

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 21st day of September 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:

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 Pro-tem Pedro "Pete" Benavides at 9:31 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 September 17, 2004, at 4:10 P.M.

NOTE: JUDGE HINOJOSA JOINED THE MEETING AT THIS TIME.

Commissioner Garza reported that Judge Hinojosa and he attended a meeting in Laguna Heights regarding lighting and that the AEP Report pertaining to lighting on Laguna Heights Boulevard was obtained. He hoped that that Phase I of the project would be approved. Commissioner Garza reported that Roosevelt and Hans Roads would be paved by the end of the week allowing entrance to the building being proposed for construction in Harlingen. He added that Mr. Ted Houghton, Texas Transportation Commissioner, met with Commissioner Wood and him and that they briefed him as to county projects. Commissioner Garza informed that he volunteered at the successful event of the "Conjunto Festival" in San Benito that was attended by nearly 2,000 people of all ages.

Commissioner Wood informed that he attended the 16 de Septiembre celebrations, Mexico Independence Day, held in Cameron Park, at the Mexican Consulate in Brownsville, and in Matamoros.

Commissioner Benavides reported that nearly 1,500 participants and the Public Works department had helped during the beach clean-up held Saturday.

Commissioner Wood informed that the Texas Federation of Humane Society did an audit of the Cameron County Animal Shelter and that the Federation would contribute \$1,700.00 to help address some issues, adding that grants would be available next year for training and education.

Judge Hinojosa informed that a good meeting took place with Senator Cornyn at the Dodge Arena and added that Senator Cornyn received a verbal commitment that Mexico would receive parity with Canada regarding the US Visit Program. He added that the Cities of Brownsville and Harlingen were attempting to have an arena similar to the Dodge Arena in Cameron County.

(1) PUBLIC COMMENTS

At this time, Mr. Doyle Wells, Former South Padre Island City Alderman, expressed concern with Item No. 8 regarding adoption of the Budget and requested that the Court consider freezing the tax rate for the elderly and disabled in the future because of the difficulties they endure as a result of being on fixed incomes.

Mr. Manfred Hofstadter, Brownsville resident, requested that the Court consider freezing the tax rate for the elderly and disabled, and expressed concern with rising cost for medications.

The forms are as follow:

PRESENTATIONS

- (2) **PRESENTATION BY VICTOR M. GONZALEZ JR., CAMERON COUNTY HEALTH AUTHORITY, REGARDING FOOD BORNE ILLNESS**
- (3) **PRESENTATION BY THE CAMERON COUNTY HEALTH DEPARTMENT REGARDING THE WEST NILE VIRUS DETECTION & PREVENTION PROGRAM AND MOSQUITO CONTROL ACTIVITIES**

At this time, Dr. Victor Gonzalez Jr., Cameron County Health Authority, presented and highlighted a report regarding general information concerning food borne diseases.

Mr. Joe Salazar, Health Department Environmental Director, highlighted the plan for mosquito control activities. He explained the county would be divided into five sections for purposes of spraying for mosquito control and that the following licensed individuals would be responsible for spraying and treating standing waters:

1. Joe Rodriguez, Health Department
2. Gustavo Olivarez, Health Department
3. Raul Ramirez, Health Department
4. Jesse Silva, Health Department
5. Gavino Vasquez Jr., Precinct 1

Mr. Salazar stated that the educational efforts were being held throughout the county, and explained as to the mosquitoes being collected and sent to the State Department of Health Services for identification on a weekly basis.

Judge Hinojosa informed that a press conference was under way regarding the bodies of the two (2) Border Patrol Agents found this morning in the Rio Grande River after their patrol boat capsized Sunday. He added that Mr. Remi Garza, Assistant County Administrator, would attend the conference in representation of Cameron County since the Court must consider the Budget during this meeting.

(4) **PRESENTATION BY RUDY JUAREZ REGARDING
THE CAMERON COUNTY COMPUTER CENTER'S
JUSTICE OF THE PEACE PROGRAM**

At this time, Mr. Rudy Juarez, Computer Center Director, presented and highlighted a report concerning the progress of the Justice of the Peace Program, which was presently on schedule with a target production date set for January 1, 2005.

Judge Hinojosa asked if the program would be available at Carrizalez-Rucker Detention Center.

Mr. Juarez responded that the program would be available upon connectivity being available.

Mr. Mark Yates, County Auditor, explained that both software and network connectivity would be implemented by January 1, 2004 and that this would enable a centralized data based for all agencies to have access to further enhance collections either by issuances of notices for failure to appear or blocking renewal of driver license.

Commissioner Wood questioned if the Offices of Justices of the Peace in Brownsville were considered "Central Station" since they were not listed on the information being provided.

Mr. Juarez explained that the two Offices had connectivity to the county network but were lacking the program, which again, would be introduced on October 1, 2004.

Commissioner Wood asked if the project would provide full connectivity to the county network.

Mr. Juarez responded in the affirmative, and explained that he would review the equipment in place to determine if new equipment would be needed.

