

THE STATE OF TEXAS           §

COUNTY OF CAMERON         §

**BE IT REMEMBERED** on the 31<sup>st</sup> day of August 2004, there was conducted a **REGULAR Meeting of the Honorable Commissioners’ Court of Cameron County, Texas, at the Courthouse thereof, in the City of Brownsville, Texas, for the purpose of transacting any and all business that may lawfully be brought before the same.**

**THE COURT MET AT:**

**PRESENT:**

**9:30 A.M.**

**GILBERTO HINOJOSA**  
**COUNTY JUDGE**

**PEDRO “PETE” BENAVIDES**  
**COMMISSIONER PRECINCT NO. 1**

**JOHN WOOD**  
**COMMISSIONER PRECINCT NO. 2**

**DAVID A. GARZA**  
**COMMISSIONER, PRECINCT NO. 3**

**EDNA TAMAYO**  
**COMMISSIONER, PRECINCT NO. 4**

**JOE G. RIVERA**  
**COUNTY CLERK**

**Mary Robles                     Deputy Clerk**

**ABSENT:**  
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The meeting was called to order by Judge Pro-tem Pedro “Pete” Benavides at 10:10A.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 August 27, 2004, at 3:22 P.M.:

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**(1) PUBLIC COMMENTS**

Mrs. Denise Delgado and Mr. Jose Lored Sr., Brownsville residents, read a statement regarding an incident that occurred to their son, Jose Luis Lored, 35 year old, where he was repeatedly beaten on the head beyond recognition by inmates at the Carrizalez-Rucker Detention Center on Aug 14, 2004. She expressed concern with not receiving information from Officials as to details of when and why the incident occurred and with not being notified until Sunday. Mrs. Delgado explained that her son was in a comma at Valley Regional Medical Center and that according to the physicians they were unable to intervene until the swelling decreases, noting that lapsed time between the assault and when he arrived at the hospital was a big factor towards his recovery. She stated that the doctors indicated that her son's recovery was possible but gave little guarantee on his condition after leaving the hospital. Mrs. Delgado stated that her son was once a productive member of society, as a surgical tech, until drugs took over his life. She requested that the Court discuss the following: the financial responsibility towards medical expenses for her son's care; conducting an independent investigation of the events to determine when and who attacked her son; and presenting a written response from the Court, adding that the investigation could possibly prevent other events such as her son's assault.

Mr. Jose Lored Sr., regretted that the County Judge, was not present and requested that the Court respond to their concern. He indicated that at this time they did not know if their son would survive.

Mr. Doug Wright, Commissioners' Court Legal Counsel, explained that the Commissioners could not respond to public comments; however, the issue was on the agenda for Executive Session and he would provide a response to the family as soon as possible.

Commissioner Benavides apologized for the County Judge's absence.

At this time, Mr. Dagoberto Barrera, a Brownsville resident, commented that the Texas Southmost College Board would freeze taxes for the elderly and disabled, that the Los Fresnos Consolidated School District would consider freezing taxes for the elderly and disabled and requested that the County consider doing the same. He expressed concern with taxes affecting people on fixed incomes, and commented that our founding fathers would turn in their graves if they saw how residents are being taxed repeatedly.

Mr. Javier Mendez, Parks System Director, informed that the Trails Grants for Laguna Heights was approved, yet the Texas Parks & Wildlife did reduce the budget. He explained that the restrooms were eliminated; totaling \$50,000.00, County's match being 10% of that, noting that the restrooms would be needed regardless. Mr.

Mendez acknowledged and thanked staff from the Public Works Department for their hard work at Browne Park and invited the Court to visit.

Commissioner Benavides noted the need to accommodate a resident needing access to his property.

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(14) **CONSIDERATION AND ACTION REGARDING THE AGREEMENT BETWEEN CAMERON COUNTY AND THE CAMERON COUNTY EMERGENCY COMMUNICATION DISTRICT FOR THE IMPLEMENTATION OF THE CAMERON COUNTY PUBLIC SAFETY RADIO COMMUNICATION SYSTEM**

Commissioner Garza questioned where the agreement was.

Mr. Tom Hushen, Emergency Response Officer, explained that there was no agreement and requested authorization to negotiate. He explained that grant funds would not be available for the staff needed throughout the implementation process of the project, adding that the \$3 million worth of equipment approved must be monitored, tagged, and inventoried. Mr. Hushen stated that it was very promising that the 911 Board may be willing to award \$50,000.00 for staff for implementation of the process, adding that he would meet with them September 23, 2004 and that the agreement would be presented before the Court for approval in the future.

Commissioner Garza moved that negotiations regarding the agreement between Cameron County and the Cameron County Emergency Communication District for the implementation of the Cameron County Public Safety Radio Communication System be authorized.

The motion was seconded by Commissioner Wood and carried unanimously.

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(15) **CONSIDERATION AND POSSIBLE ACTION RELATED TO THE DEVELOPMENT OF THE PROPOSED BOYS AND GIRLS CLUB OF SANTA ROSA PARK**

Mr. Javier Mendez, Parks System Director, requested direction as to the funding source for the remainder of this project. He stated that in speaking with Mrs. Grace Salinas, County Judge's Office, he understood that Mr. Marcelino Ibarra, Building Maintenance Superintendent, would do some of the work, yet the value of his work remains unavailable because preliminary plans were not finalized. Mr. Mendez noted the need to determine the cost per square footage based on the 5,808 square feet of the facility and stated that Gomez, Mendez, Saenz provided an estimated cost of \$75.00 per square foot.

