

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 26th day of May 2004, 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:

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:

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The meeting was called to order by Judge Hinojosa at 9:34 A.M. He then asked Reverend Bob Clark, Brownsville resident, 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 May 21, 2004, at 3:15 P.M. and Supplemental Agenda posted on May 21, 2004, at 4:53 P.M.:

Commissioner Tamayo thanked the Los Indios community for their involvement in the Learning Center.

Commissioner Wood thanked the Commissioners and Judge Hinojosa for helping in Precinct No. 2 during the heavy rains that were experienced over the weekend.

Commissioner Tamayo congratulated Mr. Pete Sepulveda, Department of Transportation Director, and Mr. Esteban Bazan, Interim Public Works Department Director, for the cooperation seen in that department.

Judge Hinojosa stated that there was a good indication from Washington, DC that Cameron County should get the Presidential Permit needed for the West Rail Relocation Project sometime in July.

Commissioner Wood stated that the State of Tamaulipas and Mexico's Federal Government were meeting in those regards today.

Mr. Pete Sepulveda, Department of Transportation Director, informed that the project was down to the last details and that the FONZI might be issued this week by the State Department, thus clearing a major hurdle. He added that this would allow the county to continue with the right-of-way acquisition and the engineering and design process.

Judge Hinojosa requested an update regarding the Regional Mobility Authority (RMA).

Mr. Sepulveda stated that he received the first draft application for the RMA and the preliminary process from the Texas Department of Transportation TX DOT, adding that he would meet with Mr. Mario Jorge, TX DOT District Engineer, to discuss the cost estimates. He added that the Brownsville MPO unanimously approved a resolution in support of the RMA, and that the same would be presented to the Harlingen MPO during their next meeting.

Judge Hinojosa suggested that a Workshop be scheduled for next week. He stated that there were two (2) drownings over the weekend and that there continues to be a request for lifeguards that are prohibited by monetary constraints. Judge Hinojosa cautioned that the rip tides at South Padre Island continue to be very high and advised that visitors pay attention to the safety flag system in place.

Commissioner Benavides stated that a report indicated that people should not attempt to fight the tides.

Commissioner Garza suggested that the Parks System deviate from rules in order to accommodate families experiencing a devastating situation, such as the Torres Family's loss of their son, Daniel Torres.

(1) PUBLIC COMMENTS

None were presented.

PRESENTATIONS

**(2) PRESENTATION BY DR. BRIAN SMITH REGARDING
THE RELOCATION OF TB PROGRAM SERVICES
PROVIDED IN HARLINGEN**

Ms. Esmeralda Guajardo, Assistant Health Department Administrator, informed that the Health Department provides TB services at the Mary P. Lucio Clinic in Brownsville while the Texas Department of Health Regional Eleven provides the services at the outpatient clinic at the South Texas Health Care System. She added that this was expected to change as of August 1, 2004 and that Dr. Brian Smith was present to explain the attempts to coordinate the endeavor.

Dr. Brian Smith, TDH (TDH) PHR-11 Medical Director, briefed that the Texas Department of Health has had a clinic in Harlingen associated with South Texas Hospital for the past thirty years. He stated that approximately 80% of the patients were being serviced in Brownsville and that throughout the past three years they have tried to merge the two programs together, adding that these efforts were further precipitated by the decision not to renovate parts of the South Texas Hospital building, which has existed for the past years. Dr. Smith explained that the merger unites the two programs and allows Cameron County to have full control of the TB patients in the area. He stated that funding for one position would be shifted to the County and that assistance in the form of X-rays and health investigations would be provided. Dr. Smith stated that valuable equipment was available would be placed in the Harlingen Clinic by September 1, 2004, and that the City of Harlingen as investigating the cost associated with transferring of the equipment and whether the transfer would be cost effective, adding that they would continue to share and work with the County as much as possible. He added that State assured level funding for the TB Program for Cameron County, and that this might be increase to include funding for the one position.

Commissioner Tamayo asked if all services would be provided in Brownsville.

Dr. Brian stated that TB Director would oversee the Program and that there would be a sub clinic at the Harlingen Clinic.

Commissioner Garza asked if the merger would compromise the quality of service being delivered to patients.

Dr. Brian responded negatively, and explained that benefits were anticipated.

Commissioner Garza asked what other annual expenses could be incurred by the Health Department because of the merger.

Dr. Brian responded that the Health Department might need to fund additional staff as needed because of the increase in TB cases and the TB Nurse Position. He reiterated that TDH would fund a secretarial position.

Ms. Guajardo explained that efforts were under weigh to obtain approval from TDH to restructure staffing.

Commissioner Garza questioned if sufficient funding was available.

Ms. Guajardo responding that the restructuring would include possible elimination of a clerk position to obtain funding for the Nurse Position.

Commissioner Garza reiterated his concern with compromising the quality of service only because the Texas Department of Health decides to transfer that responsibility to the county. He stated that he would hope that if the county would assume responsibility for TDH that they would provide funding for the position.

Ms. Guajardo indicated that the Health Department was working closely with TDH and that they would keep the Court up to date.

Commissioner Wood stated that the merger would provide better service and that the increase of patients would eventually require additional funding. He stated that the County would go to TDH to fund the additional staff that would be needed.

Dr. Brian stated that the funding provided for the TB Program was based on population. He stated that TDH have been very fair to Cameron County as far as funding.

Commissioner Garza asked if there were certain criteria to be services by the TB Program.

Ms. Guajardo responded negatively and explained that TB was a public health threat that must tended to.

