ownership of the ditch was never claimed at the time that the former Mayor of Laguna Vista and he were addressing the city's serious flooding issues. He stated that through the mayor's persistence, the County met with TXDOT and other entities to determine how to address the drainage and funding issues, and the Agreement between the County and TXDOT came about. Judge Hinojosa stated that it was his understanding that the projected cost was of about \$400,000.00.

Mr. Yturria stated that the possible removal of existing mangroves was being dealt with due to environmental issues.

Commissioner Garza asked if the easement would be provided without requiring the retaining walls.

Mr. Yturria responded that the easement would be provided with the condition that the ditch be improved and maintained, and explained that they would be willing to contribute themselves monetarily to ensure that something be done "that would get the job done." He presented a development plan that would provide significant tax revenue to the County, and noted the serious need to address erosion problems; otherwise, the said plans would be negatively impacted.

Judge Hinojosa stated that he was willing to review the matter with the parties involved in order to develop a method to address the issues.

Mr. Farish stated that the \$400,000.00 estimated cost was based on an average cost presented by experts.

Upon motion by Commissioner Garza, seconded by Commissioner Wood and carried unanimously, the Presentations regarding proposed improvements to FM 510 Drainage Ditch and of the 3rd Quarterly Revenue Report from the Cameron County Park System were acknowledged.

The Reports are as follow:

(3) **PRESENTATION AND APPROVAL OF THIRD QUARTERLY REPORT FOR THE INTERNATIONAL BRIDGE SYSTEM**

Mr. Pete Sepulveda, International Bridge System Director, reported that that to date overall crossings had decreased by 2% with a revenue increase of 15%, and highlighted the variances to be: a negative \$90,000.00 for the Veterans International Bridge; a negative \$70,825.00.00 for Gateway International Bridge; a positive \$33,000.00.00 for Free Trade International Bridge; and, a negative \$99,000.00 overall variance to the County. He indicated that part of the negative amount could possibly be made up during the last quarter and that the difficult situation was being experienced throughout the border. Mr. Sepulveda explained that the War, being on Orange Alert, the peso devaluations, and the slow economy had impacted the Bridge System, and that the unknown mandate from Congress for an entrée and exit control system scheduled to take effect December 2004 and the possibility of various federal agencies imposing different reporting requirements that would cause difficulty for local transportation companies, custom brokers, and maquiladoras were being monitored by the Border Trade Alliance. He stated that Congress had appointed the Data Management Information Act to develop recommendations to be presented to the different federal agencies for the reporting requirements and the Department of Homeland Security to develop recommendations regarding the exit and entree system. He noted the need to start planning for this mandate although it was 17 months away.

Commissioner Benavides questioned the possibilities of having the Veterans International Bridge opened during longer hours.

Mr. Sepulveda explained that the matter has been largely discussed with federal agencies in the U.S. and in Mexico and reached a status quo, noting that currently the County was working with Interim Port Directors under the Department of Homeland Security; therefore, implementation of any plans was being prevented at this time even though the demand exists.

Commissioner Wood stated that projected daily crossing for the Veterans International Bridge and Gateway International Bridge were about the same.

Commissioner Garza questioned what was being done by the Bridge System to address the significant decrease in commercial traffic crossings.

Mr. Sepulveda explained that commercial traffic depends mainly on the auto industries, and that attempts were being made to make it easier for commercial traffic to cross, adding that the pilot project named "Fast and Secure Trade (FAST)", would enable U.S. Custom to monitor operation on the Mexican side and to send the truck

out through the import lot without further delay. He suggested that an Economic Development Plan be developed to lure commercial traffic from Mexico's interior.

Judge Hinojosa recommended that a plan to attract commercial traffic be developed and presented to the Court.

Commissioner Tamayo moved that the Presentation and approval of Third Quarterly Report for the International Bridge System was acknowledged.

The motion was seconded by Commissioner Wood and carried unanimously.

The Report is as follows:

(4) **BUDGET AMENDMENTS AND/OR SALARY SCHEDULES**

Mr. Xavier Villarreal, Budget Officer, reported that the Salary Schedules for the Sheriff's Department included jailor positions previously approved by the Court and clarified that these positions would be funded through Fund No. 90 for the remainder of the Fiscal Year and from the General Fund for 2003-2004 Fiscal Year.

Judge Hinojosa asked if this was contingent upon getting an increase from the U.S. Marshal's Office prior to September 30, 2003, for housing of federal inmates.

Mr. Villarreal responded in the affirmative.

Judge Hinojosa questioned the status of the said adjustment.