Commissioner Garza asked what was being proposed for construction with that amount of money.

Mr. Mendez responded that the Boys & Girls Club unit was being proposed. He stated that Mrs. Salinas applied for a HUD Grant in the amount of \$223,000.00 and that they were trying to determine the difference and whether to proceed with the hiring of an architect.

Commissioner Tamayo asked if the \$223,000.00 was the original amount applied for.

Mrs. Grace Salinas, County Judge's Offices, responded negatively and explained that originally the application was for \$1.2 million, yet only \$223,000.00 was awarded to the County from Congressional District. She stated that the building was a small frame which meets requirements of the Boys & Girls Club and has a capacity for about 200 persons. Mrs. Salinas stated that preliminary costs relating to architectural, engineering, and inspection services, landscaping, advertising, and furniture and fixtures and equipment were included, that being \$548,000.00 and \$85,000.00 for operations, totaling \$633,038.00. She clarified that the county's share would be \$225,000.00, excluding the gymnasium and the work to be done in-house, noting that all figures were merely preliminary costs. Mrs. Salinas informed that the Harlingen Boys & Girls Club agreed to assist in operating the center for the next 5 years and that commitments from the City of Santa Rosa and its school district to assist with \$25,000.00 each result in the County's share to be \$35,000.00 of the \$85,000.00. She stated that hiring of an architect was needed to proceed, and suggested that the Court consider phasing the project, adding that she was seeking other funding sources for the project.

Commissioner Wood questioned what would be done after the five (5) year term agreed upon by the Harlingen Boys & Girls Club agreed to assist. He noted the need for the agreement to be a long term.

Commissioner Tamayo explained that negotiations have been taken place and that a transition could occur.

Mrs. Salinas stated that many Boys & Girls Clubs lack the infrastructure needed to build these projects.

Commissioner Garza commented that the awarded amount should have been higher since operation costs were included. He added that the Court could anticipate other entities requesting participation of the county regarding recreational services throughout the county.

Mr. Mendez requested authorization to hire an architect or to extend the contract with Gomez, Mendez, Saenz in order to expedite the project.

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, contractual negotiations with Gomez, Mendez, Saenz, for the development of the proposed Boys & Girls Club in Santa Rosa were authorized.

**(3) PRESENTATION OF RESOLUTION RECOGNIZING  
MR. SANTIAGO YBARRA, JR. ON THE OCCASION  
OF HIS RETIREMENT**

At this time, Judge Pro-tem Benavides read and presented Mr. Santiago Ybarra, Jr., with a Resolution recognizing the occasion of his retirement.

Mr. Santiago Ybarra, Jr., County employee, thanked the Court for the recognition and dedicated the Resolution to his father.

**The Resolution is as follows:**

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(2) **PRESENTATION BY LINEBARGER GOGGAN BLAIR  
& SAMPSON REGARDING THE DELINQUENT TAX  
ACTIVITY REPORT**

Mrs. Lucy Canales, Linebarger Goggan Blair & Sampson Partner, presented and highlighted the Delinquent Tax Activity Report.

Upon motion by Commissioner Tamayo, seconded by Commissioner Wood and carried unanimously, the Presentation by Linebarger Goggan Blair & Sampson regarding the Delinquent Tax Activity Report was acknowledged.

**The Report is as follows:**

## **ACTION ITEMS**

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

Commissioner Garza questioned if the description of the account from where a transfer was being made from was not indicated.

Mr. Xavier Villarreal, Budget Officer, responded that the transfers were from within the same departments, except for one from County Court at Law No. 2.

Commissioner Garza requested that Mr. Villarreal emphasize to what department funds were being transferred into. He asked if funds were left within General Administration Travel.

Mr. Villarreal explained that the Court took action to sweep all travel monies from General Fund into General Administration. He explained that County dues and memberships along with other contracts or activities not specific to a department were paid out of General Administration.

Commissioner Garza asked if General Administration had line items available.

Mr. Villarreal explained that the line items were not available previously but were available today and that at this time he had no other place to take funds to pay outstanding invoices for legal services for Civil Division.

Commissioner Garza suggested that Mr. Villarreal seek funds within the Budget of Sheriff's Department. He stated that the intent to move travel funds into General Administration was to potentially accumulate savings rather than to pay off problems.

Mr. Villarreal stated that at this point there were not sufficient funds within the Sheriff's Department to pay outstanding invoices for legal services.

#### **NOTE: COMMISSIONER TAMAYO STEPPED OUT AT THIS TIME.**

Commissioner Garza stated that in his opinion these funds were being used towards professional services.

Mr. Villarreal explained that the request was to pay for legal services already provided to the County since sufficient funds were not available within Civil Division, thus he felt it was more justifiable to look within other General Administration to fund said services.

Commissioner Wood moved that the Budget Amendments, Line Item Transfers and/or Salary Schedules be approved.

The motion was seconded by Judge Pro-tem Benavides and carried as follows:

AYE: Commissioners Benavides and Wood,

NAY: Commissioner Garza.

#### **NOTE: COMMISSIONER TAMAYO RETURNED AT THIS TIME.**

**The Report is as follows:**

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- (4) **APPROVAL OF MINUTES FOR:**  
(A) **JUNE 15, 2004- REGULAR MEETING**  
(B) **JUNE 22, 2004- REGULAR MEETING**  
(C) **JUNE 29, 2004-SPECIAL MEETING**  
(D) **JULY 6, 2004-SPECIAL MEETING**

Upon motion by Commissioner Wood, seconded by Commissioner Garza and carried unanimously, the Minutes of the Regular Meetings held June 15 and 22, 2004 and of the Special Meetings held June 29, 2004, and July 6, 2004, were approved.