Commissioner Garza noted that the County was required to provide services such as the TB Program and other health related services for which funding was not provided.

Commissioner Wood stated that more and more services would be transferred to local government as the State's budget grows tighter.

Ms. Guajardo stated that the TB Grant requires that inmates and homeless be served as well.

Dr. Smith stated that a separate Bi-National TB Program, funded by the Centers for Disease Control, was in place to decrease the number of people who migrate across the border to obtain treatment.

Upon motion by Commissioner Garza, seconded by Commissioner Wood and carried unanimously, the Presentation by Dr. Brian Smith, TDH (TDH) PHR-11 Medical Director, regarding the relocation of the TB Program Services provided in Harlingen was acknowledged.

(3) PRESENTATION REGARDING PROGRESS OF PROJECT ROAD MAP

Mr. Pete Sepulveda, Department of Transportation Director, highlighted the following Status Reports:

Commissioner Garza stated that there might be potential problems affecting the Military Highway 281 project because Brownsville Public Utilities Board has purchase properties.

Mr. Sepulveda agreed and explained that creation of Project Road Map was intended to prevent such problems as opposed to going back and having to pay for the right-of-way. He stated that in reviewing records he found that a report was never presented to the Court. Mr. Sepulveda noted the need for proper communication in going through the review process for approval of a subdivision.

Commissioner Garza questioned the significance for the solid green lines.

Mr. Sepulveda stated that he would review the matter. He reported that \$9.4 million was the original amount authorized for the Bond and that \$5.9 million have been spent to date. He stated that the County had invested approximately \$6 million and received \$119 million from TXDOT, proving that the program works and should be continued. Mr. Sepulveda stated that another problem that was identified was that many complete studies were sitting on shelves instead of being provided to TXDOT, thus preventing them from doing any advance planning. He stated that he would present these projects to the Court for formal approval in order to forward them to TXDOT.

Commissioner Tamayo questioned how old the studies were.

Mr. Sepulveda stated that he recently learned that the schematic studies had been done for the Military Highway since 197 or 1998 and that he informed TXDOT about and they were now doing the EA on the alignment.

NOTE: Judge Hinojosa stepped out at this time.

Commissioner Garza noted the need to review Project Road Map because the Harlingen/San Benito MPO requested information to be placed on their radar screen by May 30, 2004.

Mr. Sepulveda stated that in the past information was not shared with the MPOs and cities involved as needed. He stated that the expectation was that the \$9.4 million could generate about \$130 million from TXDOT. Mr. Sepulveda noted that the construction dollars from TXDOT excludes the expressway expansion, at an estimated cost of \$150,000.00 from the county line to Brownsville.

Commissioner Garza asked how much of the remaining \$3.5 was already committed.

Mr. Mark Yates, County Auditor, responded that a \$5.225 million Bond has been issued and that \$4.15 million in non-issued but authorized bonds were available for Project Road Map.

There was a brief discussion regarding the need to better coordinate Project Road Map and to commend those who created the same.

(4) STATUS REPORT ON THE SENTRI LANE AT THE VETERANS INTERNATIONAL BRIDGE AT LOS TOMATES

Mr. Pete Sepulveda, Department of Transportation Director, reported that he has met with Mexico Agencies regarding the Senti Lane, an express lane that expedite crossings from Mexico into the United States after being pre-cleared by different Federal Agencies. He stated that the initial notification was given by the State Department that there would be one Senti Lane in the Brownsville/Matamoros area and that State Department then narrowed it down to two bridges, the Veterans International Bridge and the B& M Bridge Company, adding that State Department hired consultants and did preliminary steps. Mr. Sepulveda stated that the FAST Program would be started as of August 15, 2004, at the Veterans International Bridge for commercial vehicles. He stated that it was good that MGM was designing the expansion of the lanes because there was a consensus in U.S. and Mexican federal agencies that the Senti Lane should be located at the Veterans International Bridge.

Commissioner Garza asked if there an equivalent lane in bound.

Mr. Sepulveda responded negatively, and stated that there was talk about a possible similar program to expedite commercial traffic going into Mexico.

Commissioner Benavides asked if anyone was able to apply and if there was a fee.

Mr. Sepulveda responded that everyone could apply and that a fee would be incurred for purposes of running a background check. He stated that historic information indicates that traffic using the Senti Lane would return through the Veterans International Bridge because that was where they crossed.

Commissioner Garza asked if there would be other cost aside from improvement cost already being incurred.

Mr. Sepulveda responded that the county would incur the improvement costs and cost for modification to the bridge to get the dedicated lane, them being two options: to either remove the sidewalk from one side or to reduce both sidewalks and re-stripe the lanes. He stated that hopefully it would not be a major expense and that the expense would be equally shared with the City of Brownsville.

NOTE: Judge Hinojosa returned to the meeting at this time.

Commissioner Garza questioned if there was a timeline in place for implementation.

Mr. Sepulveda stated that implementation was wanted in about four to five months and that he was unsure he wanted to agree on the timeline although he would do his best to meet it. He added that he wanted to meet the timeline for the FAST Program because it was a good program where many companies were already registering their drivers.

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the Presentation regarding progress of Project Road Map and the Status Report on the Senti Lane at the Veterans International Bridge at Los Tomates were acknowledged.

ACTION ITEMS

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

Commissioner Tamayo noted that it was a good practice that changes be initialed, and moved that the Budget Amendments, Line Item Transfers and/or Salary Schedules be approved.

The motion was seconded by Commissioner Benavides and carried unanimously.

