

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 12th day of October 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 Hinojosa at 9:30 A.M. He then asked Reverend Bob Clark, Brownsville resident, for the invocation, and he then led the Court and audience in reciting the Pledge of Allegiance.

The Court considered the following matters as posted and filed for Record in the Office of the County Clerk on October 8, 2004, at 3:20 PM.

Commissioner Tamayo informed that a Representative from the Texas Department of U.S. Customs Border Protection Task Force presented a Certificate of Appreciation to Mr. James Guajardo, Public Works Department Employee, for his cooperation in setting up signs at the Veterans Bridge for the FAST Program.

Commissioner Garza stated that Mr. Pete Sepulveda, Director of Transportation Department, and he were invited to make a presentation to the Laguna Madre Leadership Class, where the RMA was discussed. He stated that they were able to visit the County Airport where much more activity was occurring.

Commissioner Wood informed that he attended a presentation concerning the U.S. Visit Program and that nothing would differ January 1, 2005 when crossing the border with the laser visa. He noted that the media needs to provide accurate information to the public. Commissioner Wood suggested that a request be made to delay implementation of the program until after January 6, 2004 because of the tremendous impact to the economy.

Judge Hinojosa agreed that a resolution be drafted and consider during the next meeting.

Commissioner Benavides commented that he traveled to Denton, Texas, on personal business, and that upon his return he met with Senator Eddie Lucio and others concerning issues with arcades throughout the county.

Commissioner Garza stated that Commissioner Tamayo, Mr. Pete Sepulveda, Department of Transportation Director, City of Harlingen Mayor, a City of San Benito Representative and he would travel to Washington, DC., to visit with legislators and to ensure that funding was allocated for the North Rail Relocation Project.

Judge Hinojosa informed that flu vaccines would not be available for county employees this year due to its shortage. He explained that the County has only 400 influenza vaccines remaining and that these would be distributed throughout the clinics to people who meet the priorities set by the federal government. Judge Hinojosa stated that the vaccine shortage would impact the county and could cause a rough flu season: therefore, noted the need to be prepared. He requested that a report be presented to the Court next week in order to determine all alternatives.

At this time, a Health Department Representative, informed that 1,850 vaccines had been ordered yet only 450 vaccines were received, adding that other shipments were delayed.

Commissioner Garza explained that producers of 50% of the flu vaccine were shut down by England; Aventis, and an English Company, and added that the English Company was back on production but it could take up to six (6) months to produce a viable influenza vaccine. He stated that at least 50% shortage of normal usage was anticipated.

(1) **PUBLIC COMMENTS**

NONE WERE PRESENTED.

(9) **CONSIDERATION AND AUTHORIZATION TO ENTER INTO CONTRACT NEGOTIATIONS WITH FIRM AS SELECTED BY COMMISSIONERS COURT FOR CARRIZALEZ – RUCKER DETENTION CENTER & SHERIFF’S OFFICE BUILDING ARCHITECTURAL/ENGINEERING SERVICES FOR REMEDIATION, RECONSTRUCTION & SECURITY – RFQ NO. 040902**

Mr. Remi Garza, Assistant County Administrator, informed that the Evaluation Committee was recommending to negotiations with the Aguirre Inc. He suggested that some sites designed by the architectural firm be visited to verify the quality of the work before finalizing the contract.

Judge Hinojosa disagreed that the visits were necessary.

Commissioner Garza moved that negotiations with Aguirre Inc, be authorized for architectural/engineering services for remediation, reconstruction & security of the Carrizalez–Rucker Detention Center & Sheriff’s Office Building.

The motion was seconded by Commissioner Wood and carried unanimously.

PRESENTATIONS

(2) **PRESENTATION OF THE FOURTH QUARTER REPORT FOR THE INTERNATIONAL BRIDGE SYSTEM**

Mr. Pete Sepulveda, Department of Transportation Director, presented and highlighted the Fourth Quarter Report for the International Bridge System.

Upon motion by Commissioner Tamayo, seconded by Commissioner Wood and carried unanimously, the Presentation of the Fourth Quarter Report for the International Bridge System by the Department of Transportation Director was acknowledged.

The Report is as follow:

ACTION ITEMS

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

NOTE: COMMISSIONER GARZA STEPPED OUT AT THIS TIME.

Commissioner Benavides moved that the budget amendments, line item transfers and/or salary schedules be approved.

The motion was seconded by Commissioner Tamayo and carried unanimously.