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- (8) **CONSIDERATION AND AUTHORIZATION FOR CAMERON COUNTY TO JOIN THE TEXAS FEDERATION OF HUMANE SOCIETIES**

Commissioner Tamayo moved that Cameron County be authorized to join the Texas Federation of Humane Societies.

The motion was seconded by Wood and carried unanimously.

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- (9) **CONSIDERATION AND POSSIBLE APPROVAL TO ALLOW UNIVERSITY OF TEXAS-BROWNSVILLE CRIMINAL JUSTICE INTERNS TO VOLUNTEER 120 HOURS TOWARDS SENIOR CREDITS AT DETENTION CENTER I**

Mr. Mike Leinart, Federal Detention Center Director, informed that approval of this item would allow approximately six (6) seniors per semester to do their internship at the Federal Detention Center at no cost to the County, other than provision of the background check and TB test.

Commissioner Wood asked if Mr. Leinart could quantify the amount of money that this project would cost if the students were being paid and if the Auditor could echo the cost onto jail operation cost figures.

Mr. Leinart responded that said figures could were not calculated and that the students would be working under grants.

Commissioner Tamayo questioned the county's liability as to the students.

Mr. Doug Wright, Commissioners' Court Legal Counsel, stated that release of liability forms were available since the county has worked with the university in the past.

Commissioner Garza asked if approval was needed from Sheriff since he was ultimately in charge.

A Cameron County Sheriff Deputy indicated that the Sheriff was okay with the program.

Mr. Mark Yates, County Auditor, requested and recommended that the volunteers be treated as none exempt county employees in order to better document time.

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the request to allow the University of Texas-Brownsville Criminal Justice Interns to volunteer 120 hours towards senior credits at Detention Center I was authorized.

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(12) **CONSIDERATION AND ADOPTION OF A RESOLUTION APPROVING THE RELOCATION OF THE RIO GRANDE VALLEY HEALTH SERVICES DISTRICT HEALTH CARE FACILITY TO THE LAW ENFORCEMENT COUNTY COMPLEX IN OLMITO, TEXAS**

Mr. Remi Garza, Assistant County Administrator, reported that the Department of Health determined that there was a possibility that the language could allow the change of relocation of the clinic to Brownsville. He stated that both the Department of Health and the Health Service District Board were looking into that possibility; therefore, the HSD Board was requesting a Resolution from Cameron County to offer the property in Olmito for the same purpose, noting that the property would have to be transferred to State. Mr. Garza explained that the Resolution indicates the Court was in favor of the relocation of the clinic to the Olmito site, which was centrally located and allows the City of Brownsville's public transit system to service the facility.

Commissioner Garza asked if other alternative should be considered.

Commissioner Wood clarified that County was merely offering the HSD use of the land.

Mr. Garza stated that the Bonds were approved and that much ground work was done when the property was being proposed for the Veterans Hospital.

Commissioner Wood moved that the Resolution approving the Relocation of the Rio Grande Valley Health Services District Health Care Facility to the Law Enforcement County Complex in Olmito, Texas, be adopted.

The motion was seconded by Commissioner Tamayo and carried unanimously.

**The Resolution is as follows:**

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(13) **CONSIDERATION AND AUTHORIZATION TO ORDER THE NOVEMBER 2, 2004 ELECTION FOR THE PURPOSE OF ELECTING COUNTY AND PRECINCT OFFICERS AS REQUIRED BY ARTICLE XVI, SECTION 65 OF THE TEXAS CONSTITUTION**

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the November 2, 2004, Election was ordered for purposes of Electing County and Precinct Officers as required by Article XVI, Section 65 of the Texas Constitution.

**The Order is as follows:**

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**NOTE: JUDGE HINOJOSA JOINED THE MEETING AT THIS TIME.**

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- (16) CONSIDERATION AND POSSIBLE AUTHORIZATION TO ALLOW THE CAMERON COUNTY PARK SYSTEM TO AWARD BID TO MCCOY'S LUMBER FOR BUILDING MATERIALS FOR THE CONSTRUCTION OF THE CABANAS IN ISLA BLANCA PARK IN THE AMOUNT GREATER THAN \$15,000.00, BUT LESS THAN \$25,000.00**

Commissioner Tamayo moved that the Cameron County Parks System be authorized to award bid to McCoy's Lumber or building materials for construction of the Cabanas in Isla Blanca Park in the amount greater than \$15,000.00 but less than \$25,000.00.

The motion was seconded by Commissioner Wood and carried unanimously.

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- (17) CONSIDERATION AND AUTHORIZATION TO AWARD INFORMAL BID TO DOOLEY TACKABERRY TO PURCHASE SCOTT AIR PACKS WITH CABINETS FOR THE COUNTY JAIL IN THE AMOUNT GREATER THAN \$15,000.00 BUT LESS THAN \$25,000.00**

Mr. Agustin Rivera, Sheriff's Department, explained that Scott Air Packs were needed for all jail systems.

Judge Hinojosa asked if funding was available.

Mr. Xavier Villarreal, Budget Officer, stated that funding for the equipment was included within renovations of the county jail.