The documents are as follows:

(6) APPROVAL OF MINUTES FOR:

(A) MARCH 23, 2004-REGULAR MEETING

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

**(7) CONSIDERATION AND POSSIBLE ACTION
REGARDING ALLOCATION OF STATE TOBACCO
REIMBURSEMENT FUNDS FOR INDIGENT HEALTH
AND MATTER RELATED THERETO**

Judge Hinojosa suggested that use of that the Tobacco Funds, in the amount of \$128,000.00, allocated towards the Indigent Healthcare Program be suspended for a two (2) week period in order to get a determination from Hidalgo County as to whether they intent to continue forward with the Health Service District. He explained that Cameron County was a committed by law to provides the Tobacco Funds to the Health Service District although it creates problems and \$1.9 million in indigent healthcare monies from State would be lost. He explained that the Board was moving forward and that the problem was that Hidalgo County was indecisive of whether to proceed. Judge Hinojosa added that unsuccessful attempts were made to schedule a joint meeting and suggested that additional attempts be made. He stated that upon there being a negative response from Hidalgo County then the \$128,000.00 could be allocated towards the Indigent Healthcare Program and spent on the 90/10 program or that upon Judge Garcia responding favorably and if Hidalgo County Commissioners agreeing then Cameron County would have to decide whether to proceed. He explained his fear to be that State might reallocate the \$8.3 million elsewhere if Cameron County was not committed, noting that he does not want to loose said funds if such could be avoided. Judge Hinojosa reiterated his suggesting to suspend use of the \$128,000.00 until an indication was obtained of what would be done by Hidalgo County and the Health Services District. He asked Mr. Yates if this could be legally done.

Mr. Mark Yates, County Auditor, responded that \$150,000.00 remain from the \$1.85 million, thus the Tobacco Funds were intact. He added that the \$150,000.00 would bring the county up to the 8% threshold and at that point in time he would stop and notify all vendors.

Judge Hinojosa stated that upon Judge Garcia having second thoughts then he would recommend that Cameron County form its own Health Service District, adding that based on conversations the Texas Health Department was in favor of doing this.

Mr. Remi Garza, County Administrative Assistant, suggested that approval to use the Tobacco Funds towards indigent healthcare be obtained from the Health Service District.

Mr. Yates stated that the County was operating the Indigent Healthcare Program under the authority of the Health Service District, that the County had the duty to provide them the 8% of general revenue and the Tobacco Funds, and that Health Service District has the duty to provide indigent healthcare once formed.

Commissioner Garza stated that the Tobacco Funds were not different in the legislation than the 8% general revenue, noting that these funds belong to the Health Service District.

Judge Hinojosa clarified that the 8% could be used only to service indigent healthcare and that Tobacco Funds could be used towards other things. He added that some Tobacco Funds have been for administration but most largely towards the 90/10 program. Judge Hinojosa requested that efforts towards scheduling a joint meeting between Cameron County and Hidalgo County continue.

Commissioner Tamayo moved that the allocation of State Reimbursement Tobacco Funds for indigent healthcare under the 90/10 Program be suspended for a period of two (2) weeks.

The motion was seconded by Commissioner Wood.

Commissioner Garza requested clarification from Legal Counsel as to whether a working agreement was needed if the County was operating under their hospices because the County has operated the program for the last two years with a Health Service District in place. He added that if the law says that the 8% and the Tobacco Funds were required to go to the Health Service District then he would like to know if the Courts actions were legal or illegal, within the County's authority, or if approval from the Health Service District was needed.

Judge Hinojosa explained that the justification for not transferring the funds has been that a final contract regarding the transfer of responsibilities between the Health Service District and the County has not been in place and that Cameron County was awaiting better indication from Hidalgo County.

Commissioner Garza questioned why action on this item was needed at this time.

Judge Hinojosa responded that action was needed at this time to rescind previous action taken by the Court.

Mr. Wright expressed concern providing legal advice in open session.

Commissioner Garza suggested that the response be provided in writing or in Executive Session.

Upon motion duly made by Commissioner Tamayo, that the allocation of State Reimbursement Tobacco Funds for indigent healthcare under the 90/10 Program be suspended for a period of two (2) weeks.

The motion was seconded by Commissioner Wood and carried unanimously.

(8) IN THE MATTER REGARDING CONSIDERATION AND POSSIBLE ACTION REGARDING THE CAPITAL PROJECTS FOR CERTIFICATES OBLIGATIONS SERIES 2002 AND 2004 MATTERS RELATED THERETO (TABLED)

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

(9) IN THE MATTER REGARDING CONSIDERATION AND AUTHORIZATION TO SOLICIT REQUEST FOR PROPOSALS FOR ARCHITECT SERVICES FOR THE FUTURE CAMERON COUNTY COURTHOUSE ANNEX AT THE COUNTY COMPLEX IN OLMITO (TABLED)

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

(10) CONSIDERATION AND ACTION REGARDING DEPARTMENTS TO BE HOUSED AT THE CAMERON COUNTY ANNEX IN HARLINGEN, TX AND THE LEVI'S BUILDING

Mr. Remi Garza, County Administrative Assistant, informed that the county was prepared to move onto the development stage of the Levis Building and the construction of the Harlingen Annex. He requested authorization to work with the Architect to identify department that could be relocated to the Levis Building to better address the space issue at the Harlingen Annex.

Commissioner Garza suggested that any departments needing office space be identified, inclusive of State and Federal Agencies in need to lease office space within the County.

Commissioner Tamayo noted the need to first identify the County's needs.

Commissioner Benavides noted the need to allow space for growth.