Mr. Mark Yates, County Auditor, stated that the cost allocation study for housing federal inmates resulted in \$33.13 excluding the additional position, and that the cost increased to \$37.08 once the cost of the 48 new positions was added. He stated that he sent a letter to the U.S. Marshal's Office indicating that the County does not have the resources to operate under these conditions for a full year and the need for reimbursement. Mr. Yates stated that costs must be shown to establish a rate, yet the U.S. Marshal's Office might stipulate that the County has obligated itself to adding the positions in order to remain in compliance with Jail Standard Requirements. He added that the additional cost would be reviewed by the U.S. Marshall's Office and a decision could be made within a month.

Judge Hinojosa asked if the County would be paid retroactively.

Mr. Yates responded that it was unknown and that his argument was the County has expended above the contracted amount that has been in place since late 1980's. He stated that the second half of his letter to the U.S. Marshal's Office addressed an outstanding payment for the months of January through May 2003.

Mr. Villarreal presented information concerning the Engineering and Health Department Facilities that would have a budget impact and informed that an item would be placed on the next agenda to decide if one or two buildings would be constructed. He explained that the County borrowed approximately \$2.8 million in CO's, \$1 million to construct the Harlingen Annex, \$1 million to construct the Health Department Building, and \$800,000.00 to construct the Engineering Building, and that the estimated cost for the Engineering and Health Departments was \$2.4 million, totaling \$580,000.00 above budget, excluding paving cost.

Judge Hinojosa questioned if the cost estimate was for construction of both buildings at one site.

Mr. Villarreal stated the cost estimates were for both option: to construct at same location or at different location with a cost difference of about \$9,600.00.

Judge Hinojosa requested clarification of the matter from the Architect because he believed the \$9,600.00 figure to be incorrect.

Mr. Joe Santapetro, DSA Inc., explained that the cost estimates he presented for the facilities the same or at different locations were based on the original proposal of 8,000 and the 11,000 square feet buildings.

Judge Hinojosa stated that the proposal was to split the Health Department to stay in San Benito as opposed to the original plan to place the Health and Engineering Departments together at the Olmito location.

Mr. Santapetro stated that the letter sent to the County Judge indicated that the 11,000 square feet were inadequate and that approximately 14,000 square feet were needed to meet the needs of the Health Department. He stated that the projected need of 8,000 square feet was found valid after meeting with the Engineering Department and designed accordingly; however, in meeting with the Health Department it was determined that 18,000 square feet were needed to meet its needs. Mr. Santapetro highlighted the cost estimates for construction of the Engineering Department to be \$698,880.00 and \$1,442,040.00 for the Health Department, totaling \$2,140,920.00 at the same site. He clarified that difference in cost of \$9,600.00 was based on a 14,000 square feet building and that building on the same site might result in better prices of materials. Mr. Santapetro stated that constructing the building at separate sites implicated a difference in cost of about \$90,000.00, based on 14,000 square feet, which would increase to at least \$100,000.00 if increased to 18,000 square feet.

Judge Hinojosa stated that his Office had calculated a difference of about \$120,000.00 between splitting the facilities or not, which would be decided at a later time. He stated that the issue was the project's budget shortfall in the amount of \$600,000.00 caused 18,000 square feet increase, and requested that Mr. Santapetro explained how the discrepancy came about. Judge Hinojosa explained that when the budget was determined both departments were asked to present the amount of square feet they needed and that apparently the Health Department's estimate was understated. He stated that it was his understanding that the 18,000 square feet being recommended do not allow for growth, and that he would meet with the County Auditor and Budget Officer to determine possible funding sources. Judge Hinojosa explained that the City of San Benito was advocating for the Health Department to remain there; therefore, was offering land and utility connections at their expense. He stated that he had informed them that they would need to fund the difference for dividing the buildings since land was already available. Judge Hinojosa stated that if the County was able to fund the additional \$600,000.00 then the estimated cost would be presented to the City of San Benito to determine if they could fund the difference, noting that the County would decide whether to divide the facility or not based on the City of San Benito decision. He reiterated that Mr. Santapetro was requested to be present to explain of the variance between the projected cost and the cost estimate. Judge Hinojosa stated that

significant transportation costs would be incurred by the Health Department by using the Storage Warehouse located at the Olmito site.

Commissioner Garza stated that the Health Department Facility's design included storage area.

Mrs. Yvette Salinas, Health Department Director, explained that the storage area included in the design would store supplies that require climate control and that use of the warehouse was needed to store files and medical records.

Commissioner Wood asked if some of the offices included in the design could be changed to work station or cubicles.

Mrs. Salinas responded negatively due to confidentiality issues and the need to comply with State guidelines.

Mr. Yates noted the need to have facilities that accommodates the needs of the services provided by the Departments in order to avoid changes to structures.

Commissioner Garza questioned if funding the additional \$600,000.00 for the Health Department would eliminate funding for the Harlingen Annex.

Judge Hinojosa responded that the said funding would be eliminated if extra funding was not found. He suggested that the County's Financial Advisor be consulted to determine if refinancing of loans could be done today to take advantage of the low interest rates and if the project's shortfall could be obtained through the refinancing. Judge Hinojosa reiterated that Mr. Santapetro was present to answer any questions that the Court might have concerning the variance and the available options, and suggested that all issues be reviewed.