The documents are as follow:

**(4) APPROVAL OF MINUTES FOR:
A. AUGUST 10, 2004-REGULAR MEETING**

NOTE: COMMISSIONER GARZA RETURNED AT THIS TIME.

Upon motion by Commissioner Benavides, seconded by Commissioner Wood and carried unanimously the Minutes for the Regular Meeting held August 10, 2004 were approved.

**(5) CONSIDERATION AND POSSIBLE ACTION
REGARDING LEVI'S BUILDING AND THE VEHICLE
MAINTENANCE BUILDING PRESENTATION BY
JOSEPH SANTOPETRO PROPOSED SAN BENITO
ANNEX BUILDING**

Mr. Joseph Santopetro, Santopetro Architects, Inc., presented and highlighted the schematic design for the San Benito Annex Building and the work schedule that would allow for the project to be bid out by December, awarded by January, to begin construction by February and complete construction by September. He reported that the report includes description of the building, that being a 76,000 square foot building, 72,000 net square feet. Mr. Santopetro explained that Item No. 4 relates to a cost analysis and that the total cost would be \$13.60 per foot for 59,000 square feet if the county did the work in-house, and that the cost could double if contracted out.

Judge Hinojosa questioned the total budget allocated for this project.

Mr. Xavier Villarreal, Budget Officer, responded that \$1.8 million were allocated for the Engineering and Health Department Buildings and that \$500,000.00 were also allocated for the Aguirre Building, adding that the monies deriving from the sales of other offices would be reprogrammed to the San Benito Annex Project, totaling \$2.3 million.

Judge Hinojosa asked how much of said monies were used towards jail renovations.

Mr. Villarreal stated that work to Detention Centers I and II had been complete, with exception of the camera system for the Old County Jail.

Judge Hinojosa asked if the \$1.9 million was available.

Mr. Villarreal responded that there was a need to meet with the County Auditor and Legal Counsel to determine a firm number of what was available and when it could be used.

Mr. Santopetro stated that the roof repairs would cost \$265,000.00 and explained that these repairs could be done while the interior was under way.

Judge Hinojosa noted the need to know when the lease for the Health Department would expire in order to give proper notice and to set a deadline for completion of work to allow occupancy.

Commissioner Garza requested a report regarding all ongoing leases and expirations of the same.

Judge Hinojosa suggested that the report include totals of individual leases and total cost, and that said savings could be used towards renovation cost of the facility.

Mr. Santopetro explained that although the cost reflected as roof repairs it pertains to repairs to joint panels where water was leaking into the building because of deteriorated material. He highlighted the floor plan included in Item No. 5 and the new entry addition to the building that would become the main entrance, at a cost of \$60,000.00.

Judge Hinojosa asked what the exterior of the building was made of, if it could be painted, and if the cost was included.

Mr. Santopetro responded that the exterior was mostly concrete that could be painted and that the cost was excluded. He suggested that the walls be water blasted and cleaned.

Judge Hinojosa suggested that the PAW Program be used to clean the walls.

Commissioner Tamayo questioned the significant cost for the new entrance.

Mr. Santopetro responded that the cost was for construction of the new entrance and briefly highlighted its design.

Commissioner Wood questioned the difference between the 72,100 square feet and the 75,000 square feet, and asked if having workstations versus the small office was suggested to the departments.

Mr. Santopetro responded that the matter was discussed but most departments believed that they must work in offices rather than open areas.

Commissioner Wood expressed concern with the tremendous amount of construction entailed with the numerous small offices being requested and the possible delays towards completion of the project.

Judge Hinojosa stated that many of the work areas of the Health Department could not be set up as workstations due to the services being provided and that workstations might be appropriate for other departments but not in others. Judge Hinojosa asked the Department of Transportation Director if workstations were appropriate for his department and Mr. Pete Sepulveda, Department of Transportation Director, responded in the affirmative.

Commissioner Wood reiterated his suggestion that departments be asked if workstations could be used.

Judge Hinojosa stated that departments were already asked if workstations were appropriate for their work area. He explained that workstations would be built by the Building Maintenance Department at a cost the county.

Mr. Santopetro explained that the departments responded that offices were needed after being asked if workstations were appropriate for them. He stated that there were areas where he felt that workstations could be used; however, the Court must talk to the departments to further review the design with the intent to use open areas.

Mr. Sepulveda questioned if the communication and computer related issues would be considered internally or if an independent vendor would be acquired.