Upon motion by Commissioner Wood, seconded by Commissioner Tamayo and carried unanimously, the awarding of informal bid to Dooley Tackaberry to purchase Scott Air Packs with cabinets for the county jail in the amount greater than \$15,000.00 but less than \$25,000.00

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**(18) CONSIDERATION AND APPROVAL OF SUPPLEMENTAL AGREEMENT 2 TO AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN CAMERON COUNTY AND S & B INFRASTRUCTURE, LTD**

Commissioner Tamayo questioned how this would differ from before and expressed concern with a statement made in the agreement.

Mr. Pete Sepulveda, Department of Transportation Director, explained that the idea was to remove the GEC Duties from S&B Infrastructure and that the three (3) firms would continue in place, but would now report to the County. He stated that first page of the agreement indicates “The owner shall assign and direct the various engineer work tasks to the members of the project team” and noted that the members of the project team would not change.

Judge Hinojosa clarified that the amendment was made as a result of sentiments expressed by the Court.

Commissioner Tamayo expressed concern with the wording and noted the need to carryout the Court’s intent.

Commissioner Garza expressed concern with changes to the fee schedule, except for elimination of the 1.5%.

Mr. Sepulveda explained that during Phase I of Proposition II the County was limited as to material testing needed because of the percentage in place and that it was determined that if the agreement would be revised then 1% would be taken and distributed towards special services and design and engineering at the 11% rate.

Commissioner Garza stated that he has not heard that the planning and design of construction projects were short on any projects as far as the 7.4%. He asked if there has been a project where the percentage has not been enough for the request.

Mr. Sepulveda responded negatively. He explained that the three (3) firms were in agreement with the change of the percentage and that he was merely trying to stay within the rate that was in place during the first call.

Commissioner Tamayo stated that the changes would result in S&B Infrastructure would do less work.

Mr. Sepulveda agreed and explained that the three (3) firms would now have the .5% for the General Project Management.

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the Supplemental Agreement No. 2 for professional services between Cameron County and S&B Infrastructure, Ltd., was approved.

**The Agreement is as follows:**

## TRAVEL ITEMS

**(19) CONSIDERATIONS AND AUTHORIZATION TO TRAVEL/OR APPROVAL OF TRAVEL EXPENSE FOR THE FOLLOWING (PLEASE NOTE: TRAVEL REQUESTS ARE SUBJECT TO ALL APPLICABLE COUNTY POLICIES):**

ITEM NO. 20: Mr. Mark Yates, County Auditor, presented a list of late claims beginning from Warrant No. 00123108 through Warrant No. 00123131.

ITEM NO. 23: Ms. Veronica De La Fuente, County Judge's Office, requested that this item be tabled.

ITEM NO. 35: Mr. Pete Sepulveda, Department of Transportation Director, requested that action on this item be deferred until after Executive Session.

ITEM NO. 28: Judge Hinojosa requested that this item be tabled.

ITEM NO. 19-b: Commissioner Garza questioned why Mr. Remi Garza, Assistant County Administrator, was to attend this travel.

Judge Hinojosa clarified that Judge Murray requested that Mr. Garza attend the travel because he believes that the procedure used in Harris County could expedite the Judicial Process, plus noted that his Office has coordinated the efforts to minimize the inmate population.

Commissioner Garza noted the need for the Court to not interfere with a process on which it has no legal jurisdiction. He asked if it would be more appropriate to view another county that has similar numbers.

Judge Hinojosa explained that Judge Murray indicated that Harris County has implemented a much innovated system that he has not seen elsewhere in the State. He reiterated that Judge Murray recommended that Mr. Garza travel to view the system.

Commissioner Tamayo moved that the "Travel and Consent Items" be approved, inclusive of the late claims and with exception of Item No. 35, and that Items No. 23 and 28 be **TABLED**.

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

AYE: Commissioners Benavides, Wood, Garza, and Tamayo,

NAY: None,

ABSTAIN: Judge Hinojosa as to Warrant No. 00122539, payable to Laguna Madre Water District, in the amount of \$1,902.38, and Commissioner Garza as to Warrant No. 00122567, payable to The Medicine Shoppe, in the amount of \$2,532.71.

(A) 197<sup>th</sup> District Judge to attend the "Judge's Judicial Conference", in Dallas, Texas, September 12-15, 2004; and

(B) County Judge Assistant Administrator to tour Harris County District Attorney Intake and Grand Jury Process, in Houston, Texas, September 29, 2004.

## **CONSENT ITEMS**

**ALL ITEMS UNDER THE CONSENT AGENDA ARE HEARD COLLECTIVELY UNLESS OPPOSITION IS PRESENTED, IN WHICH CASE THE CONTESTED ITEM WILL BE CONSIDERED, DISCUSSED, AND APPROPRIATE ACTION TAKEN SEPARATELY.**