Commissioner Garza noted the need to review the cost and the design of the Health Department in order to bring it within budget, adding stated that the same issue had been experienced with the Darrel B. Hester Building.

Mrs. Salinas stated that State Budget cuts, in the form of its shipping expense, were being forwarded to the Health Department, in the form of storage expense.

Judge Hinojosa commented that construction of the Darrel B. Hester Building in San Benito had not been effective.

Upon motion by Commissioner Benavides, seconded by Commissioner Garza and carried unanimously, the Salary Schedules and Budget Amendments No. 2003-31 were approved.

The Budget Amendments and Salary Schedules are as follows:

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- (5) **APPROVAL OF MINUTES FOR:**
A. **JUNE 24, 2003-REGULAR MEETING**
B. **JUNE 30, 2003-SPECIAL MEETING (TABLED)**

Commissioner Benavides moved that the Minutes of the Regular Meeting held June 24, 2003, be approved and that the Minutes of the Special Meeting held June 30, 2003, be **TABLED**.

The motion was seconded by Commissioner Tamayo and carried unanimously.

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- (6) **DISCUSSION AND POSSIBLE ACTION REGARDING
THE REOPENING OF THE COUNTY BOAT RAMP
LOCATED AT THE SEA RANCH MARINA, SOUTH
PADRE ISLAND, TEXAS**

Judge Hinojosa explained that he had replaced this matter on the Agenda because he received many phone calls from people who were upset with the closing of the boat ramp and that many fishermen who use the free boat ramp were complaining of its unavailability. He stated that the Court closed the boat ramp after learning of existing dangers without attempting to address them. Judge Hinojosa stated, and questioned the status of the proposed Children's Beach boat ramp and how the park's \$4.00 access fee would affect individuals entering the park to use the boat ramp. Judge Hinojosa stated that the Sea Ranch Marina's Concessionaire sent a letter to the County in protest of reopening the boat ramp, and indicated that some legal issues needed to be addressed.

Mr. Javier Mendez, Parks System Director, explained that the Parks System had until July 31, 2003 to submit a funding application for the boat ramp to be built at the Children's Beach, that a decision would be known by January 31, 2004 and that it would take approximately a year and a half for completion. He stated that visitors must pay the \$4.00 access fee and the \$2.00 launching fee, as done at Thomae Park, or could purchase an annual pass.

Judge Hinojosa questioned the cost to launch a boat at commercial boat ramps.

Commissioner Benavides responded that the cost varied between \$7.00 and \$8.00.

Commissioner Garza stated that a launching fee could not be assessed upon receiving grant funding for construction of the boat ramp due to grant requirements, and suggested that a parking fee be charged.

Commissioner Benavides explained that the concern at the boat ramp was that a limy substance was left on its surface after a high tide and suggested that a pressure washing system be used.

Mr. Mendez stated that another issue was the damage being caused to boats that pay rent to the Marina.

Commissioner Garza clarified that the boat ramp existed at the location prior to the property being leased, that the issue pertained to whether the boat ramp was safe, and that the Court voted to close the boat ramp because it was found to be unsafe.

Commissioner Wood added that the incline of the boat ramp was unsafe as well.

Mr. Mendez stated that the boat ramp was built specifically for large boats. He stated that the boat ramp was within the Concession Agreement of the Marina, and questioned if this meant that it was a public or a private boat ramp.

Commissioner Wood stated that that the Marina was unable to obtain insurance on the boat ramp, and clarified that it was part of the concession. He suggested that the agreement be revised, and stated that the concessionaire opposed opening the boat ramp.

Mr. Tony Schwab stated that this he has attended the County's Park System for the past 24 years, and that the County's boat ramp was one of the best available. He stated that the best solution was to use a power wash system. Mr. Schwab stated that the County was a year and a half away from building another boat ramp, and that he was unsure that State would provide any funding due to the budgetary issues. He suggested that additional concrete be placed on the boat ramp.

Mr. John Tippet, Executive Director of Texas International Fishing Tournament (TIFT), expressed concern with the impact of the boat ramp's closure on the tournament scheduled from July 30-August 3, 2003, where over 1,400 individuals participate. He stated that a large number of the boats that participate in the tournament require a wide/deep water boat launching facility, and expressed concern with inconveniencing the tournament's participants. Mr. Tippet stated that according to an economic impact study prepared in 1999 the TIF Tournament placed over \$2 million into the economy of South Padre Island and Port Isabel. He stated that he was aware that many issues were involved; however, he requested that the Court revisit the matter, noting that the accident that occurred at the boat ramp was not unique to this ramp.