Commissioner Garza questioned the computer requirements needed for implementation of program.

Mr. Rudy Juarez responded that the requirements were very minimal, yet his staff was finding that many of the Justice of the Peace Offices have very old computers.

Commissioner Wood questioned why only now this equipment was being identified.

Mr. Juarez explained that many departments were sharing or trading equipment amongst them, up until recently that a policy was implemented to better inventory equipment.

Commissioner Garza expressed concern that connectivity continued to be an issue, and clarified that Cameron County was not part of the Tax Share Project.

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the presentation by Rudy Juarez regarding the Cameron County Computer Center's Justice of the Peace Program was acknowledged.

The Report is as follow:

**(2) PRESENTATION BY VICTOR M. GONZALEZ JR.,
CAMERON COUNTY HEALTH AUTHORITY,
REGARDING FOOD BORNE ILLNESS**

**(3) PRESENTATION BY THE CAMERON COUNTY
HEALTH DEPARTMENT REGARDING THE WEST
NILE VIRUS DETECTION & PREVENTION PROGRAM
AND MOSQUITO CONTROL ACTIVITIES**

Commissioner Garza moved that the Presentation by Dr. Victor M. Gonzalez Jr., Cameron County Health Authority, regarding Food Borne Illness, and the Presentation by Mr. Jose Salazar, Health Department Environmental Director, regarding the Mosquito Control Plan be acknowledged.

The motion was seconded by Commissioner Tamayo and carried unanimously.

The Report is as follows:

ACTION ITEMS

(5) APPROVAL OF MINUTES FOR:

A. JULY 12, 2004-SPECIAL MEETING

Upon motion by Commissioner Wood, seconded by Commissioner Benavides and carried unanimously, the Minutes of the Special Meeting held July 12, 2004, were **APPROVED**.

(6) CONSIDERATION AND POSSIBLE APPROVAL OF AN INTERLOCAL AGREEMENT BETWEEN CAMERON COUNTY AND THE CAMERON COUNTY EMERGENCY COMMUNICATIONS DISTRICT (911) TO PROVIDE ADDITIONAL ADMINISTRATIVE SERVICES FOR THE IMPLEMENTATION OF THE COUNTY INTEROPERABLE COMMUNICATIONS SYSTEM

Mr. Jared Hockema, Homeland Security Coordinator, informed that the agreement involves \$50,000.00 for administrative services within the Emergency Management and that the intent was for the Court to acknowledge said funds prior to adoption of the Budget.

Commissioner Wood moved that the Interlocal Agreement between Cameron County and the Cameron Emergency Communications District (911) to provide additional administrative services for the implementation of the County Interoperable Communications System be approved, subject to legal review.

The motion was seconded by Commissioner Benavides and carried unanimously.

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

NAY: Commissioner Garza

The Agreement is as follows:

(9) **CONSIDERATION AND ADOPTION OF A
RESOLUTION SUPPORTING THE EMERGENCY
COMMUNICATIONS EFFORTS TO INITIATE A
REVERSE 911 PROGRAM**

The clarification was made that there was a \$0.25 fee per call made to inform of emergency situations and that the County must pay \$0.06 cents of said fee.

Mr. Jared Hockema, Homeland Security Coordinator, noted that the \$0.06 was reimbursable through FEMA upon a declaration of a disaster.

Upon motion by Commissioner Benavides, seconded by Commissioner Garza and carried unanimously, the Resolution supporting the emergency communications efforts to initiate a Reverse 911 Program was adopted .

The Resolution is as follows:

(7) **CONSIDERATION AND ADOPTION OF THE BUDGETS FOR THE CAMERON COUNTY GENERAL FUND, COURTHOUSE SECURITY FUND, THE SPECIAL ROAD AND BRIDGE FUND, THE LAW LIBRARY FUND, THE EMPLOYEE BENEFITS FUND, THE CHILD SUPPORT FUNDS, THE FIFTH JUDICIAL ADMINISTRATIVE REGION FUNDS, THE DEBT SERVICE FUNDS, THE INTERNATIONAL TOLL BRIDGE SYSTEM FUNDS, THE PARK SYSTEM FUNDS, THE AIRPORT FUNDS FOR THE FISCAL YEAR 2004-2005**

Mr. Xavier Villarreal, Budget Officer - "Judge and Commissioners, there was a packet that was left in your boxes Friday which includes the proposed and I guess all the recommended changes by the Court and of course by the Grievance Committee included in your packet. On the front page there's a grand total for each fund; most of them didn't change. Within the General Fund of course the changes that were included were the General Fund picking up the positions that were no longer or the Block Grant was not able to fund for this upcoming fiscal year, which was a Deputy Constable for Constable Precinct 3, a part-time secretary for Constable Precinct 6, a portion of the salary of the Administrative positions within Emergency Management, the other portion was picked up by the dollar amounts that was approved on the previous item of the agreement that is going to be coming to the County. The Court also included or approved a Maintenance Position within the Maintenance Department, a Carpenter's Position, a Clerk's Position within the District Clerks and a Clerk for the Environmental Health to be housed at the Animal Shelter. We also eliminated 23 Detention Officers' Positions within the Federal Detention Division, which will be available at a later time if the population comes up and the rate I guess is adjusted with the U.S. Marshall's. The budget does not include a cost of living adjustment for the employees nor any requests, from various departments, for salary adjustments were included within the approved budget. (Inaudible) ...chooses to approve on the next item. The grand total for all funds if approved by the Court is \$95,493,993.00, which are approved through this process. There are other grants that have already been approved, some that will be approved at a later date and some that are rolling over from between the two years."