Mr. Santopetro stated that they were anticipating that the county would hire a vendor.

Judge Hinojosa suggested that Mr. Remi Garza, Assistant County Administrator, discuss the possible use of workstations with the departments and questioned when construction could begin.

Mr. Santopetro responded that there was first a need to get rid of the asbestos and that construction could begin immediately upon the county doing the demolition work.

Judge Hinojosa suggested that the demolition work be placed on the next agenda.

Mr. Sepulveda stated that meetings would be held with departments this week to review the floor plan.

PROPOSED VEHICLE MAINTENANCE FACILITY

Mr. Santopetro reported that the county should be able to move into the facility by June 2005 based on the proposed schedule. He stated that the space analysis resulted in a total of 24,070 square feet, since 600 square feet were lost between net and gross.

Judge Hinojosa asked if the fenced impound lot was included in the design.

Mr. Santopetro responded negatively.

Judge Hinojosa requested a cost estimate of an impound made of caliche.

Commissioner Wood expressed concern with the layout of the Vehicle Maintenance Facility and stated that the building must be designed in a way where security could be provided.

Mr. Santopetro stated that the person in charge believed that the facility was designed in a way that security could be provided.

Mr. Lee Lozano, Vehicle Maintenance Supervisor, indicated that an employee would be in charge of inventory.

Commissioner Wood suggested that the accommodation of the doors be revised to accomplish providing maintenance and security to the supplies.

Judge Hinojosa asked if rearrangement of the doors was feasible in moving equipment, and Mr. Lozano responded negatively.

Judge Hinojosa suggested that the area behind the counter be made wider and that present doors be kept, although under lock, and that the person in charge of inventory open them only when needed to move large equipment.

Commissioner Wood stated that the large equipment storage must be consolidated where it too can be controlled.

Mr. Lozano stated that the large equipment consists of large equipment such as spares that are remounted.

Judge Hinojosa stated that relocating the large equipment storage did not make sense and recommended that the storage be kept under lock and supervised upon equipment being needed from the same. He suggested that the changes be made for the \$500,000.00 cost.

Mr. Santopetro stated that the cost for the asphalt paving for the surrounding parking lot would decrease the labor cost by \$87,300.00, in addition to about half the cost of material.

Judge Hinojosa stated that doing the work in-house could decrease the cost to about \$480,000.00 for the parking lot.

Commissioner Tamayo questioned the repairs for the roof costing \$265,000.00 plus \$5,000.00.

Mr. Santopetro explained that the \$5,000.00 cost was for treatment of the joint in need of repair, totaling \$270,000.00 to address the roof repairs.

Commissioner Garza moved that the Presentation by Joseph Santopetro concerning the Levi's Building and the Vehicle Maintenance Building be accepted.

The motion was seconded by Commissioner Tamayo.

Judge Hinojosa requested that Reports concerning funding and timelines be provided next week.

Mr. Mark Yates, County Auditor, noted that there would be an additional cost of about \$300,000.00 for communications and computer connection.

Judge Hinojosa requested that Mr. Garza include said cost in the report next week and that the Court be informed if there was a need to schedule a workshop.

Mr. Remi Garza, Assistant County Administrator, stated that the equipment in the departments would be used, thus the wiring would be the main need.

Upon motion duly made that Commissioner Garza that the Presentation by Joseph Santopetro, concerning the Levi's Building and the Vehicle Maintenance Building be accepted.

The motion was seconded by Commissioner Tamayo and carried unanimously.

The Report is as follows:

(6) **CONSIDERATION AND POSSIBLE APPROVAL OF
MEMORANDUM OF UNDERSTANDING BETWEEN
CAMERON COUNTY AND THE CITY OF RIO HONDO
CONCERNING THE RIO HONDO CITY PARK**

Commissioner Wood stated that this item appeared to be for the County to assist the City of Rio Hondo to prepare an application to the Parks & Wildlife for funding for improvements to the park and questioned how this would impact the county in applying for other funds.

Commissioner Tamayo noted that Rio Hondo was within Cameron County and that there was not a park within that area. She stated that the park would enable having recreational activities and that the City of Rio Hondo needs assistance in developing the park.