Judge Hinojosa stated that the boat ramp had been closed without analyzing if the safety issues could be addressed, the access, and how it affects to the concessionaire. He suggested that the following proposals be analyzed to make the boat ramp available for the tournament's participants and for the Park System's guest: to allow the concessionaire to charge a parking fee; to analyze the boat ramp from an engineering perspective on how it could be fixed, and by working on an agreement that allows the Park System's guest to utilize the boat ramp during a certain period of time, unless the Court decided not to open the boat ramp and work towards building the boat ramp at the Children's Beach.

Commissioner Benavides stated that he preferred to analyze the matter in order to possibly open the boat ramp for the TIF Tournament.

Commissioner Tamayo expressed opposition to opening the boat ramp due to the safety issues.

Commissioner Garza expressed concern with the need to provide adequate boat launching facilities to everyone. He stated that at the time the Court decided to close the facility he was unaware that this was the only boat ramp available; therefore, he believed that the matter must be reviewed. He requested an opinion from Commissioners' Court Legal Counsel.

Commissioner Wood noted the need to open the boat ramp if the concerns could be properly addressed, to revisit the concessionaire agreement, and to review liability issues in order to make a better make a decision.

Mr. Darrel Golden, Harbor Master, stated that their insurance company does not provide coverage for the boat ramp facility, except during the TIF Tournament since the Marina participates through its normal operation. He stated that reopening the boat ramp signified violation of the Concession Agreement.

Judge Hinojosa suggested that the deletion of the boat ramp from the concession agreement be discussed with Legal Counsel and that the possible issues be reviewed. He commented that it appeared that the boat ramp could be kept open at least for the TIF Tournament.

Mr. Doug Wright, Commissioners' Court Legal Counsel, requested that the Court authorize the Parks System Director to prepare an objective standard from a safety issue stand point, and suggested that input be obtained from a professional. He stated that the Court had record indicating that the boat ramp was designed specifically for large boats, and recommended that the use of the boat ramp be restricted.

Judge Hinojosa recommended that all matters be analyzed, inclusive of the issues concerning hazardous materials.

Commissioner Benavides moved that Mr. Javier Mendez, Parks System Director, be authorized to develop a plan concerning the possible reopening of the County boat ramp, located at the Sea Ranch Marina, South Padre Island, Texas, that addresses safety issues and a solution, that addresses the concessionaire's parking and insurance issues and solutions.

The motion was seconded by Commissioner Garza and carried unanimously.

(7) **CONSIDERATION AND AUTHORIZATION TO EXECUTE A PROFESSIONAL SERVICE AGREEMENT BETWEEN ELAUDIO CUELLAR, JR. D/B/A E. C. DESIGN AND CAMERON COUNTY (PARKS)**

Mr. Doug Wright, Commissioners' Court Legal Counsel, informed that the provider did not have Errors and Omission Insurance, and suggested that the license Engineer who would prepare the review be asked to submit and use his Errors and Omission Insurance as coverage, adding that plans would be certified by the County

Commissioner Garza noted that the cost was included in the said amount.

Upon motion by Commissioner Benavides, seconded by Commissioner Garza and carried unanimously, the execution of a professional Service Agreement between Mr. Elaudio Cuellar, Jr. D/B/A E. C. Design and Cameron County (Parks) be approved.

The Agreement is as follows:

(8) **CONSIDERATION AND POSSIBLE AUTHORIZATION
FOR THE PARK SYSTEM TO PARTICIPATE IN THE
ARTHRITIS FOUNDATION “SOUTH PADRE ISLAND
RELAY MARATHON” EVENT**

Commissioner Benavides moved that the Parks System be authorized to participate in the Arthritis Foundation “South Padre Island Relay Marathon” event.

The motion was seconded by Commissioner Garza and carried unanimously.

Ms. Veronica Gallegos, Representative of the Arthritis Foundation, requested support from the County in the form of committing to provide the following to the Foundation: to provide access to county parks and roads; to allow county employees to work with the operations volunteer crew; to inspire the community to form teams; and, to possibly attend the event to be held October 25, 2003.

The Report is as follows:

(9) **CONSIDERATION AND ACTION REGARDING THE
SELECTION OF DEPOSITORY BANK
APPLICATIONS FOR CAMERON COUNTY AND
AUTHORIZATION TO NEGOTIATE CONTRACT**

Commissioner Garza asked if legal ramification existed in the contract.

Mr. Doug Wright, Commissioners' Court Legal Counsel, stated that the proposed contract presented to the applicants would be utilized, inclusive of changes concerning termination of the contract.

Commissioner Garza moved that the entering into a Depository Contract with Lone Star National Bank as Depository Bank for Cameron County be approved.

The motion was seconded by Commissioner Benavides and carried unanimously.

The clarification was made that the County was earning \$84,000.00 more through the re-bidding process, and the Court recognized and thanked Wells Fargo Bank, IBC Bank, and First International Bank for submitting bids.