Commissioner Garza stated that all contract include a 30 out clause, and explained that his suggestion was to include possible lease of office space upon the Court being interested.

Judge Hinojosa explained that Mr. Garza was suggestion was to relocate some services from the Harlingen Annex to the San Benito building since it must not be at there. He suggested that making office space available for vital services for State and Federal Agencies be examined during the final design.

Upon motion by Commissioner Wood, seconded by Commissioner Tamayo and carried unanimously, County Personnel was authorized to work with the Architect to identify department that could be relocated to the Levis Building to better address the space issue at the Harlingen Annex.

Commissioner Garza requested that Commissioner Tamayo or he be invited to the meetings to be held with the different County Departments.

(11) **CONSIDERATION AND ACTION REGARDING MEMORANDUM OF UNDERSTANDING BETWEEN CAMERON COUNTY, BROWNSVILLE NAVIGATION DISTRICT AND UNION PACIFIC RAILROAD CONCERNING THE WEST RAIL RELOCATION PROJECT**

Judge Hinojosa clarified that a separate agreement that entails the matters regarding the west rail bridge project and the port truck bridge project was being presented for possible consideration and execution.

Commissioner Garza stated that he did not read the letter of intention and the response that were not attached, and questioned if they would be made part of the record.

Mr. Remi Garza, County Administrative Assistant, responded in the affirmative.

Judge Hinojosa clarified that Commissioner Garza was referring to a document that was issued time ago where Union Pacific says that they intend to participate in the program but will not be part of the partnership.

Mr. Doug Wright, Commissioners' Court Legal Counsel, informed that there was a revised version of the Memorandum of Understanding that includes the City of Brownsville and the same language.

Judge Hinojosa noted the need for everyone to understand from will occur from today. He clarified that from here on out the Navigation District supports the West Rail Relocation Project and the County supports a commercial truck bridge at the port only. Judge Hinojosa noted that the County does not support a rail bridge project at the port and that the same was clarified by excluding the language that was in the Memorandum of Understanding consistent with the County's Mexican partners. He stated that he hopes this was just the beginning and that there was a need to coordinate on these projects. Judge Hinojosa stated that the irony of the matter was that the Port of Brownsville was the single entity that was to benefit the most from the West Rail Relocation Project because it will be the entity transporting the most products through the West Rail Relocation Bridge. He stated that the West Rail Relocation Project and the commercial truck bridge would both redirect traffic carrying hazardous materials through residential neighborhoods. Judge Hinojosa explained that Project Road Map includes the conversion of FM 511 into an expressway to direct trucks to the Port of Brownsville in order to eliminate the hazards involved. He noted the need for the Navigation District and the County to work hand in hand since the County's success was tied into the success of the Port.

Commissioner Tamayo requested Legal Counsel's recommendation.

Mr. Wright recommended that action on this item be postponed until after Executive Session.

(12) **IN THE MATTER REGARDING CONSIDERATION AND POSSIBLE ACCEPTANCE OF DONATION BY BOGGUS FORD OF A VEHICLE TO THE CAMERON COUNTY SHERIFF'S DEPARTMENT COURTESY VEHICLE PROGRAM (TABLED)**

Judge Hinojosa expressed concern with redirecting patrol personnel to assist individuals stranded on the highway when there was a great need for adequate law enforcement in rural areas, in addition to the additional expenditures to be incurred. He commended the Sheriff's Department for their intent to serve the public; however, this means redirecting resources because no new slots were being funded. Judge Hinojosa expressed his concern with approving the redirection of resources when other priorities must be engaged.

Commissioner Wood questioned the intended method of operating the proposed program.

Patrol Lieutenant Arnold Flores, Sheriff's Department, explained that a Youth Intervention Officer would be utilized periodically during traffic peak hours to assist the public.

Judge Hinojosa noted that doing this would place County Officers in danger.

Commissioner Tamayo stated that during a Park Advisory Committee meeting she listened to rural residents expressed concerns regarding specific burglaries that occurred in their area.

Commissioner Wood suggested that the possibility of shifting personnel from different programs to patrolling be examined.

Commissioner Tamayo stated that the suggestion was made that efforts be coordinated between the Sheriff's Department and the Constable's Office to better serve the rural areas.

Lieutenant Flores indicated that their efforts were to better serve and cover the 4,400 square miles of County with the resources available.

Commissioner Benavides requested implementation of a program that could issue citations for littering and provide patrolling at Boca Chica Beach.

Judge Hinojosa suggested that this item be tabled.

Mr. Doug Wright, Commissioners' Court Legal Counsel, explained that the donation agreement was prepared by Legal Counsel.

Commissioner Garza questioned the description of the program that was indicated in the agreement.

Commissioner Tamayo questioned if Boggus Ford was dictating how the vehicle would be used for upon being donated, and who had originated the idea of the program.

Lieutenant Flores responded in the affirmative and that Boggus Ford's logo would be placed on the vehicle for purposes of showing that he donated the vehicle, and the at the program was originated by county personnel.

Commissioner Garza requested the description of the program.

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

(11) **CONSIDERATION AND ACTION REGARDING MEMORANDUM OF UNDERSTANDING BETWEEN CAMERON COUNTY, BROWNSVILLE NAVIGATION DISTRICT AND UNION PACIFIC RAILROAD CONCERNING THE WEST RAIL RELOCATION PROJECT**

Mr. Doug Wright, Commissioners' Court Legal Counsel, indicated that there was a minor change to the Memorandum of Understanding that clarifies the County supports only the Commercial Bridge for the Port of Brownsville.

Commissioner Wood questioned if the Navigation District had approved a Memorandum of Understanding or if they would sign off on this document because it was his belief that their document differs.