At this time, Mr. Villarreal read the following list of grand totals for various funds:

Mr. Villarreal - "If you have any questions?"

Commissioner Garza - "Did you make any provision in this budget for the discounted prepayment of taxes?"

Mr. Villarreal - "Yes."

Commissioner Garza - "I know this year that we had a shortfall. So it's already booked into the budget?"

Mr. Villarreal - "Yes."

Commissioner Garza - "I appreciate that."

Mr. Villarreal - "Normally it's based on historical on the average of what's been happening since this year there was kind of an anomaly there we actually increased it. So the discount is factored in."

Commissioner Garza - "It's factor in?"

Mr. Villarreal - "Yes."

Commissioner Garza - "As long as it's factored in."

Commissioner Tamayo - "And also with the federal inmates you're going on what?"

Mr. Villarreal - "Correct at the \$30.00 a day rate."

Commissioner Tamayo - "Rather than what we're hoping to get."

Mr. Villarreal - "Yes until the U.S. Marshall's..."

Judge Hinojosa - "And what population did you book it at?"

Commissioner Tamayo - "The one we have now."

Mr. Villarreal - "It's at two (2) I believe at 270 at the \$30.00 based on the revenues that are projected."

Commissioner Garza - "I noticed one item on page 3 of the General Fund and that was the Indigent Health, you know there was an amended amount and a recommended amount."

Mr. Villarreal - "The indigent?"

Commissioner Garza - "Yes on page 3 on the General Fund; it's under revenue okay."

Mr. Villarreal - "Oh, on the revenue."

Commissioner Garza - "On the revenue, page 3."

Mr. Villarreal - "Okay."

Commissioner Garza - "And that's because those are the unanticipated revenues that became available right?"

Mr. Villarreal - "The amended amount is the funds that are coming from the State."

Commissioner Garza - "Right, those are the unanticipated. So you unanticipated 45 just to..."

Mr. Villarreal - "Right, because we do not know what the State is going to have available for the county when they make it available. We know what it is at that time."

Commissioner Garza - "Right, I just wanted to make sure and ask that, you know. Thank you."

Commissioner Tamayo - "So in other words you just went with what we know is there...."

Mr. Villarreal- "Correct."

Commissioner Tamayo- "...and so if we get anymore that'll be frosting on the cake? And it does not include 3% increase."

Mr. Villarreal - "No, that's solely based on the 8% of the General Revenue Tax Levy...operations."

Commissioner Wood - "Xavier, on Cameron County Health Fund, page 1, we have a revenue account total, \$7,397,000.00 and expenditure account \$7,691,000.00. What do you do with that difference there?"

Mr. Villarreal - "The difference, if we expend all what is budgeted or anticipated there it will be hitting the Fund Balance. Now that is the employee benefits where currently we pay \$4,800.00 per employee and it's transferred into the employee benefits, from there, the claims are paid for any claims that are issued for doctor visits, hospital care for employees."

Commissioner Wood - "Well it looks like we're projecting a deficit."

Mr. Villarreal - "Well the revenues are based on the number of employees that we have at the \$4,800.00 per employee being transferred there. The expenditures are based on historical plus administrative fees which we pay to Mutual of Omaha for managing the plan. Of course the expenditures can come in less; the revenues may come in less because what's transferred there is based on actual employees if there's a vacant position, that money doesn't get transferred it just stays within whatever fund that employee belongs to. So both are budget items; the actuals vary. It could be less as far as an expenditure, it could possibly be more, it all depends on what happens through the year."

Commissioner Wood - "And on the Veterans Bridge Operating Fund, page 1, you've got a difference of about \$2,000.00 between revenue and expenditures."

Commissioner Garza - "You should put numbers on the pages."

Mr. Villarreal - "It would have to be offset on the transfer to the General Fund the \$2,000.00 or the \$1,800.00."

Commissioner Wood - "Well, so what we're saying is we're going to have less revenue than we have expenditure...? We're going to have to transfer out from General Fund to cover it."

Mr. Villarreal - "Right, it'll be a less transfer to the General Fund in expenditure on \$1,800.00."

Commissioner Wood - "And on the Parks System Revenue Fund of both pages 1 and 2 , you show revenue of \$4,795,000.00 and expenditures of \$5,132,000.00."

Mr. Villarreal - "Correct."

Commissioner Wood - "\$337,000.00 difference?"