(10) **CONSIDERATION AND ADOPTION OF A RESOLUTION REQUESTING THAT THE TEXAS LEGISLATURE CONSIDER PLACING BACK LANGUAGE, PREVIOUSLY OMITTED ON THE REVISION OF THE TRANSPORTATION CODE BY SENATE BILL 1445 ADDRESSING THE USE OF MAGNETIC STRIPS SWIPERS FOR LAW ENFORCEMENT OR GOVERNMENTAL USE**

Upon motion by Commissioner Tamayo, seconded by Commissioner Wood and carried unanimously, the Resolution requesting that the Texas Legislature consider placing back language, previously omitted on the revision of the Transportation Code by Senate Bill 1445 addressing the use of magnetic strips swipers for Law Enforcement or governmental use was approved.

The Resolution is as follows:

(11) **IN THE MATTER REGARDING CONSIDERATION AND POSSIBLE ACTION AUTHORIZING CAMERON COUNTY LAW ENFORCEMENT OFFICERS TO PROVIDE TRAFFIC CONTROL SERVICES ON THE EXPRESSWAY 77/83 CONSTRUCTION PROJECT (TABLED)**

Captain Robert Lopez, Sheriff's Department, reported that the Williams Construction Company requested assistance with traffic control along Expressway 77/83 for a two (2) year period for which they would pay salaries to the off-duty officers directly and gas expenditures for the use of county vehicles. He stated that the same service was being provided by the City of McAllen and would be requested of the City of Brownville

Commissioner Benavides asked if the Officers would direct traffic and/or issue citations.

Captain Rinaldo Rodriguez, Sheriff's Department, responded that the Officers would direct traffic and would issued citations as well.

Judge Hinojosa stated that it was conceivable that providing traffic control was within the duties of the County to protect the public.

Commissioner Garza questioned the impact to the County Policy that prohibits the usage of county property for personal benefit.

Mr. Doug Wright, Commissioners' Court Legal Counsel, responded that the Policy was directly impacted. He explained that he was unaware if the County Sheriff had elected to use or incorporate the Policy, and that the Policy made a distinction for Elected Officials. Mr. Wright stated that the Court sent a direct message that the County does not want county property being used for personal gain, yet an Elected Official might consider that such use must be allowed for benefit of the public. He stated that the Policy recognized that the Elected Official had such discretion, and recommended that the Court recognize that the County Sheriff has the authority to provide the services being requested.

Judge Hinojosa stated that the Office of the Attorney General allowed discretion when a public interest exists, and noted that the County's budgetary constraints prevented provision of such services. He clarified that the Williams Construction Company was providing funding to Law Enforcement to conduct a law enforcement function.

Captain Lopez noted that the Sheriff's Department ceased use of County Vehicles for security purposes.

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

CONSENT ITEMS

ALL ITEMS UNDER THE CONSENT AGENDA ITEMS WERE HEARD COLLECTELY UNLESS OPPOSITION WAS PRESENTED, IN WHICH CASE THE CONTESTED ITEM WAS CONSIDERED, DISCUSSED, AND APPROPRIATE ACTION WAS TAKEN SEPARATELY.

DISCUSSION CONCERNING CONSENT AGENDA ITEMS:

Commissioner Benavides moved that the following "Consent and Travel Items" be approved, inclusive of the late claims.

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

AYE: Commissioners Benavides, Wood, Tamayo, and Judge Hinojosa,

NAY: None,

ABSTAIN: Commissioner Garza as to Warrant No. 000999475, payable to The Medicine Shoppe, in the amount of \$399.78.

- (12) **APPROVAL OF CLAIMS;
The Affidavit and late claims follow:**
- (13) **APPOINTMENT OF MS. CECILIA RANGEL TO THE BOARD OF TRUSTEES OF THE TROPICAL TEXAS CENTER FOR MENTAL HEALTH AND MENTAL RETARDATION;**
- (14) **AUTHORIZATION TO CONTINUE PARTICIPATION IN THE U.S. COMMUNITIES/NATIONAL ASSOCIATION OF COUNTIES COOPERATIVE GOVERNMENT PURCHASING ALLIANCE;**
- (15) **APPROVAL TO ESTABLISH PURCHASE ORDER CUT-OFF DATE ON AUGUST 31, 2003 FOR THE FISCAL YEAR WITH THE EXCEPTION OF EMERGENCIES AS APPROVED BY THE COUNTY AUDITOR AND COMMISSIONERS COURT;**
- (16) **AUTHORIZATION TO CONTINUE PARTICIPATION IN THE TEXAS DEPARTMENT OF INFORMATION RESOURCES COOPERATIVE PURCHASING AGREEMENT;**
- (17) **AUTHORIZATION TO CONTINUE PARTICIPATION IN THE REGION I-EDUCATION SERVICE INTERLOCAL COOPERATIVE PURCHASING AGREEMENT;**
- (18) **CONSIDERA AUTHORIZATION TO CONTINUE PARTICIPATION IN THE BUY BOARD-REGION II TEXAS ASSOCIATION OF SCHOOL BOARDS INTER-LOCAL COOPERATIVE PURCHASING AGREEMENT;**
- (19) **AUTHORIZATION TO CONTINUE PARTICIPATION IN THE REGION IV-TEXAS COOPERATIVE PURCHASING NETWORK EDUCATION SERVICE CENTER INTER-LOCAL PURCHASING AGREEMENT;**
- (20) **AUTHORIZATION TO CONTINUE PARTICIPATION IN THE REGION VIII-EDUCATION SERVICE CENTER TEXAS INTER0LOCAL PURCHASING SYSTEM AGREEMENT;**