- (20) APPROVAL OF CLAIMS;  
The list and Affidavits follows:**
- (21) POSSIBLE APPROVAL OF CONTRACT FOR LEGAL SERVICES WITH NATHANIEL C. PEREZ, JR. TO PROVIDE LEGAL REPRESENTATION TO THE INDIGENT DEFENDANTS OF THE 107<sup>TH</sup> JUDICIAL DISTRICT COURT;  
The contract follows:**
- (22) APPOINTMENT OF MICHAEL SEIFERT AND GUSTAVO STERN, M.D. TO THE RIO GRANDE VALLEY HEALTH SERVICES DISTRICT BOARD;**
- (23) IN THE MATTER REGARDING APPROVAL OF RESOLUTION TO APPROACH THE LEGISLATIVE BRANCH OF THE FEDERAL GOVERNMENT TO MODIFY CERTAIN LAWS WHICH INCLUDE BENEFITS TO THE EMERGENCY RESPONSE PERSONNEL AND/OR THEIR HEIRS AS A RESULT OF PERFORMANCE OF DUTIES DURING INTERNATIONAL RESPONSE; (TABLED)**
- (24) AUTHORIZATION FOR THE CAMERON COUNTY JUVENILE PROBATION DEPARTMENT TO SUBMIT AN AMENDED GRANT APPLICATION TO THE STATE OF TEXAS OFFICE OF THE GOVERNOR;  
The application follows:**
- (25) CONSIDERATION AND ACTION FOR THE APPOINTMENT OF OMAR LUCIO RESERVE DEPUTY CONSTABLES FOR PRECINCT #6 IN COMPLIANCE WITH THE FINDING THAT IT IS NECESSARY TO APPOINT THE DEPUTY IN ORDER TO PROPERLY HANDLE THE BUSINESS OF THE CONSTABLE'S OFFICE THAT ORIGINATES IN THE CONSTABLE'S PRECINCT AND THAT THE APPOINTMENT IS VALID ONLY THROUGH THE END OF THE FISCAL YEAR IN WHICH THE APPOINTMENT IS MADE OR THE CURRENT TERM OF THE ELECTED CONSTABLE WHICH EVER ENDS SOONER;**
- (26) APPOINTMENT OF DANIEL CHAVEZ FROM RESERVE DEPUTY CONSTABLE FOR PRECINCT #3 IN COMPLIANCE WITH THE FINDING THAT IT IS NECESSARY TO APPOINT THE DEPUTY IN ORDER TO PROPERLY HANDLE THE BUSINESS OF THE CONSTABLE'S OFFICE THAT ORIGINATES IN THE CONSTABLE'S PRECINCT AND THAT THE APPOINTMENT IS VALID ONLY THROUGH THE END OF THE FISCAL YEAR IN WHICH THE APPOINTMENT IS MADE OR THE CURRENT TERM OF THE ELECTED CONSTABLE WHICH EVER ENDS SOONER;**
- (27) AUTHORIZATION TO FILL THREE (3) VACANCIES IN THE CAMERON COUNTY TAX ASSESSOR-COLLECTOR'S OFFICE;**
- (28) IN THE MATTER REGARDING AUTHORIZATION TO FILL PROGRAMMER VACANCY IN THE CAMERON COUNTY COMPUTER CENTER; (TABLED)**
- (29) AUTHORIZATION TO HIRE ONE (1) MEDICATION AIDE FOR THE JAIL INFIRMARY;**
- (30) CONTRACT BETWEEN CAMERON COUNTY AND RIO HONDO INDEPENDENT SCHOOL DISTRICT TO PROVIDE WOMEN, INFANTS, AND CHILDREN (WIC) PROGRAM SERVICES;  
The contract follows:**

- (31) APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN CAMERON COUNTY HEALTH DEPARTMENT WIC PROGRAM AND NEIGHBORS IN NEED OF SERVICES, INC. HEAD START PROGRAM (NINOS) FOR THE PURPOSE OF INSURING COORDINATION OF PROGRAM OPERATIONS;  
The MOU follows:
- (32) APPROVAL FOR RENEWAL OF LEASE AGREEMENT BETWEEN CAMERON COUNTY AND OUR HEAVENLY FATHER CHURCH TO RENT SPACE FOR WIC PROGRAM SERVICES;  
The Agreement follows:
- (33) CONSIDERATION AND AUTHORIZATION TO OPEN THE FOLLOWING BIDS/RFP'S/RFQ FOR:  
A. FARM LAND LEASE – BID NO. 1477-12
- (34) CONSIDERATION AND AUTHORIZATION TO REJECT AND RE-ADVERTISE THE FOLLOWING BIDS/RFP/RFQ FOR:  
A. FUEL-ANNUAL BID NO. 2280-1
- (35) IN THE MATTER REGARDING AUTHORIZATION FOR A VARIANCE ON UNCOMFORTING PLAT OF DEL REY ESTATES SUBDIVISION, PRECINCT 3. (ACTION TAKEN SEPARATELY)

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**TRAVEL ITEMS**  
**(NO DIRECT COST TO GENERAL FUND)**

- (36) 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) Two (2) Juvenile Probation Employees to attend "Texas Juvenile Probation Commission's 2<sup>nd</sup> Annual Data Coordinators Workshop", in San Antonio, Texas, September 15-16, 2004; and
- (B) Six (6) Health Department Employees to attend the "2<sup>nd</sup> Annual Hidalgo & Starr Case Management Coalition Conference", in South Padre Island, Texas, September 10, 2004.
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- (20) APPROVAL OF CLAIMS.**  
**The list and Affidavits are as follows:**

- (21) **POSSIBLE APPROVAL OF CONTRACT FOR LEGAL SERVICES WITH NATHANIEL C. PEREZ, JR. TO PROVIDE LEGAL REPRESENTATION TO THE INDIGENT DEFENDANTS OF THE 107<sup>TH</sup> JUDICIAL DISTRICT COURT.**  
**The contract is as follows:**

- (24) AUTHORIZATION FOR THE CAMERON COUNTY JUVENILE PROBATION DEPARTMENT TO SUBMIT AN AMENDED GRANT APPLICATION TO THE STATE OF TEXAS OFFICE OF THE GOVERNOR.  
The application is as follows:**