Mr. Wright responded that the Memorandum of Understanding was different; however, Legal Counsel from the Port of Brownsville has indicated that they would most likely support this document. He noted that the City of Brownsville and the Port of Brownsville would have to support the Memorandum of Understanding.

Commissioner Wood suggested that the Chairman for the Port of Brownsville be updated.

Commissioner Garza moved that the Memorandum of Understanding between Cameron County, Brownsville Navigation District, and the City of Brownsville be approved.

The motion was seconded by Commissioner Tamayo and carried unanimously.

The MOU is as follows:

(13) **CONSIDERATION AND APPROVAL OF INTERLOCAL AGREEMENT BETWEEN CAMERON COUNTY AND THE CITY OF BROWNSVILLE FOR IMPROVEMENTS TO VERMILLION ROAD BETWEEN BOCA CHICA AND THE COUNTY LIMITS**

Commissioner Benavides informed that City of Brownsville was willing to fund improvements to the first fifteen hundred feet that belong to them if the County would do the work.

Commissioner Wood suggested that the limestone usually used by the City of Brownsville be used instead of caliche.

Commissioner Benavides moved that the Interlocal Agreement between Cameron County and the City of Brownsville for improvements to Vermillion Road between Boca Chica and the County limits be approved.

The motion was seconded by Commissioner Garza.

Commissioner Garza expressed concern with major problems being encountered with the supplier of road material, ve-5 rock.

Commissioner Tamayo stated that some materials had been returned because of similar concerns.

Mr. Pete Sepulveda, Department of Transportation Director, indicated that a meeting was held with the supplier, Frontera, and stated that the matter would be brought before the Court upon the problem not being corrected.

Commissioner Tamayo expressed concern with problems resulting from deliveries not being on time.

Mr. Sepulveda stated that all problems were being documented.

Upon motion duly made by Commissioner Benavides that the Interlocal Agreement between Cameron County and the City of Brownsville for improvements to Vermillion Road between Boca Chica and the County limits be approved.

The motion was seconded by Commissioner Garza and carried unanimously.

The Agreement is as follows:

(14) CONSIDERATION AND AUTHORIZATION TO SELECT A STRUCTURAL ENGINEER FOR THE DESIGN OF THE NECESSARY IMPROVEMENTS TO THE BRIDGE FOR THE SENTRI LANE

Mr. Pete Sepulveda, Department of Transportation Director, recommended that S&B Infrastructure be selected for the design of the improvement to the bridge for the sentri lane since they did the original design, and requested authorization to negotiate.

Upon motion by Commissioner Tamayo, seconded by Commissioner Wood and carried unanimously, the selection of S&B Infrastructure for the design of improvement to the bridge for the sentri lane was approved and contractual negotiation were authorized with the same.

(15) IN THE MATTER REGARDING CONSIDERATION AND AUTHORIZATION FOR CONSTABLE PRECINCT 1 TO IMPLEMENT COST SAVING MEASURES REGARDING RECENTLY ADOPTED EMERGENCY VEHICLE POLICY (TABLED)

Constable Mike Barbarena, Precinct No. 1, expressed concern with the effects of parking law enforcement vehicles. He stated that the Court was restraining law enforcement with the new vehicle policy being implemented. Constable Barbarena stated that he has operated on budget constraints for the past twelve (12) years. Constable Barbarena suggested a ten point system of how to address high fuel prices and save 30% of expenditures, noting that he has \$1966.00 budgeted for gas and that he would not go over budget.

Judge Hinojosa briefed Commissioner Wood as to previous action taken by the Court regarding the Emergency Vehicle Policy that prohibits that county vehicles be taken home by county personnel other than Elected Officials for purposes of dealing with high fuel prices.

Commissioner Wood stated that perhaps the suggestions made by Constable Barbarena should be implemented county wide. He expressed concern with not having law enforcement vehicles in our neighborhoods because he believes that having the vehicles in neighborhoods serves as a crime deterrent. Commissioner Wood stated that the Court has the responsibility to do the budget to provide things but was limited when funding was not available.

Constable Barbarena stated that he was aware of budget constraints and explained that this was why he has not been before the Court to complain about the additional jurisdiction he was give without additional manpower, noting that he only has two (2) officers.

Commissioner Garza stated that Constable Barbarena was proposing a 30% savings and that he would forward them to the Sheriff's Department. He asked what would happen if Constable Barbarena would exceed his budget.

Constable Barbarena guaranteed that he would not exceed his budget, and noted the need to manage the budgets.

Commissioner Garza asked if number eleven of the point system could be that Constable Barbarena would pay for any over expenditures.

Constable Barbarena responded that the Court would donate for any overages, and he thanked Judge Hinojosa for being so hard and caring on his budget because this way he has managed to do without it.

Commissioner Tamayo asked if Constable's jurisdiction would be patrolled in the same manner.

Constable Barbarena responded in the affirmative, and briefed as to the different methods of doing their rounds. He noted that no one in his Office was authorized to use a county vehicle while off duty for personal purposes, adding that this violation was cause for automatic termination within his Office.

Commissioner Benavides agreed with Constable Barbarena and noted that he voted against the policy. He stated that such action was very serious because not having a law enforcement vehicle at all times could be a matter of life of death.

Commissioner Garza questioned when this would occur. He stated that there were county wide patrols from the Sheriff's Department divided within the six (6) districts and that the Constable's Office main function was to operate with the Justice of the Peace although they do patrol. Commissioner Garza stated that most Constable's Office operates from 6:00 a.m. to 7:00 p.m., and that there were Sheriff Deputies patrolling throughout the county at all times.