- (21) AUTHORIZATION TO CONTINUE PARTICIPATION IN THE TEXAS PROCUREMENT CENTER COOPERATIVE PURCHASING AGREEMENT NETWORK;
- (22) AUTHORIZATION TO CONTINUE PARTICIPATION IN THE TEXAS CUC-PUBLIC POWER POOL AGGREGATION PROJECT INCORPORATED, COOPERATIVE AGGREGATION FOR COUNTIES & POLITICAL SUBDIVISIONS ELECTRICITY PURCHASING AGREEMENT;
- (23) AUTHORIZATION TO CONTINUE PARTICIPATION IN THE TEXAS INDUSTRIES FOR THE BLIND AND HANDICAPPED PURCHASING AGREEMENT;
- (24) AUTHORIZATION TO CONTINUE PARTICIPATION IN THE HOUSTON GALVESTON AREA COUNCIL OF GOVERNMENTS INTER-LOCAL COOPERATIVE PURCHASING AGREEMENT;
- (25) AUTHORIZATION TO CONTINUE PARTICIPATION IN THE TEXAS CORRECTIONAL INDUSTRIES PURCHASING AGREEMENT;
- (26) AUTHORIZATION TO CONTINUE PARTICIPATION IN THE FOLLOWING STATE OF TEXAS BUILDINGS & PROCUREMENT COMMISSION PROGRAMS:
 - a) TEXAS BUILDING AND PROCUREMENT COMMISSION-PURCHASING COOPERATIVE AGREEMENT.
 - b) QUALIFIED INFORMATION SERVICES VENDOR-CATALOG PURCHASING PROGRAM.
 - c) TEX-AN 2000 STATE OF TEXAS TECHNOLOGY PROCUREMENT PROGRAM.
 - d) STATE TRAVEL MANAGEMENT PROGRAM.
 - e) TX-MAS (GENERAL SERVICES ADMINISTRATION COOPERATIVE CONTRACTS).
- (27) AWARDING OF THE FOLLOWING BIDS/PROPOSALS FOR CCTV CAMERA SYSTEM FOR NEW COUNTY JAIL-RFP NO. 0304001 TO SUPERIOR ALARMS;
The Tabulation follows:
- (28) AWARDING OF THE FOLLOWING BIDS/PROPOSALS FOR RADIOLOGICAL MOBILE DIAGNOSTIC SERVICES-ANNUAL RFP NO. 1690 TO SUPERIOR ALARMS;
The Tabulation follows:
- (29) APPROVAL OF GRANT AWARD FOR THE FY-2004 CAMERON COUNTY DRUG ENFORCEMENT TASK FORCE GRANT;
The Resolution follows:
- (30) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE OFFICE OF THE ATTORNEY GENERAL UNDER THE VICTIM COORDINATOR AND LIAISON GRANT PROGRAM FOR FUNDS TO OPERATE THE DISTRICT ATTORNEY'S VICTIM ASSISTANCE PROGRAM;
The Resolution follows:
- (31) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE OFFICE OF THE ATTORNEY GENERAL UNDER THE OTHER VICTIM ASSISTANCE GRANT PROGRAM FOR FUNDS TO OPERATE THE DISTRICT ATTORNEY'S VICTIM ASSISTANCE PROGRAM;
The Resolution follows:
- (32) AUTHORIZATION TO PROVIDE A CELLULAR PHONE AND SERVICE TO THE COLONIA PROJECTS SUPERINTENDENT;