- (30) CONTRACT BETWEEN CAMERON COUNTY AND RIO HONDO INDEPENDENT SCHOOL DISTRICT TO PROVIDE WOMEN, INFANTS, AND CHILDREN (WIC) PROGRAM SERVICES.  
The contract is as follows:**

- (31) APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN CAMERON COUNTY HEALTH DEPARTMENT WIC PROGRAM AND NEIGHBORS IN NEED OF SERVICES, INC. HEAD START PROGRAM (NINOS) FOR THE PURPOSE OF INSURING COORDINATION OF PROGRAM OPERATIONS.  
The MOU is as follows:**

- (32) **APPROVAL FOR RENEWAL OF LEASE AGREEMENT BETWEEN CAMERON COUNTY AND OUR HEAVENLY FATHER CHURCH TO RENT SPACE FOR WIC PROGRAM SERVICES.**  
**The Agreement is as follows:**

## **EXECUTIVE SESSION**

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the Court met in Executive Session at 11:38 A.M., to discuss the following matters:

**(33) EXECUTIVE SESSION:**

- (A) Confer with Commissioners' Court Legal Counsel concerning issues regarding the Cameron County Detention Centers and the Cameron County Sheriff's Administration Building; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(2);
- (B) Confer with Commissioners' Court Legal Counsel concerning Cameron County versus Faulkner, USA formerly known as Landmark; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A)&(2);
- (C) Confer with Commissioners' Court Legal Counsel concerning discussion on Public Official and Law Enforcement Liability Coverage for litigation, in which the duty of the attorney to the Governmental Body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings act; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(2);
- (D) Confer with Commissioners' Court Legal Counsel concerning issues regarding a subdivision on which the duties of the attorney to the Governmental Body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(2) and 551.072;
- (E) Confer with Commissioners' Court Legal Counsel concerning contract for collection for delinquent taxes with Linebarger, Goggan, Blair & Sampson, LLP; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(2);
- (F) Confer with Commissioners' Court Legal Counsel concerning possible contract with University of Texas Medical Branch of Galveston to provide medical services to the County Jail System; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(2);
- (G) Confer with Commissioners' Court Legal Counsel concerning claim of Jose Loreda, Jr. concerning medical and hospitalization expense and further medical care in which the duty of the Attorney to the Governmental Body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(2); and
- (H) Deliberation regarding Real Property concerning the use of the flats next to the South Padre Island Convention Centre; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072.

Upon motion by Commissioner Tamayo, seconded by Commissioner Wood and carried unanimously, the Court reconvened into Regular Session at 1:04 P.M., to discuss the following matters:

**(34) ACTION RELATIVE TO EXECUTIVE SESSION:**

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

Commissioner Wood moved that the County Auditor's Office be authorized to purchase surveillance cameras for Detention Center II through Superior Alarms, that the existence of an emergency be declared to purchase the same without the necessity of going through the bidding process, that the total cost be \$45,000.00, and that bids be solicited for surveillance cameras for the Old County Jail.

The motion was seconded by Commissioner Garza and carried unanimously.

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

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

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**(C) In the matter regarding confer with Commissioners' Court Legal Counsel concerning discussion on Public Official and Law Enforcement Liability Coverage for litigation, in which the duty of the attorney to the Governmental Body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act. (TABLED)**

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

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**(D) Confer with Commissioners' Court Legal Counsel concerning issues regarding a subdivision on which the duties of the attorney to the Governmental Body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act.**

Commissioner Benavides moved that the Status Report by Legal Counsel be acknowledged, and noted that the Court feels that Ambiotech was responsible for the problem that was occurring.

The motion was seconded by Commissioner Tamayo and carried unanimously.

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**(E) Confer with Commissioners' Court Legal Counsel concerning contract for collection for delinquent taxes with Linebarger, Goggan, Blair & Sampson, LLP.**

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

- (G) **Confer with Commissioners' Court Legal Counsel concerning claim of Jose Loreda, Jr. concerning medical and hospitalization expense and further medical care in which the duty of the Attorney to the Governmental Body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act.**

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

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- (H) **Deliberation regarding Real Property concerning the use of the flats next to the South Padre Island Convention Centre; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072.**

Commissioner Garza moved that the License Agreement between Cameron County and AK's for use of the Flats next to the South Padre Island Convention Centre be approved.

The motion was seconded by Commissioner Wood and carried unanimously. The Agreement is as follows:

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- (F) **Confer with Commissioners' Court Legal Counsel concerning possible contract with University of Texas Medical Branch of Galveston to provide medical services to the County Jail System.**

Upon motion by Commissioner Garza, seconded by Commissioner Wood and carried unanimously, the Cameron County Health Department was authorized to cease negotiations with the University of Texas Medical Branch of Galveston to provide medical services to the County Jail System.

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- (10) **IN THE MATTER REGARDING CONSIDERATION AND APPROVAL OF RESOLUTION/ORDER AUTHORIZING THE IMPOSITION OF THE ADDITIONAL PENALTY AS PROVIDED BY TEXAS TAX CODE §§33.07 AND 33.08 (TABLED)**

- (11) **IN THE MATTER REGARDING CONSIDERATION AND APPROVAL OF CONTRACT RENEWAL WITH LINEBARGER GOGGAN BLAIR & SAMPSON (TABLED)**

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

Commissioner Garza requested the latest version of the revised contract.

Judge Hinojosa explained that the Court's primary issue was the 15% versus 20% issue.