Mr. Villarreal - "What that is, that is the... We pushed forward... Part of it is Browne Road Park. We pushed forward the lights which would normally would've been picked up under or included in the budget, say within Capital Improvements. They started on this project a couple of months ago and short term financing grew the lighting company or GE Capital to be paid at the beginning of this next fiscal year. Plus there was also funds allocated or designated by the Court for the purchase, possible purchase, of park properties at other locations. So that is hitting their Fund Balance."

Commissioner Wood- "So it's going from their Fund Balance?"

Mr. Villarreal - "It's hitting their Fund Balance yes. If they expend all the expenditures that are there and the revenues coming in."

Commissioner Garza - "To the tune of that difference right?"

Commissioner Tamayo - "That same amount, the same amount?"

Commissioner Garza - "And how much of that Fund Balance did we hit last year in that Fund Balance?"

Mr. Villarreal - "Well, the way it was... When we started out at the beginning excluding..."

Commissioner Garza - "No I don't mean on the budget, I meant in reality."

Mr. Villarreal - "Oh in reality since there's some projects that are still ongoing and they haven't finished yet I do not have the total. It was about... When we started it was budgeted between ½ a million to a million dollars because of matches for grants that they had applied for, for various projects. A lot of those projects' grants were not ultimately approved. So they're still showing up within the budget but the money is not going to be spent neither the match nor the expenditures associated with that. Those projects were never removed from the budget; so I need to look at the actual expenditures and revenues not coming in."

Commissioner Garza - "Ballpark?"

Mr. Villarreal - "I would say about \$300,000.00 based on the projects that actually came thru and some of them are rolling over into next year that are continuing, they haven't been completed yet."

Commissioner Tamayo - "More or less \$300,000.00?"

Judge Hinojosa - "Any other questions?"

Commissioner Wood - "So I can put this on binder and punch holes?"

Mr. Villarreal - "Yeah I apologize; I didn't have anymore binders so I wasn't able to punch holes on it."

Commissioner Wood - "That's fine."

Commissioner Garza - "You ran out of budget?"

Mr. Villarreal - "Yes, it was all spent on advertising."

Commissioner Garza - "Binders and tabs would be nice you know."

Mr. Villarreal - "And actually there will be the final with the book version, which will be bound and combed with the dividers and the tabs associated to it."

Judge Hinojosa - "And again if we're able to fix this issue with the remaining population of the U.S. Marshal's Office and the rate we can come back to the issue of the 3% increase for the employees that historically we've given. I met this morning with Marcelino and Mike Leinart and they're at the final stages of completing DC II. We've not been able to increase our population primarily because we have no overflow capacity anymore; we are full for all practical purposes in DC I. So until we formally get approval on DC II we're at that between 275 or 285 population at DC I. Marcelino gave me a worst-case scenario projection of about two weeks on that and everything is done. We're just dealing with the little stuff that we want to fix just to make sure we don't have to bring back the U.S. Marshal's Office and INS again if those little things are pointed out to be a problem. So that once we get those things taken care of Mike feels very confident that we can get that population up by at least another 100 inmates. And then level off between 400 or 500 that allows then Mark to go in and book it at whatever rate the U.S. Marshal's Office comes back on. If we can do that, then we'll have the necessary revenues to go back and revisit the issue of the across the board increase for all the employees, which I think we're all committed to doing."

Commissioner Tamayo - "That'll be top priority."

Judge Hinojosa - "That'll be top priority and it'll be something that we're going to want to do the moment that we hear from the U.S. Marshal's Office. All of these kind of... If it happens it's all going to happen at the same time; if it happens we'll know the population at the beginning of October, the static population. We'll know at the beginning of October and then we should know sometime in the middle of October what our rate is going to be if we can get all that information over to the U.S. Marshal's Office."

Commissioner Wood - "Getting the rate put together the information for that may take a little bit longer time, but I know that our County Auditor is going to be working very diligently on it so we can get it as soon as possible. And I think that everyone understands that our budget is really tight and it's really difficult, but I think we need to look at the budget on the basis of not even budgeting where we've got more expenditures than we've got

revenues like on some of the accounts, even if it's \$1,000.00 or \$300,000.00. You know it makes it difficult because these fund balances aren't gonna always be there and they need to be protected as much as possible for problems like disasters and bond ratings and all these other issues that go into it. We can't always be tapping into Fund Balance. And we like no one else want to raise taxes or cause taxes to be raised, so we need to be as efficient as possible in all of our operations in workings and I appreciate everyone working on that."

Commissioner Tamayo - "And I think that our Department Heads have been very conscientious about that, you know, I applaud them for trying to be as conservative as possible and yet being able to serve the public."

Commissioner Garza - "My last question I think you answered when you passed out this other handout because I said when did we start getting charged 1% of our collections by the County Tax-Assessor for collecting for us? You know, right, is that why you replaced it?"