Constable Barbarena stated that investigators from the Sheriff's Department would not respond to emergency calls if the county vehicle was taken away. He agreed with the need to protect the public without wasting resources.

Judge Hinojosa stated that the Sheriff and the Task Force expressed concern on the matter. He questioned if how overtime and/or comp time issues were addressed.

Patrol Lieutenant Arnold Flores, Sheriff's Department, responded that in most cases the time was flexed off and that documentation was kept.

Judge Hinojosa requested such records to see how many times off duty officers were called to respond to determine the impact being considered. He stated that there were three different issues being presented: 1) if the county was unable to respond in the amount of time that it could because a deputy cannot get to a scene of an

emergency because he does not have a patrol vehicle; 2) whether having patrol vehicle at the deputies' homes creates more secure neighborhoods, depending whether the deputies reside in rural areas; and 3) the cost or regular commute for law enforcement, which in his opinion was the main cause of concern. Judge Hinojosa suggested that if the above concerns were the real issues that concrete information be obtained, and that exemptions be considered to address certain issues. He stated that he would like to implement Constable Barbarena's suggestions once the regular policy goes back into effect. Judge Hinojosa stated that making exemption at this time would create problems at this time.

Commissioner Tamayo explained that she requested number of calls to dispatch during a certain period of time which was not provided to her.

Captain Rinaldo Rodriguez, Sheriff's Department, explained that he did not provide the data because he was provided the wrong information. He stated that on a given day there were forty (40) units in used and the rest of the fleet was parked, thus not incurring any expenses.

Commissioner Tamayo questioned the point being made.

Captain Rodriguez stated that the issue foreseen was the response time.

Commissioner Wood questioned if an exemption was made to the SWAT Team.

Captain Rodriguez responded negatively and explained that the SWAT Team includes more than just the six (6) members.

Judge Hinojosa requested the number of officer called in when off duty and a report on total gas expenditures. He stated that the emergency policy would remain in effect until October 1, 2004.

Mr. Remi Garza, County Administrative Assistant, requested that the information pertaining to calling off duty officer include if they were first responders or back up and support officers.

Judge Hinojosa stated that upon a Department having a problem and it presenting a method to address it and obtaining savings then the Court would examine the best way to address this type of issues in order to save money for the public.

Commissioner Garza suggested that Constable Barbarena's recommendations be examined by all Constables' Offices and the Sheriff's Department and present additions or deletions.

Judge Hinojosa suggested that proposals to reduce gas expenditures that do not compromise security issues be presented to the Court, adding that the Court wanted to work with all Departments. He stated that Deputies could become very upset at the Court; however, they were not responsible for the large deficit at the jail. Judge Hinojosa added that had the said deficit not been incurred perhaps the County would have been able to deal with the high fuel

prices. He stated that cuts must be done where possible and that even upon filling up the two jail facilities by June 1, 2004, as best case scenario, the County would still have a deficit at year end, noting that the Court was not at fault.

Lieutenant Flores stated that the Sheriff's Department could not be compared to a City's Police Department.

Judge Hinojosa responded that the Court could be compared to a City's Council in terms of preparing the budget.

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, this item was **TABLED**, and the Departments were encouraged to use Constable Barbarian's recommendations as templates and to present better recommendations.

Mr. Mark Yates, County Auditor, stated that he would work with the County Administrative Assistant on where the vehicles were to be parked and to check where the vehicles were at the end of the day and would report to the Court.

Commissioner Wood expressed opposition in incurring additional expenditures for such purposes when savings were wanted, and he suggested that the Elected Officials do such task.

Mr. Yates stated that people comply when they know they are being watched.

Commissioner Garza stated that what Mr. Yates did to audit was his business and that the Court could not tell him how to operate his Office.

TRAVEL ITEMS

(16) 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. 1 to attend the "JPCA Annual Convention", in Houston, Texas, June 4-9, 2004; and
- (b) Sheriff's Department Captain to attend a training in Homicide, Equivocal Death, & Cold Case Investigation", in San Antonio, June 14-17, 2004.

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:

ITEM NO. 17: Mr. Mark Yates, County Auditor, presented the following additional late claims including Warrants No. 00117359 through Warrant No. 00117526:

- ITEM NO. 27: Commissioner Wood asked if there had been any flooding problems on this road during the current month.
 Mr. Pete Sepulveda, Department of Transportation Director, responded that the comments on the ditches indicated that they were clean and free flowing. He suggested that this Item be tabled.
 Commissioner Garza questioned who would determine whether added restrictions would be placed on subdivision developers that the county would say "that looks like a flood prone area." He stated that the area was either on a flood prone area or not, and expressed concern with adding another layer or subjective process to subdivision developers.
 Judge Hinojosa noted the need to review the matter, and to have an across the board policy.
 Mr. Sepulveda stated that the matter would be review and that proper recommendation would be presented.
- ITEM NO. 28: Commissioner Garza informed that the work on Marydale Road would address some concerns of the little lady.

Commissioner Tamayo moved that the "Travel and the following Consent Items" be approved, inclusive of the late claims and the Supplemental Travel Items, and that Item No. 27 be **TABLED**.

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

- AYE: Commissioners Benavides, Wood, and Tamayo,
 NAY: None,
 ABSTAIN: Commissioner Garza as to Warrant No. 00117195, payable to The Medicine Shoppe, in the amount of \$6,470.47.