Commissioner Garza stated that he does not oppose the 15% versus the 20% but rather was more interested in what the County would get as to the added amount. He asked if the County was in direct competition with Linebarger Goggan Blair & Sampson to collect current taxes.

Mrs. Lucy Canales, Linebarger Goggan Blair & Sampson, responded in the affirmative as to the Brownsville area.

Commissioner Garza commented that at this time it was only in the Brownsville area but could be in the entire County in the future. He suggested that the Tax/Assessor Collector consider the firm doing current tax collections for the County since they could perhaps be able to do this at less cost to the County.

Mrs. Canales stated that the agreement with the County was that they would not actively seek any new current tax offices other than the ones already in place in order to not compete with the County.

Commissioner Garza stated his understanding to be that the firm was currently seeking to do current tax collections for South Padre Island. He added that the County had been in negotiation with the said city through the Office of the Tax/Assessor Collector yet the negotiation came to a stop all of a sudden. Commissioner Garza requested that the firm consider whether to do the current tax collections for Cameron County at less cost and whether an employee from the firm to be housed at the Tax/Assessor Collector's main office to collect and inform the public with regards to delinquent taxes.

Mrs. Canales responded that the option has already been discussed. She clarified that the firm was not in competition with the County for collection of current taxes for the South Padre Island and that said competition was between the Point Isabel School District and Cameron County. She explained that discussion have taken place with the Tax/Assessor Collector with regard to having an employee staffed in his Office, and added that the firm was planning to add the 20% because of the need to add staff to meet the goals set by Cameron County.

Judge Hinojosa explained that the Court was mainly wanting to defer consideration was to determine what proposal would be adopted for the County and added that the 20% was believed just but the Court was unsure as to when it should be triggered, thus the need to further discussion. He noted the need for the firm to justify the additional 5% and to explain how the extra resources would be used for additional staff in order to increase the collections. Judge Hinojosa explained that the statement made by Mrs. Canales creates expectations of collections above the 94% current collection rate and that the County's main concern was the additional burden on taxpayers as a result of the additional 5%. He expressed his belief to be that the Tax/Assessor Collector does a great job of collecting taxes for the County by meeting the projected goals throughout the nine budgets that have been adopted, except for minuscule amounts. Judge Hinojosa stated that he was not particularly interested in changing the system unless there was a consensus that doing so would be best for the County. He noted the need to ensure that the interest of the County and the people were taken care of.

Commissioner Garza expressed his belief to be to explore all available options.

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(6) **DISCUSSION AND POSSIBLE ACTION REGARDING  
THE FISCAL YEAR 2004-2005 BUDGET**

Mr. Xavier Villarreal, Budget Officer, reported that on Friday he prepared, filed, and provided his proposed budget that entails a proposed tax rate of 0.363191 above 0.358191, current tax rate in order to balance it. He stated that there was still unresolved issue regarding revenue for housing federal inmates and its population, adding that there was still time to change things. Mr. Villarreal stated that the proposed budget does not have any new positions nor salary increase except for any action taken by the Court prior to date. He stated that the Local Law Enforcement Block Grant that totals \$30,000.00 was not sufficient to fund the positions under it and noted the need to take action in the near future on whether to continue the positions.

Commissioner Garza questioned the total.

Mr. Villarreal responded that the cost would be \$170,000.00. He stated that the total request for position from various department totals \$1.9 million. Mr. Villarreal stated that a Workshop concerning the budget would be scheduled for next week and that the public notice for the scheduled Public Hearing for September 7, 2004, concerning the Tax Rate must be advertised this weekend, noting that the tax rate would be advertised at the roll back rate, which allows leeway to adopt a rate between the effective and the roll back rate.

Judge Hinojosa suggested that the publication include the current rate in order for the public to know that the County would stay at the current rate.

Commissioner Benavides moved that the discussion regarding the Fiscal Year 2004-2005 Budget by Mr. Xavier Villarreal, Budget Officer, be acknowledged.

The motion was seconded by Commissioner Garza and carried unanimously.

**The Report is as follows:**

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**(7) DISCUSSION AND POSSIBLE ACTION REGARDING  
THE PUBLIC HEARING TO SET COUNTY TAX  
RATES FOR THE 2004-2005 FISCAL YEAR**

Commissioner Garza moved that the Budget Officer be authorized to advertise at the Current Tax Rate for the Public Hearing to set the Tax Rate for 2004-2005 Fiscal Year.

The motion was seconded by Commissioner Benavides and carried unanimously.

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**(35) IN THE MATTER REGARDING CONSIDERATION  
AND AUTHORIZATION FOR A VARIANCE ON  
UNCOMFORTING PLAT OF DEL REY ESTATES  
SUBDIVISION, PRECINCT NO. 3 (TABLED)**

Mr. Ernesto Hinojosa, County Engineer, explained that the request was for a variance for a one lot subdivision of an un-subdivided tract. He clarified that the Engineering Department does not recommend approval of the variance since it was a property out of an un-platted tract. Mr. Hinojosa indicated that meetings were held with the buyer as instructed by the Court and added that the problem was solvable through additional engineering and surveying that was needed. He stated that the Engineer and the buyers were presented and wanted to address the Court.

Mr. Vicente Mendez, Ambiotech Civil Engineering, informed that the owner purchased the property two (2) years ago and that were present to request the variance because after meeting with the Engineering Department they went to obtain a building permit and were told that they needed to subdivide. He stated that the property was subdivided and that now the only pending item was approval from the County. Mr. Mendez stated that this was a one lot subdivision and that the County has approved one lot subdivisions in the past.