Judge Hinojosa explained that the city of Rio Hondo used their CD money, \$333,000.00, to purchase a 13 acre tract of land and to build a big building to provide numerous services but did not get a waiver from Parks & Wildlife to use the money as matching funds for a Parks & Wildlife grant. He stated that now they cannot apply for the grant unless they come up with cash for matching funds; therefore, Commissioner Tamayo and he determined that the County could partner with Rio Hondo to build a community park by working a mechanism where the value of the land and building could be used as matching amount for a Parks & Wildlife grant. Judge Hinojosa stated that the understanding was that the value of the land and building could be used as matching funds upon them being donated to Cameron County in the form of an interlocal agreement, adding that the value was between \$300,000.00 and \$400,000.00.

Judge Hinojosa informed that Rio Hondo needed help with developing the land into a park where recreational activities could take place. He stated that the value of land could be used to apply for grant from Parks & Wildlife to build a park in Rio Hondo, noting that Commissioner Tamayo and he felt that this was a great project, assuming that the value of the property could be used as matching funds.

Commissioner Garza moved that the Memorandum of Understanding between Cameron County and the City of Rio Hondo concerning the Rio Hondo City Park be approved.

The motion was seconded by Commissioner Benavides.

Commissioner Wood asked if the County had plans to submit applications for funds from Parks & Wildlife and the status of other grants from the same.

At this time, Mr. Javier Mendez, Parks System Director, stated that the Browne Road Park must be complete prior to being approved for any other grant funds. He stated that the last project that was submitted was the Boca Chica Beach project for which funds were reprogrammed, and that plans were to submit an application for grant funds

for the Laguna Heights Park, yet this would not compete since it would be submitted as a small community grant application for Laguna Heights.

Judge Hinojosa asked if use of the value of the land as matching funds would be acceptable to Parks & Wildlife.

Mr. Frank Bejarano, PD&M Director, responded that he would work with Mr. Mendez and suggested that perhaps a lease hold could be made on the property.

Judge Hinojosa asked if an application could be submitted for a facility grant from Parks & Wildlife and if doing so would prohibit submission of another.

Mr. Mendez explained that these were two different programs and that submission could take place; however, there could not be more than \$1 million in outstanding projects, thus only the indoors or outdoor grants would be granted. He stated that in applying for an indoor grant the priority list must be changed and that applying for an outdoor grant said list was already available.

Commissioner Garza noted that the Master Plan could be changed.

Mr. Mendez stated that the only other project that was foreseen in the near future was the expansion of El Ranchito Park.

Judge Hinojosa asked if the \$250,000.00 obtained to build a Boys & Girls Club in Santa Rosa could be used to apply for additional funding since it would not be sufficient to build a larger facility and if this would compete with this application.

Mr. Mendez responded negatively, and reiterated that there could not be more than \$1 million outstanding.

Judge Hinojosa stated that this would not total \$1 million.

Commissioner Wood stated that other projects remain outstanding.

Judge Hinojosa asked if the two (2) projects could be complete in order to qualify for both projects.

Mr. Mendez responded that Browne Road Project would be complete in the next 45 days.

Judge Hinojosa noted the need to determine if both applications for Rio Hondo and Santa Rosa could be submitted by January 2005.

Commissioner Wood noted the need to revise the Master Plan rather than planning everywhere.

Commissioner Garza stated that the City of San Benito approached him with regards to a possible partnership to do something south of San Benito in the Master Plan.

Mr. Mendez stated that the only one indoor grant was only being awarded per year for the entire State.

Upon motion duly made by Commissioner Garza that the Memorandum of Understanding between Cameron County and the City of Rio Hondo concerning the Rio Hondo City Park be approved.

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

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

NAY: Commissioner Wood.

Mr. Doug Wright, Commissioners' Court Legal Counsel, stated that the use of the land might be restricted if the City of Rio Hondo acquired it through some type of government grant.

Judge Hinojosa noted that Mr. Bejarano would review the matter to determine its feasibility.

The MOU is as follows:

(7) **CONSIDERATION AND SELECTION OF ONE OR MORE PROJECTS FOR APPLICATION TO THE 2005 TEXAS COMMUNITY DEVELOPMENT PROGRAM COMMUNITY DEVELOPMENT FUND**

Commissioner Tamayo moved that the project presented by Brownsville Public Utilities Board (PUB) be selected.

The motion was seconded by Commissioner Wood.

Commissioner Garza asked if the total completion of the project was assured by the time being requested.

Mr. Frank Bejarano, PD&M Director, responded that there might be a need to do a Memorandum of Understanding to guarantee assurance of completion because there might be a recapture of funds if the project was not complete and operational by the deadline.