- (33) **AUTHORIZATION TO ALLOW THREE (3) COUNTY EMPLOYEES TO TRAVEL TO SAN ANTONIO AND HOUSTON FOR PURCHASE OF WATER PUMPS FOR FLOOD CONTROL;**
- (34) **AMENDMENT TO GAS TRANSPORTATION AGREEMENT BETWEEN TEXAS GAS SERVICE AND CAMERON COUNTY;**
The Amendment follows:
- (35) **CONTRACT AMENDMENT BETWEEN THE CAMERON COUNTY HEALTH DEPARTMENT AND THE TEXAS DEPARTMENT OF HEALTH OFFICE OF PUBLIC HEALTH PRACTICE TO PROVIDE ESSENTIAL PUBLIC HEALTH SERVICES; AND**
The Amendment follows:
- (36) **AUTHORIZATION TO RENEW THE AGREEMENT ON A MONTH-TO-MONTH BASIS BETWEEN CAMERON COUNTY AND MULTI-MINI STORAGE FOR RECORDS STORAGE FOR PERSONNEL OFFICE.**
The Agreement follows:

TRAVEL ITEMS

- (37) **AUTHORIZATION TO TRAVEL/OR APPROVAL OF TRAVEL EXPENSE FOR THE FOLLOWING (PLEASE NOTE: REQUESTS ARE SUBJECT TO ALL APPLICABLE COUNTY POLICIES):**
- a) Elections Administrator and three (3) Elections employees to attend a one day “Election Reporting Manager Training Seminar”, presented by ES&S, in Addison, Texas, August 5-6, 2003;
 - b) PD&M Coordinator to attend a meeting on La Torre Water Project with North Alamo Water Supply Corporation, in Edinburg, Texas, July 2, 2003;
 - c) Unified Narcotics Intelligence Task-Force Director to attend the “South Texas HIDTA Quarterly Intel Meeting”, in Corpus Christi, Texas, July 29-30, 2003;
 - d) ATPA Task Force Director and two (2) ATPA Task Force Investigators to provide “Course in vehicle identification and Auto Theft Investigation along with the National Insurance Crime Bureau and the California Highway Patrol-Border Liaison Unit,” in Ciudad H. Matamoros, Tamaulipas, Mexico, July 29-31, 2003; and
 - e) Three (3) Environmental Health Inspectors to attend the “Texas Environmental Health Association, South Texas Chapter Quarterly Meeting”, in Kingsville, Texas, July 18, 2003.
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- (12) **APPROVAL OF CLAIMS;**
The Affidavit and late claims follow:

- (27) **AWARDING OF THE FOLLOWING BIDS/PROPOSALS FOR CCTV CAMERA SYSTEM FOR NEW COUNTY JAIL-RFP NO. 0304001 TO SUPERIOR ALARMS.**
The Tabulation follows:

- (28) **AWARDING OF THE FOLLOWING BIDS/PROPOSALS FOR RADIOLOGICAL MOBILE DIAGNOSTIC SERVICES-ANNUAL RFP NO. 1690 TO SUPERIOR ALARMS.
The Tabulation follows:**

- (29) **APPROVAL OF GRANT AWARD FOR THE FY-2004 CAMERON COUNTY DRUG ENFORCEMENT TASK FORCE GRANT.**
The Resolution follows:

- (30) **RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE OFFICE OF THE ATTORNEY GENERAL UNDER THE VICTIM COORDINATOR AND LIAISON GRANT PROGRAM FOR FUNDS TO OPERATE THE DISTRICT ATTORNEY'S VICTIM ASSISTANCE PROGRAM.**
The Resolution follows:

- (31) **RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE OFFICE OF THE ATTORNEY GENERAL UNDER THE OTHER VICTIM ASSISTANCE GRANT PROGRAM FOR FUNDS TO OPERATE THE DISTRICT ATTORNEY'S VICTIM ASSISTANCE PROGRAM.**
The Resolution follows:

- (34) **AMENDMENT TO GAS TRANSPORTATION AGREEMENT BETWEEN TEXAS GAS SERVICE AND CAMERON COUNTY.**
The Amendment follows:

- (35) **CONTRACT AMENDMENT BETWEEN THE CAMERON COUNTY HEALTH DEPARTMENT AND THE TEXAS DEPARTMENT OF HEALTH OFFICE OF PUBLIC HEALTH PRACTICE TO PROVIDE ESSENTIAL PUBLIC HEALTH SERVICES.**
The Amendment follows:

- (36) **AUTHORIZATION TO RENEW THE AGREEMENT ON A MONTH-TO-MONTH BASIS BETWEEN CAMERON COUNTY AND MULTI-MINI STORAGE FOR RECORDS STORAGE FOR PERSONNEL OFFICE.**
The Agreement follows:

EXECUTIVE SESSION

(38) EXECUTIVE SESSION:

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the Court met in Executive Session at 11:53 A.M., to discuss the following matters:

- a) Confer with Commissioners' Court Legal Counsel concerning claim of Lito and Ermelyn Lachica; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A)&(B).