Mr. Villarreal - "Well, yeah. Well in discussions with the Tax Assessor the 1%, he was requesting I guess that it be removed because that kind of locks it in and it's mainly what he charges other entities to collect taxes for them. I guess in the past it had been 1%. But for some entities, I guess, that he's been in discussion, some of the smaller ones, it may not need to be the full 1%; it may actually be a little bit less. So if the 1% is there it kind of fixes that and the sentence 'fees collected should not exceed the actual cost of collections' gives the room to say well it's going to be .9% of the total revenues."

Commissioner Garza - "Well my concern was including Cameron County."

Commissioner Tamayo - "Including the County."

Commissioner Garza - "That was in there also on the original one."

Commissioner Tamayo - "In the original one."

Mr. Villarreal - "Oh yeah, I didn't know that was there."

Commissioner Garza - "I think we fund his budget the last I've heard right?"

Commissioner Wood - "Usually."

Mr. Villarreal - "Yes, you do."

Commissioner Wood - "But I think this goes along with the actual Statue of what he can charge..."

Mr. Villarreal - "Yes, it does."

Commissioner Wood - "...he can't just voluntarily choose 1% or 10%, it's got to be what the cost are."

Mr. Villarreal - "Yeah it's based on the Statues, right, right."

Judge Hinojosa - "Okay any other question, comments, concerns? Do I hear a motion to approve?"

Commissioner Benavides - "I'll approve it."

Judge Hinojosa - "Alright, is there a second?"

Commissioner Wood - "Second."

Judge Hinojosa - "Any further discussion? All those in favor signify by stating aye."

Commissioners Benavides, Wood, Garza, and Tamayo - "Aye."

Judge Hinojosa - "All those opposed? Motion carries."

The Order is as follows:

**(8) CONSIDERATION AND SETTING OF THE COUNTY
TAX RATE FOR THE 2004-2005 FISCAL YEAR**

At this time, Mr. Xavier Villarreal, Budget Officer, read the Tax Rate for all County Funds as indicated in the Order.

Commissioner Garza moved that the proposed Tax Rate for the 2004-2005 Fiscal Year be adopted.

The motion was seconded by Commissioner Tamayo and carried unanimously.

The Order is as follows:

(10) **IN THE MATTER REGARDING CONSIDERATION AND APPROVAL OF AGREEMENT BETWEEN CAMERON COUNTY AND AEP REGARDING THE INSTALLATION OF STREET LIGHTS ALONG HWY 100 IN THE LAGUNA MADRE AREA (TABLED)**

Judge Hinojosa explained that State Highway 100, servicing primarily South Padre Island, runs straight through a colonia in Cameron County and that vehicles travel at very high speeds regardless of set speed limits. He added that the County has made unsuccessful attempts to have TXDOT install traffic lights at said location to slow down traffic, and that they agreed to place one yellow light. Judge Hinojosa explained that the County was at a dilemma and that the idea was to make the area a bit safer by providing lighting through a two step project where AEP would install and maintain the lights and the County would fund the installation and the bill until further cost analysis that determines the cost per resident for installation of lighting throughout the rest of the colonia was available, adding that said cost, inclusive of lights to be installed on Highway 100, would be added to their water utility bills only upon agreement. He stated that this was a pilot program that might be feasible in colonias with high rates of congestions, depending upon the residents being willing to do it.

Commissioner Tamayo asked what the indication had been from the community and what would occur if residents oppose the project.

Judge Hinojosa responded that a hearing would be held within the community when further information was available and that discretion would be used based on the percentage of residents in favor of the project.

Commissioner Garza stated that the estimated cost of installation of the lights was \$7,000.00 with services of about \$200.00 per month.

Judge Hinojosa stated when lighting projects were considered in the past for Cameron Park the cost per resident was calculated at about \$3.00 per month to be added to a utility bill, which would pay for construction and electrical costs.

Commissioner Tamayo noted the need to have a priority list if this type of projects would be done.

Commissioner Wood expressed concern with counties not having protection against liabilities in the event that things are not maintained and questioned if the county's liability decreases upon AEP providing maintenance.

Mr. Doug Wright, Commissioner s' Court Legal Counsel, advised that there were serious concerns and of the need to meet in Executive Session prior to approval. He questioned if an agreement with the Texas Department of Transportation (TX DOT) was in place since the county would be dealing with a State highway.

Commissioner Garza explained that the lights would be installed only on AEP poles, thus the low cost.

Judge Hinojosa explained that TXDOT opposed funding installation of lights.

Mr. Wright stated that the any claims would be directed towards State, AEP, and Cameron County, and that the county recently paid \$72,000.00 with regards to a case that involved premises defect. He suggested that TX DOT be made part of the agreement because engineering issues would be involved.

Judge Hinojosa agreed to discuss the matter with TXDOT.

Commissioner Garza stated that the intent was to device a process that enables installation of street lighting with less hoops, noting that the county continues to maintain the lights on the Queen Isabella Causeway.

Mr. Wright noted the need to ensure that the court was fully aware of the potential issues involved, and questioned the funding source.

Judge Hinojosa stated that discussion took place Mr. Javier Mendez, Parks System Director, with regards to funding.

Mr. Javier Mendez, Parks System Director, explained that funding was not available within his Budget since they were already at a \$7,000.00 deficit.