Upon motion duly made by Commissioner Tamayo that the Project presented by Brownsville Public Utilities Board (PUB) be selected, pending a Memorandum of Understanding.

The motion was seconded by Commissioner Wood.

Commissioner Garza moved that the motion be amended to include that the only way that the PUB project would be supported would be as a stand alone TCVP and if not that the other project be identified as an alternative.

Mr. Bejarano stated that PUB elected to be a stand alone project and that the county was requesting that it be operational at the end of the two (2) years because otherwise there would be a recapture of funds from PUB, as would be indicated by the MOU.

Judge Hinojosa clarified that the stipulation indicated by Commissioner Garza was already part of the motion.

Upon motion duly made by Commissioner Tamayo that the Project presented by Brownsville Public Utilities Board (PUB) be selected, pending a Memorandum of Understanding.

The motion was seconded by Commissioner Wood and carried unanimously.

Judge Hinojosa indicated that the Proposition II application includes a competitive application for construction of a retention pond in Green Valley Acres at a cost of \$4.3 million and a separate application for paving of all unpaved roads in Green Valley Acres. He stated that the county was also working on a plan to provide street lighting in Laguna Heights, and added that the last round of Colonia Grant Application did include a request for \$500,000.00 to be split between El Jardin Water Supply and Rio Hondo.

The MOU is as follows:

(8) CONSIDERATION AND AUTHORIZATION TO RECLASSIFY A POSITION IN ACCOUNT 100-4990, SLOT NUMBER 02 AS CHIEF DEPUTY OF INVESTIGATIONS/MOTOR VEHICLE DIVISION, INCREASE SLOT NUMBER 41, AND ASSUME AUTO ALLOWANCE INTO SALARIES FOR SLOTS 3 AND 4

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the reclassification of a position in Account 100-4990, Slot Number 02, as Chief Deputy of Investigations/Motor Vehicle Division, increase Slot Number 41, and reallocation of auto allowance into salaries for Slots 3 and 4 were authorized.

The Salary Schedules are as follows:

(10) CONSIDERATION AND AUTHORIZATION TO ACCEPT THE FATHER JOSEPH O'BRIEN HEALTH CLINIC AS SUBSTANTIALLY COMPLETE

Mr. Pete Sepulveda, Department of Transportation Director, informed that the Father Joseph O'Brien Health Clinic was substantially complete, except for minor things.

Judge Hinojosa asked if the clinic was in operation and if people were being served.

Mr. Sepulveda responded in the affirmative.

Commissioner Garza asked if the issue concerning water drainage in the exterior of the facility was addressed.

Mr. David Gomez, Engineering Department, responded negatively.

Commissioner Garza noted the need to drain the exterior parameter away from the building.

Mr. Gomez stated that they were waiting for a drain at the corner of the property that would drain into the street that should be complete within a week and a half.

Judge Hinojosa requested that Father O'Brien be informed that the clinic was reopened.

Commissioner Tamayo moved that the acceptance of the Father Joseph O'Brien Health Clinic as substantially complete be authorized.

The motion was seconded by Commissioner Wood and carried unanimously.

(14) CONSIDERATION AND POSSIBLE APPROVAL OF INTERLOCAL AGREEMENT WITH THE CITY OF RIO HONDO TO ALLOW THE COUNTY THE USE OF ITS COMMUNITY CENTER LOCATED AT RIO HONDO CITY PARK FOR A COMMUNITY LEARNING CENTER

Judge Hinojosa informed that there was a need for additional space for the Family Learning Centers and that the City of Rio Hondo agreed to allow use of a new building upon some repairs being made.

Mr. Mark Yates, County Auditor, stated that Road & Bridge Funds would be used and questioned if a reimbursement plan from the Parks System was available.

Commissioner Wood asked if the total cost was known, and Mr. Yates responded negatively.

Commissioner Wood stated that the county would have use of the building from 3 p.m. to 7 p.m., Mondays thru Thursday and would be responsible for paying utilities. He added that the County would be responsible for building a parking lot and a driveway, and questioned the length of the driveway that was to be done by the Department of Transportation.

Mr. Pete Sepulveda, Department of Transportation Director, responded that a cost estimate was unavailable due to the need of additional information.

Commissioner Tamayo stated that the parking lot and driveway would be caliche.

Mr. Doug Wright, Commissioners' Court Legal Counsel, suggested not exceed a set figure.