- b) Deliberation regarding Real Property concerning the possible re-sale of various Cameron County Trustee Properties as listed below; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072:
 - 1. 1042 E. Jefferson St, Brownsville, TX
 - 2. 2775 Naranjo St., Brownsville, TX
 - 3. 2655 Impala Dr., Brownsville, TX
 - 4. 718 E. Adams St., Harlingen, TX
 - 5. S. California St., Harlingen, TX
 - 6. 508 9th St., Los Fresnos, TX
 - 7. Primera-Original Town Site Lot 21, Block 6 (Legal Description)
 - 8. Abstract No. 2-Laureles Acres Lot 12, Block 1 (Legal Description)
 - 9. Survey-Midway Resubdivision Lot 10, Block 1 (Legal Description)

- c) Confer with Commissioners Court Legal Counsel regarding claim of Ms. Belia Olivarez; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A&B).

Upon motion by Commissioner Wood, seconded by Commissioner Tamayo and carried unanimously, the Court reconvened in Regular Session at 12:26 P.M.

NOTE: COMMISSIONER GARZA LEFT THE MEETING AT THIS TIME.

(39) ACTION RELATIVE TO EXECUTIVE SESSION:

- (a) Confer with Commissioners' Court Legal Counsel concerning claim of Lito and Ermelyn Lachica.**

Commissioner Wood moved that the Status Report by Commissioners' Court Legal Counsel concerning the claim of Lito and Ermelyn Lachica be acknowledged.

The motion was seconded by Commissioner Tamayo and carried unanimously.

(b) Deliberation regarding Real Property concerning the possible re-sale of various Cameron County Trustee Properties as listed below:

- 1) 1042 E. Jefferson St, Brownsville, TX
- 2) 2775 Naranjo St., Brownsville, TX
- 3) 2655 Impala Dr., Brownsville, TX
- 4) 718 E. Adams St., Harlingen, TX
- 5) S. California St., Harlingen, TX
- 6) 508 9th St., Los Fresnos, TX
- 7) Primera-Original Town Site Lot 21, Block 6 (Legal Description)
- 8) Abstract No. 2-Laureles Acres Lot 12, Block 1 (Legal Description)
- 9) Survey-Midway Resubdivision Lot 10, Block 1 (Legal Description)

Upon motion by Commissioner Wood, seconded by Commissioner Tamayo and carried unanimously, the execution of Deeds for Items No. 3 and 8 was authorized, Mr. Joseph Ardito, Property Manager, be authorized to negotiate with the highest offers made for the other seven (7) properties and to negotiate and discuss with the other entities to determine if they were willing to accept less.

(c) Confer with Commissioners' Court Legal Counsel regarding claim of Ms. Belia Olivarez.

Ms. Belia Olivarez – “The reason I’m here is because I’ve been having a lot of problems since last year. Actually this land that we own, originated with land that was given to us by my father-in-law, which is my husband’s dad. And they had told us a year ago, the Cameron County Engineer that we did not have to subdivide because it was one of the exceptions according to the 232.00115 Local Government Code. And a year ago they told us we didn’t have to subdivide. Then three (3) weeks ago when we are ready to build our house and we are ready to get the building permit they told us we need to subdivide. And so, after this they had made us go through a lot of frustration. We had to give the two (2) acres of land back to my father in law because the Cameron County Engineer had told us that we needed to have a five (5) acre plat and so we deeded back the land to my father-in-law. After that we didn’t have no land, so we had already applied for a loan, and now the land was no longer there. So the Cameron County Engineer Department told us that the only thing we could do was that my father-in-law had to give us back the whole six (6) acres and that’s what we did. I kept questioning it, questioning it, every time that I talked to them, they were never consistent on the information they were giving me, and so I told him well, where is this thing that you’re following? And so he told me that he couldn’t give me a copy of it, but I could find it at the State Office and so forth or through the internet. And so I went through the internet and I found the Local Government Codes and I realized that I did not have to subdivide. And my main thing is that I want them to compensate me for the time and all the frustration and everything that I went through that I feel that

I did not have to go through. I want them to set some standard form as far as other people that have the same situation so they do not have to go through all the frustration that I had to go through, and last of all I want my original deed to deed back the way it was before they made me make all this mess.”

Upon motion by Commissioner Tamayo, seconded by Commissioner Wood and carried unanimously, the Court met in Executive Session at 12:32 P.M., to discuss the following matters:

(38) EXECUTIVE SESSION

- (c) Confer with Commissioners' Court Legal Counsel regarding claim of Ms. Belia Olivarez; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1) (A&B).

Upon motion by Commissioner Wood, seconded by Commissioner Tamayo and carried unanimously, the Court reconvened in Regular Session at 12:35 P.M.:

(39) ACTION RELATIVE TO EXECUTIVE SESSION:

- (c) **In the matter regarding confer with Commissioners' Court Legal Counsel regarding claim of Ms. Belia Olivarez. (TABLED)**

Upon motion by Commissioner Tamayo, seconded by Commissioner Wood and carried unanimously, this Item was **TABLED** for one (1) week to obtain additional information.

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 12:37 P.M.

APPROVED this 12th day of August 2003.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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