Judge Hinojosa suggested that the matter be delayed in order to identify funding and to notify TXDOT.

Mr. Xavier Villarreal, Budget Officer, explained that the fiscal year would end Thursday and that the Parks System's Budget must be amended upon funding being identified.

Mr. Mark Yates, County Auditor, stated that other mechanisms were available to enhance security, such as a sales tax.

Judge Hinojosa stated that all avenues would be examined, although the city would ultimately take over the provision of lighting upon annexation.

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, this Item was **TABLED**, for one (1) week.

(11) **IN THE MATTER REGARDING CONSIDERATION AND POSSIBLE ACTION TO CONSTRUCT A NEW OFFICE AT THE CAMERON COUNTY ANIMAL SHELTER, IN SAN BENITO, TX (TABLED)**

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

(12) **CONSIDERATION AND APPROVAL FOR THE
OCTOBER 1, 2004 - SEPTEMBER 30, 2005 HOLIDAY
SCHEDULE**

Mr. Manuel Villarreal, Human Resources Director, presented a draft schedule and requested direction from the Court as to allowing either December 23, 2004 or December 27, 2004 as a holiday.

Commissioner Wood disagreed because the Christmas Holiday fell on a Saturday.

Judge Hinojosa suggested that the Court allow observance of December 27, 2004, as a holiday, and added that Mr. Remi Garza, Assistant County Administrator, suggested that October 11, 2004 also be observed as holiday.

Commissioner Garza moved that October 1, 2004 – September 30, 2004 Holiday Schedule be approved as presented by Human Resources.

Commissioner Benavides moved that the motion be amended to include Columbus Day to the October 1, 2004 – September 30, 2004 Holiday Schedule.

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

AYE: Commissioner Benavides and Judge Hinojosa

NAY: Commissioners Wood, Garza, and Tamayo

Commissioner Garza moved that the October 1, 2004 – September 30, 2004 Holiday Schedule be approved as presented by Human Resources, inclusive of the December 24, 2004 and December 27, 2004, Holiday.

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

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

NAY: Commissioner Wood

The Schedule is as follows:

(13) **IN THE MATTER REGARDING CONSIDERATION
AND POSSIBLE ACTION REGARDING THE
CAMERON PARK ROAD AND DRAINAGE PROJECT
(TABLED)**

Mr. Pete Sepulveda, Department of Transportation Director, informed that the received bids were returned to the bidder unopened. He explained that the design and engineering of the project involves major relocation of utilities by Brownsville Public Utility Board, whom has advised that they have \$1.3 million available for Phase I of the project, estimated at a \$1.3 million cost. Mr. Sepulveda stated that PUB has advised the County numerous times that they lack funding for Phase II or Phase III of the project. He stated that staff has met with consultant with the intent to develop option to continue the project without curb and gutter, as was included in the original application to TXDOT. Mr. Sepulveda stated that other options were being explored due to the utility relocations and that these would be presented to the Court for direction on how to proceed, upon being available. He requested that this item be tabled.

Judge Hinojosa commented that providing curb and gutter in Cameron Park was in the best interest of the City of Brownsville upon them wanting to incorporate it into their city limits and that it was also in the city's best interest to get resources for utility relocations since they would no longer have to redo the roads. He expressed opposition towards building roads that meet rural standards in a colonia located in the middle of a city because it would be a waste of \$7.2 million acquired by the County.

Commissioner Wood suggested that a meeting be held between city and county representatives.

Commissioner Garza explained that Mr. Sepulveda's intention was to ensure that the County not loose the funding upon construction not being started soon.

Judge Hinojosa stated that the same situation was being observed in Laguna Heights where Port Isabel was willing to incorporate the area. He noted the need to do the projects in looking at the long term consequences, and suggested that the Texas Department of Transportation (TXDOT) attend the meeting as well.

Mr. Sepulveda stated that a two year extension was recently requested.

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

(14) **CONSIDERATION AND POSSIBLE ACTION
REGARDING THE SUBMISSION OF THE
APPLICATION FOR THE BORDER COLONIA
ACCESS PROGRAMS SECOND CALL**

Judge Hinojosa commented that because there was a need to fix the roads curb and gutter style residents in Laguna Heights were upset about the ditches that were built.

Mr. Pete Sepulveda, Department of Transportation Director, requested that this item be approved subject to modifications.

Commissioner Garza stated that the second call for the Texas Department of Transportation set a limitation of \$200,000.00 per mile for roadwork in Proposition II, which includes all services.

Commissioner Tamayo moved that the submission of the Application for the Border Colonia Access Programs Second Call be authorized.

The motion was seconded by Commissioner Garza and carried unanimously.

The Application is as follows:

TRAVEL ITEMS

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

DISCUSSION CONCERNING CONSENT AND/OR TRAVEL ITEMS:

ITEM NO. 32-A: Mr. Pete Sepulveda, Department of Transportation Director, noted that this was for Commissioner Precincts No. 2 and No. 3.