Judge Hinojosa suggested that the cost be set not to exceed \$5,000.00.

Mr. Sepulveda agreed that the amount be set at a cap of \$7,500.00 since fill for the low area might be available in other parts of the county.

Commissioner Wood asked if the utilities would be funded by the Parks System.

Mr. Javier Mendez, Parks System Director, responded that Learning Centers were funded from the Parks System Budget.

Mr. Yates stated that information concerning the utilities could be reviewed for next week.

Commissioner Tamayo moved that the Interlocal Agreement with the City of Rio Hondo be approved to allow the County the use of its community center located at Rio Hondo City Park for a Community Learning Center, at a cost not to exceed \$7,500.00.

Mr. Yates asked if the project would be funded out of the Parks System's Fund Balance and if the Budget Officer would present a Budget Amendment for approval.

Judge Hinojosa responded in the affirmative.

Mr. Yates asked Legal Counsel if such action was permissible.

Mr. Wright responded in the affirmative.

Commissioner Garza requested that the Parks System and/or the Court to be consistent in finding money.

Judge Hinojosa stated that funds were unavailable in the Parks System's Budget and that the Court was deciding to use Fund Balance.

Upon motion duly made by Commissioner Tamayo that the Interlocal Agreement with the City of Rio Hondo be approved to allow the County the use of its community center located at Rio Hondo City Park for a Community Learning Center, at a cost not to exceed \$7,500.00.

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

The Agreement is as follows:

CONSENT ITEMS

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

DISCUSSION CONCERNING CONSENT AND TRAVEL ITEMS:

ITEM NO. 29: Commissioner Garza explained that this was a request to close Loop Road Bridge due to dangers to school busses and to the public. He requested that the authorization to close the bridge include a review of what must be done to reopen the same.

Mr. Pete Sepulveda, Department of Transportation Director, stated that other similar situations have been observed throughout the county; therefore, an in-house design of how to do the improvements was available. He stated that the County Engineer was preparing said information which would be brought before the Court. Mr. Sepulveda stated that the Texas Department of Transportation identified a loop hole that would make the project qualify for construction in anywhere between 36 and 48 months, which was unacceptable. He stated that culverts would be used and that a cost estimate could be presented in about two weeks.

ITEM NO. 30C: Commissioner Tamayo requested that this item be tabled.

ITEM NO. 30-L: Mr. Remi Garza, County Administrative Assistant, clarified that only 2 employees were traveling rather than 92.

ITEM NO. 11: Mr. Mark Yates, County Auditor, presented the following late claims:
Warrant No. 00125443, payable to State Comptroller, in the amount of \$185.71;
Warrant No. 00125444, payable to Fund No. 32, in the amount of \$480.00;
Warrant No. 00125445, payable to General Fund, in the amount of \$210,000.00;
Warrant No. 00125446, payable to Fund No. 6, in the amount of \$25,000.00;
Warrant No. 00125447, payable to Fund No. 78, in the amount of \$300,000.00;
Warrant No. 00125448, payable to the Texas State University, in the amount of \$40.00;
Warrant No. 00125449, payable to Veteran Bridge Operation Fund, in the amount of \$840,000.00;
Warrant No. 00125450, payable to State Comptroller, in the amount of \$882.17;
Warrant No. 00125451, payable to Los Indios Toll Bridge debt service, in the amount of \$112,000.00; and,
Warrant No. 00125452, payable to Hammer Enterprises, in the amount of \$68,600.00.
Commissioner Garza questioned which item made reference to Hammer Enterprise.
Judge Hinojosa suggested that the item be tabled since it was not on the agenda.
Mr. Yates stated that the issue made reference to merely \$600.00 of the amount and explained that the recent Attorney General's opinion indications that the court can ratify a purchase made without a purchase order. He noted that at this point in time he would stipulate that an emergency exist in order to get something done due to the issue of the Election.
Judge Hinojosa stated that approval of the item was needed since the Election was three weeks away.
Mr. Doug Wright, Commissioners' Court Legal Counsel, advised that approval of the item was okay if the Auditor expressed no concerns.

Commissioner Benavides moved that the "Travel and Consent Items" be approved, inclusive of the late claims and that Item No. 30-c be **TABLED**.