Judge Hinojosa clarified that the Court has never approved a one lot subdivision. He stated that the Court was informed in Executive Session that Mr. Mendez indicated that the County has approved one lot subdivision, thus requested a list of the subdivisions that Mr. Mendez made reference to as being approved by the Court. Judge Hinojosa that the Court has not once variance from the Subdivision Regulations in the past ten (10) years and that he was unaware if Mr. Mendez informed his client of such, adding that in his belief it would have been the right thing to do since the Subdivision Regulation do not allow to have a one lot subdivision. He added that if the a variance has been approved in-house then the Court would like to know who was doing so in order to take action and that the prudent thing to do for them if they knew the person was no longer working with the County then they should have gone to Mr. Hinojosa or Mr. Alejandro Sanchez, County Engineer, to determine if they would do the variance. Judge Hinojosa stated that upon the Engineering Department not doing the variance then Mr. Mendez should have

informed his client that they would have to go before the Court to request an approval. He stated that he believed that Mr. Sanchez and Mr. Hinojosa would have denied the variance; therefore, the next thing for Mr. Mendez would have been to inform his clients of so and of the need to ask the Commissioners request approval of the variance. Judge Hinojosa noted the need for the Engineer and his client needs to know that the Court has never approved a variance since the Subdivision Regulation has been mandated by the Attorney General's Office. He stated that it was very frustrated for the Court to be placed on a position where people from all over the county are calling them to approve the variance when Mr. Mendez should have known that there was no way that the subdivision would be approved under the current administration or by the Court. Judge Hinojosa stated that the situation could be easily fixed by adding a lot to the plat and that Mr. Mendez should fix it. He stated that the situation occurred because Mr. Mendez did not inform his client properly. Judge Hinojosa stated that the problem would not be resolved by a variance and suggested that Mr. Mendez speak with his client and fixed the problem correctly.

Mr. Mendez clarified that he did not say that variances have been approved by the Court in the past.

Commissioner Wood questioned who engineered the division of property at the time.

Mr. Mendez responded that it was a gentleman by the name of Stanley Negrava.

Commissioner Wood asked if he surveyed the property.

Mr. Mendez responded that he did not know.

Mr. Doug Wright, Commissioners' Court Legal Counsel, asked if they had a copy of a survey and it could be provided.

Mr. Mendez responded that they had a copy of the survey that they prepared, adding that his client did not have a survey when she purchased the property.

Commissioner Garza asked if Mr. Mendez did not know that a one lot subdivision was not acceptable with the regulations.

Mr. Mendez stated that again one lot subdivisions not variance had been done in the past.

Judge Hinojosa noted that doing so was against the County's Subdivision Regulation.

Mr. Hinojosa explained that replatting a two or three lot subdivisions into a one lot subdivision was admissible because it has been subdivided.

Mr. Mendez reiterated that he never said that a variance from the Subdivision Regulation has been done in the past.

Judge Hinojosa asked if Mr. Mendez subdivided a one lot subdivision and charged his client.

Mr. Mendez responded that his client was partially charged.

Judge Hinojosa questioned why the one lot subdivision was made and why Mr. Mendez charged his client for doing so if he knew it would not be approved.

Mr. Mendez responded that this had been done.

Judge Hinojosa stated that the problem could be fixed easily as explained to Mr. Mendez and noted that it was the opinion of the Court that Mr. Mendez must fix the problem. He added that the Court did not like to be placed in this situation where it is being made to seem as the "bad guy."

Mr. Mendez stated that their intent was not to make the Court look bad and added that they would meet with Engineering.

Mrs. Herminia Davila, County resident, expressed concern with the City of Brownsville informed them of the need to subdivide but did not indicate that this could not be done at the time they applied for a construction permit ten (10) months ago.

Mr. Wright stated that if they bought from the seller with the intent to build then the sale was improper and that the seller should have informed them that they could not build.

Judge Hinojosa reiterated that Mr. Mendez could correct the problem for Mrs. Davila.

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

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(13) **CONSIDERATION AND AUTHORIZATION TO ORDER THE NOVEMBER 2, 2004 ELECTION FOR THE PURPOSE OF ELECTING COUNTY AND PRECINCT OFFICERS AS REQUIRED BY ARTICLE XVI, SECTION 65 OF THE TEXAS CONSTITUTION**

Mr. Doug Wright, Commissioners' Court Legal Counsel, stated that this item was misleading but accomplishes what was needed to authorize publication of the calling of the Election. He stated that the County Judge was required to order the General Election for County and Precinct Officers, adding that this item was to authorize publication of so as required by Statute. Mr. Wright clarified that Judge Hinojosa would call the Election and that the Court would authorized the publication of the same.

Commissioner Tamayo moved that the publication of the ordering of the November 2, 2004 Election for the purpose of electing County and Precinct Officers as required by Article XVI, Section 65 of the Texas Constitution by the County Judge, be authorized.

The motion was seconded by Commissioner Wood and carried unanimously.

**The Order is as follows:**

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There being no further business to come before the Court, upon motion by Commissioner Wood, seconded by Commissioner Benavides and carried unanimously, the meeting was **ADJOURNED** at 1:47 P.M.

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**APPROVED** this 26<sup>th</sup> day of **October 2004**.

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**GILBERTO HINOJOSA**  
**COUNTY JUDGE**

**ATTEST:**

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