Commissioner Benavides moved that the "Travel and Consent Items" be approved.

The motion was seconded by Commissioner Garza and carried unanimously.

- (a) Human Resources Employee to attend the "Texas County and District Retirement System Conference", in Austin, Texas, October 7, 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.

- (16) **APPROVAL OF CLAIMS;**
- (17) **APPOINTMENT OF VICTOR TREVINO, CITY MANAGER OF SAN BENITO, TO THE CAMERON COUNTY HOUSING FINANCE CORPORATION;**
- (18) **AUTHORIZATION OF THE EXTENSION OF THE RFP #040901 DUE DATE ON SOLID WASTE COLLECTION SERVICES TO DECEMBER 20, 2004;**
- (19) **ADOPTION OF A PROCLAMATION DECLARING THE MONTH OF OCTOBER 2004 AS "NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH";**
The Proclamation is as Follows:
- (20) **APPROVAL OF RENEWAL AGREEMENTS WITH THE CAMERON COUNTY EMERGENCY SERVICES DISTRICT NO. 1 TO PROVIDE COUNTY ADMINISTRATIVE SERVICES FOR FY 2005;**
The Agreement is as Follows:
- (21) **AUTHORIZATION FOR EMERGENCY MANAGEMENT TO SUBMIT A RENEWAL APPLICATION TO THE STATE OF TEXAS FOR THE 2005 EMERGENCY MANAGEMENT PERFORMANCE GRANT;**
The Application is as Follows:
- (22) **APPROVAL OF CONTRACT BETWEEN CAMERON COUNTY AND THE DEPARTMENT OF STATE HEALTH SERVICES OFFICE OF PUBLIC HEALTH PRACTICE TO PROVIDE ESSENTIAL PUBLIC HEALTH SERVICES IN CAMERON COUNTY;**
The Contract is as Follow:
- (23) **APPROVAL TO AMEND CONTRACT BETWEEN THE CAMERON COUNTY AND THE DEPARTMENT OF STATE HEALTH SERVICES IMMUNIZATION DIVISION TO REFLECT CHANGE IN DEPARTMENT NAME;**
The Contract is as Follows:

- (24) **APPROVAL OF CONTRACT BETWEEN THE CAMERON COUNTY AND THE SOUTH TEXAS HEALTH CARE SYSTEM TO PERFORM X-RAYS TO TUBERCULOSIS (TB) PATIENTS;**
The Contract is as Follows:
- (25) **AUTHORIZATION FOR CAMERON COUNTY HEALTH DEPARTMENT TO SUBMIT THE PRELIMINARY APPLICATION FOR THE FY 05 LOCAL PUBLIC HEALTH PREPAREDNESS AND RESPONSE FOR BIOTERRORISM TO THE DEPARTMENT OF STATE AND HEALTH SERVICES;**
- (26) **POSSIBLE APPROVAL TO EXECUTE A LICENSE AGREEMENT BETWEEN CAMERON COUNTY AND AAKK INVESTMENTS, L.L.C. FOR THE USE OF COUNTY PROPERTY BEHIND THE CONVENTION CENTER;**
The Agreement is as Follows:
- (27) **APPOINTMENT OF DAGOBERTO PERALES JR. RESERVE DEPUTY CONSTABLES FOR PRECINCT #6 IN COMPLIANCE WITH THE FINDING THAT IT IS NECESSARY TO APPOINT THE RESERVE 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;**
- (28) **AUTHORIZATION FOR THE CAMERON COUNTY PD&M DEPARTMENT TO ADVERTISE AND CONDUCT A PUBLIC HEARING ON SEPTEMBER 29, 2004, PURSUANT TO THE 2005 TEXAS COMMUNITY DEVELOPMENT PROGRAM;**
- (29) **AUTHORIZATION TO OPEN THE FOLLOWING BIDS/RFP'S/RFQ FOR:**
A. FUEL – ANNUAL BID#2280-1
B. GENERATOR MAINTENANCE & REPAIRS – ANNUAL BID #1444
C. MEDICAL SUPPLIES – ANNUAL BID#2294
D. MOPS, MATS, RENTAL & CLEANING – ANNUAL BID#1535
- (30) **AUTHORIZATION TO RENEW THE FOLLOWING BIDS/RFP'S FOR ONE (1) ADDITIONAL YEAR:**
A. JANITORIAL SUPPLIES: CHEMICALS & CLEANING – ANNUAL BID #2300-1
The Tabulation is as Follows:
- (31) **AUTHORIZATION TO FILL POSITION OF GIS MAPPER IN THE GIS DIVISION OF THE DEPARTMENT OF TRANSPORTATION.**

TRAVEL ITEMS

(NO DIRECT COST TO GENERAL FUND)

- (32) **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) Commissioner Precinct 2 and Director of Department of Transportation to attend the "Texas Highway Commission Meeting", in Austin, Texas, September 29-30, 2004;
- (b) Commissioner Precinct 2 and Director of Department of Transportation to meet with State Department Officials regarding the West Rail Project, in Washington, D.C., September 22-24, 2004;