- (17) **APPROVAL OF CLAIMS;**
- (18) **CONSIDERATION AND APPROVAL FOR ALARM SERVICES RENDERED WITHOUT A PURCHASE ORDER BY SECURITY INTERNATIONAL IN THE AMOUNT OF \$112.87;**
- (19) **CONSIDERATION AND AUTHORIZATION TO REFUND TAXES AS AUTHORIZED BY THE CAMERON APPRAISAL DISTRICT AS PER SECTION 25.25 (C) AND SECTION 42.41 OF THE TEXAS PROPERTY TAX CODE TO:**
- | | | | |
|----|-----------------|-------------|------------------|
| A. | ARTURO MARTINEZ | \$4,474.73 | PAYMENT IN ERROR |
| B. | EXECUTIVE INN | \$11,754.14 | CHANGE VALUE |
- (20) **CONSIDERATION AND APPROVAL OF A RESOLUTION OF THE COMMISSIONERS' COURT OF THE COUNTY OF CAMERON, TEXAS IN SUPPORT OF AN APPLICATION FOR FUNDING FROM THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR THE REHABILITATION OF THE BAHIA PALMS APARTMENTS IN RURAL CAMERON COUNTY;**
- (21) **CONSIDERATION AND APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN CAMERON COUNTY AND TEXAS DEPARTMENT OF HEALTH FOR PROFESSIONAL AND TECHNICAL ASSISTANCE;**
- (22) **CONSIDERATION AND AUTHORIZATION TO NEGOTIATE WITH DI STEFANO/SANTOPETRO ARCHITECTS, INC. FOR THE DESIGN OF THE VEHICLE MAINTENANCE FACILITY;**
- (23) **CONSIDERATION AND AUTHORIZATION TO UTILIZE TEDSI TO DESIGN THE PARKING AREAS FOR THE VEHICLE MAINTENANCE FACILITY;**
- (24) **CONSIDERATION AND AUTHORIZATION TO NEGOTIATE WITH DI STEFANO/SANTOPETRO ARCHITECTS, INC. THE DESIGN OF THE LEVI'S BUILDING RENOVATION PROJECT;**

- (25) **CONSIDERATION AND AUTHORIZATION TO SOLICIT REQUEST FOR QUALIFICATIONS FOR ARCHITECTURAL SERVICES FOR THE CAMERON COUNTY ANNEX IN PORT ISABEL, TEXAS;**
- (26) **CONSIDERATION AND APPROVAL OF ADVANCE FUNDING AGREEMENT BETWEEN CAMERON COUNTY AND THE TEXAS DEPARTMENT OF TRANSPORTATION FOR DIXIELAND ROAD;**
- (27) **IN THE MATTER REGARDING CONSIDERATION AND AUTHORIZATION TO ACCEPT LAGUNA SECA ROAD HACIENDA DEL NORTE SUBDIVISION SECTION IV, PRECINCT #2, INTO THE COUNTY ROAD SYSTEM; (TABLED)**
- (28) **CONSIDERATION AND AUTHORIZATION TO ALLOW CANTU FENCE COMPANY TO RE-INSTALL EXISTING FENCE, AND INSTALL A NEW 6 FOOT CHAIN LINK FENCE AS PART OF THE COST REPLACE THE BRIDGE AT MARYDALE ROAD; AND**
- (29) **CONSIDERATION AND AUTHORIZATION TO ACCEPT A TWENTY (20) FOOT WIDE DRAINAGE EASEMENT OUT OF THE CAMERON PARK RECREATION CENTER SUBDIVISION DRAINAGE PROJECT, OUT OF LOT 2, BLOCK 1.**

TRAVEL ITEMS

(NO DIRECT COST TO GENERAL FUND)

- (30) **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) District Clerk and five (5) Deputy District Clerks to attend the "County and District Clerks' 109th Annual State Conference", in Del Lago, Texas, June 26-July 1, 2004; and
 - (b) Five (4) Health Department Employees to attend the "Southwest Conference on Diseases in Nature Transmissible to Man", in Austin, Texas, June 1-4, 2004.

SUPPLEMENTAL TRAVEL ITEMS

- (1) **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) Three (3) Tax Office Employees to attend "Course #1 (Introduction to the Texas Property Tax System), in Edinburg, Texas, June 7- 11, 2004; and
 - (b) Justice of the Peace Precinct No. 3, Place No. 1 to attend an "18 Hour Court Personnel Seminar", in San Antonio, Texas, April 26-28, 2004.
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EXECUTIVE SESSION

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

(31) EXECUTIVE SESSION:

- (a) Confer With Commissioners' Court Legal Counsel Concerning Belinda Mata Vs. Cameron County Health Department, Cause No. 2004-05-2555-D In The 103rd Judicial District Court, Pursuant To V.T.C.A. Government Code, Section 551.071(1)(A).
- (b) Confer With Commissioners' Court Legal Counsel Concerning Pending Litigation Involving George L. Garcia Vs. Rumaldo Rodriguez In The 138th District Court; Cause No. 2004-03-1575-B, Pursuant To V.T.C.A. Government Code, Section 551.071(1)(A).
- (c) Confer With Commissioners' Court Legal Counsel Concerning Gilbert Salazar Vs. Cameron County And Conrado Cantu In His Official And Individual Capacity In The 103rd District Court; Cause No. 02-12-5172-D, For Possible Settlement, Pursuant To V.T.C.A. Government Code, Section 551.071(1)(B).
- (d) Confer With Commissioners' Court Legal Counsel Concerning Cameron County Vs. Faulkner, Usa Formerly Known As Landmark, Pursuant To V.T.C.A. Government Code, Section 551.071(1)(A)&(2).
- (e) Confer With Commissioners' Court Legal Counsel Concerning Issues Regarding The Cameron County Detention Centers, Pursuant To V.T.C.A. Government Code, Section 551.071(2).
- (f) Deliberation Regarding Real Property Regarding An Offer To Purchase Lots 626 And 627 Block 24, Colonia Victoria, From The County Pursuant To V.T.C.A. Government Code, Section 551.072.
- (g) Deliberation Regarding Real Property Concerning The Acquisition Of Property In The Laguna Madre Area For A County Annex In Port Isabel, Pursuant To V.T.C.A. Government Code, Section 551.072.
- (h) Confer With Commissioners' Court Legal Counsel Regarding Claim By Mata, Villarreal And Associates, Pursuant To V.T.C.A. Government Code, Section 551.071(1)(B).
- (i) Deliberation Regarding Real Property Concerning Concession And Leases On Property In Isla Blanca Park, Andy Bowie Park, Ak Atwood Park, And County Property On South Padre Island, Pursuant To V.T.C.A. Government Code, Section 551.072.
- (j) Deliberation Regarding Real Property Concerning The Possible Sale Of Certain County Properties In Harlingen, San Benito, And Brownsville, Pursuant To V.T.C.A. Government Code, Section 551.072.

Commissioner Wood moved that the Court reconvened into Regular Session at 12:58 P.M. to discuss the following matters:

The motion was seconded by Commissioner Garza.

At this time the motion to reconvene into Regular Session was withdrawn and the Court continued in Executive Session.

Upon motion by Commissioner Wood, seconded by Commissioner Garza and carried unanimously, the Court reconvened in Regular Session at 1:20 P.M. to discuss the following matters:

NOTE: Judge Hinojosa and Commissioner Tamayo left the meeting at this time.

(32) ACTION RELATIVE TO EXECUTIVE SESSION:

- (a) Confer with Commissioners' Court Legal Counsel concerning Belinda Mata versus Cameron County Health Department, Cause No. 2004-05-2555-D in the 103rd Judicial District Court.**

Commissioner Garza moved that the Civil Legal Division be authorized to represent the county and that the expenditure of \$150.00 be authorized for removal of the Federal Court.

The motion was seconded by Commissioner Wood and carried unanimously.

- (b) Confer with Commissioners' Court Legal Counsel concerning pending litigation involving George L. Garcia versus Rumaldo Rodriguez in the 138th District Court; Cause No. 2004-03-1575-B.**

Upon motion by Commissioner Wood, seconded by Commissioner Garza and carried unanimously, the Status Report by Mr. Doug Wright, Commissioners' Court Legal Counsel, was acknowledged.

- (c) Confer with Commissioners' Court Legal Counsel concerning Gilbert Salazar versus Cameron County and Conrado Cantu in his Official and individual capacity in the 103rd District Court; Cause No. 02-12-5172-D, for possible settlement.**

Commissioner Garza moved that the settlement in accordance with the Attorney Agreement dated May 20th, 2004 be approved.

The motion was seconded by Commissioner Wood and carried unanimously.

- (d) Confer with Commissioners' Court Legal Counsel concerning Cameron County versus Faulkner, USA formerly known as Landmark.**

Upon motion by Commissioner Garza, seconded by Commissioner Wood and carried unanimously, the Status Report was acknowledged and the payment of \$6,222.00 to Thorewall was authorized.

- (e) Confer with Commissioners' Court Legal Counsel concerning issues regarding the Cameron County Detention Centers.**

Commissioner Wood moved that the issuance of a Purchase Order, in the amount of \$30,000.00, for the installation of a fire detection system through August and the installation of electronics necessary for a pedestrian gate at the Carrizales/Rucker Detention Facility at a cost not to exceed \$4,000.00 be authorized.

The motion was seconded by Commissioner Garza and carried unanimously.

(f) Deliberation regarding Real Property regarding an offer to purchase Lots 626 and 627 Block 24, Colonia Victoria, from the County.

Upon motion by Commissioner Wood, seconded by Commissioner Garza and carried unanimously, the Status Report was acknowledged, and negotiations were authorized pursuant to the terms discussed in Executive Session.

(g) Deliberation regarding Real Property concerning the acquisition of property in the Laguna Madre area for a County Annex in Port Isabel.

Commissioner Garza moved that the Status Report be acknowledged.

The motion was seconded by Commissioner Wood and carried unanimously.

(h) Confer with Commissioners' Court Legal Counsel regarding Claim by Mata, Villarreal and Associates.

Upon motion by Commissioner Wood, seconded by Commissioner Garza and carried unanimously, the payment in the amount of \$7,200.00 was authorized.

(i) Deliberation regarding Real Property concerning Concession and Leases on property in Isla Blanca Park, Andy Bowie Park, ak Atwood Park, and County Property on South Padre Island.

Commissioner Wood moved that the Status Report be acknowledged.

The motion was seconded by Commissioner Garza and carried unanimously.

(j) Deliberation regarding Real Property concerning the possible sale of certain County properties in Harlingen, San Benito, and Brownsville.

Commissioner Garza moved that negotiation with Realtor to come up with plan to dispose of those surplus properties be authorized, and that appraisals be authorized with the firm that has been doing work with the County.

The motion was seconded by Commissioner Wood and carried unanimously.

There being no further business to come before the Court, upon motion by Commissioner Wood, seconded by Commissioner Garza and carried unanimously, the meeting was **ADJOURNED** at 1:23 P.M.

APPROVED this 20th day of **July 2004**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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