- (c) District Clerk and five (5) Deputy District Clerks to attend the “County and District Clerks’ Region 8 Meeting”, in Laredo, Texas, September 29-October 1, 2004;
 - (d) District Clerk and two (2) Deputy District Clerks to attend the “Texas Association of Domestic Relations Offices 20th Annual Training Conference”, in Austin, Texas, October 17-20, 2004;
 - (e) Assistant and County District Attorney to attend “Trial Advocacy I Course”, in Columbia, South Carolina, October 17-22, 2004;
 - (f) Assistant and County District Attorney to attend “Trial Advocacy I Course”, in Columbia, South Carolina, October 3-8, 2004; and
 - (g) Health Department TB Supervisor and Infirmary Supervisor to attend the “TB Program Manager’s Meeting”, in Austin, Texas, September 27-29, 2004.
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- (19) ADOPTION OF A PROCLAMATION DECLARING THE MONTH OF OCTOBER 2004 AS
“NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH”;**

The Proclamation is as Follows:

- (20) **APPROVAL OF RENEWAL AGREEMENTS WITH THE CAMERON COUNTY EMERGENCY SERVICES DISTRICT NO. 1 TO PROVIDE COUNTY ADMINISTRATIVE SERVICES FOR FY 2005;**

The Agreement is as Follows:

- (21) **AUTHORIZATION FOR EMERGENCY MANAGEMENT TO SUBMIT A RENEWAL APPLICATION TO THE STATE OF TEXAS FOR THE 2005 EMERGENCY MANAGEMENT PERFORMANCE GRANT;**

The Application is as Follows:

- (22) **APPROVAL OF CONTRACT BETWEEN CAMERON COUNTY AND THE DEPARTMENT OF STATE HEALTH SERVICES OFFICE OF PUBLIC HEALTH PRACTICE TO PROVIDE ESSENTIAL PUBLIC HEALTH SERVICES IN CAMERON COUNTY;**

The Contract is as Follow:

- (23) **APPROVAL TO AMEND CONTRACT BETWEEN THE CAMERON COUNTY AND THE DEPARTMENT OF STATE HEALTH SERVICES IMMUNIZATION DIVISION TO REFLECT CHANGE IN DEPARTMENT NAME;**

The Contract is as Follows:

- (24) APPROVAL OF CONTRACT BETWEEN THE CAMERON COUNTY AND THE SOUTH TEXAS HEALTH CARE SYSTEM TO PERFORM X-RAYS TO TUBERCULOSIS (TB) PATIENTS;**

The Contract is as Follows:

- (26) **POSSIBLE APPROVAL TO EXECUTE A LICENSE AGREEMENT BETWEEN CAMERON COUNTY AND AAKK INVESTMENTS, L.L.C. FOR THE USE OF COUNTY PROPERTY BEHIND THE CONVENTION CENTER;**

The Agreement is as Follows:

(30) AUTHORIZATION TO RENEW THE FOLLOWING BIDS/RFP'S FOR ONE (1) ADDITIONAL YEAR:

A. JANITORIAL SUPPLIES: CHEMICALS & CLEANING – ANNUAL BID #2300-1

The Tabulation is as Follows:

EXECUTIVE SESSION

Upon motion by Commissioner Tamayo, seconded by Commissioner Wood and carried unanimously, the Court met in Executive Session at 12:10 P.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) Deliberation regarding Real Property concerning the possible sale of certain County Property at the Free Trade Bridge at Los Indios; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072; and
- (d) Deliberation regarding Real Property concerning the possible sale of County properties in Harlingen and San Benito; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072.

Upon motion by Commissioner Wood, seconded by Commissioner Garza and carried unanimously, the Court reconvened into Regular Session at 12:37 P.M., to discuss the following matters:

(34) ACTION RELATIVE TO EXECUTIVE SESSION:

NOTE: JUDGE HINOJOSA LEFT THE MEETING AT THIS TIME.

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

Commissioner Garza moved that the discussion be acknowledged, and stated that the Court wishes to continue with the RFP Process to find a solution to remedy the situation at Carrizales/Rucker Detention Center and the Cameron County Sheriff's Administration Building as soon as possible.

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

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- (c) Deliberation regarding Real Property concerning the possible sale of certain County Property at the Free Trade Bridge at Los Indios.**

Commissioner Wood moved that the following of Statute for sale of public land by auction process be

authorized.

The motion was seconded by Commissioner Tamayo and carried unanimously.

(d) Deliberation regarding Real Property concerning the possible sale of County properties in Harlingen and San Benito.

Upon motion by Commissioner Garza, seconded by Commissioner Wood and carried unanimously, the appraisal of the Aguirre Building in San Benito and the Harlingen property located on Tyler Street to be done by Robinson and Duffy was authorized.

There being no further business to come before the Court, upon motion by Commissioner Garza, seconded by Commissioner Wood and carried unanimously, the meeting was **ADJOURNED** at 12:41P.M.

APPROVED this 16th day of **November 2004**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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