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

AYE: Commissioners Benavides, Wood, Garza and Tamayo,

NAY: None,

ABSTAIN: Judge Hinojosa as to Warrant No. 00125162, payable to Southwest Key Program in the amount of \$14,222.84 and Warrant No. 00125108 payable to the Laguna Madre Water District in the amount of \$184.08; and Commissioner Garza as to warrant No. 00125325 payable to the Medicine Shoppe in the amount of \$2,851.69.

- (11) **APPROVAL OF CLAIMS;**
The Affidavits follow:
- (12) **APPROVAL OF PROCLAMATION DECLARING NOVEMBER 2004 AS “HOME HEALTH CARE AND HOSPICE MONTH” IN CAMERON COUNTY;**
The Proclamation follows:
- (13) **ADOPTION OF A RESOLUTION RECOGNIZING MS. CINDY VELA ON THE OCCASION OF HER SELECTION AS “MISS CAMERON COUNTY”;**
The Resolution follows:
- (14) **IN THE MATTER REGARDING CONSIDERATION AND POSSIBLE APPROVAL OF INTERLOCAL AGREEMENT WITH THE CITY OF RIO HONDO TO ALLOW THE COUNTY THE USE OF ITS COMMUNITY CENTER LOCATED AT RIO HONDO CITY PARK FOR A COMMUNITY LEARNING CENTER; (ACTION TAKEN SEPARATELY)**
- (15) **AUTHORIZATION TO AMEND THE SIGNATURES ON THE FOLLOWING ACCOUNTS: CAMERON COUNTY, CAMERON COUNTY DISTRICT ATTORNEY, RESTITUTION TRUST ACCOUNT, ACCOUNT NO. 66501016; CAMERON COUNTY, CAMERON COUNTY DISTRICT ATTORNEY, EMERGENCY IMPREST ACCOUNT, ACCOUNT NO. 66501067;**
The Resolution is as follows:
- (16) **AUTHORIZATION TO APPROVE BEACH FRONT CONSTRUCTION CERTIFICATE AND DUNE PROTECTION PERMIT FOR OCEAN TOWERS SPI DEVELOPMENT, ON EAST PORTION OF TRACT 20, PADRE ESTATES;**
The Certificate follows:
- (17) **APPROVAL OF A RESOLUTION AUTHORIZING CAMERON COUNTY TO APPLY FOR AN INDIGENT DEFENSE FORMULA GRANT FROM THE TEXAS TASK FORCE ON INDIGENT DEFENSE;**
The Resolution follows:
- (18) **APPROVAL FOR CAMERON COUNTY AUDITOR’S STAFF TO ATTEND 59TH TEXAS COUNTY AUDITOR’S ANNUAL CONFERENCE;**
- (19) **APPROVAL OF AGREEMENT BETWEEN CAMERON COUNTY HEALTH DEPARTMENT AND THE SOUTH TEXAS CHAPTER OF THE AMERICAN RED CROSS;**
The Agreement follows:
- (20) **AUTHORIZATION TO AWARD THE FOLLOWING BIDS/RFP/ RFQ FOR:**
A. **LINEN: MATTRESSES & PADS, BLANKETS, TOWELS, MISC. – ANNUAL BID #2360 TO BOB BARKER FOR MATTRESSES, TO I.C.S. FOR MATTRESS COVERS, TO I.C.S. FOR BLANKETS, TO I.C.S. FOR TOWELS, TO I.C.S. FOR PILLOWS AND TO I.C.S. FOR SHEETS.**
The Tabulation follows:
- (21) **AUTHORIZATION TO AWARD THE FOLLOWING BIDS/RFP/ RFQ FOR:**
A. **OFFICE, COMPUTER, TONER SUPPLIES – ANNUAL BID #2440**
The Tabulation follows:
- (22) **AUTHORIZATION TO AWARD THE FOLLOWING BIDS/RFP/ RFQ FOR:**
A. **SIGNS, POST & MISC. FOR ROADS – ANNUAL BID NO. 2630.**
The Tabulation follows:

- (23) **AUTHORIZATION TO PROVIDE MOBILE PHONE AND SERVICE FOR THE COMPUTER TECHNICIAN FOR THE INTERNATIONAL BRIDGE SYSTEM;**
- (24) **AUTHORIZATION TO APPLY WITH THE TEXAS DEPARTMENT OF TRANSPORTATION AS AN ECONOMICALLY DISADVANTAGED COUNTY (EDC) FOR THE REPLACEMENT OF A BRIDGE AT CR 540 (NORMAN ROAD) IN THE PRECINCT 4 AREA;**
The Application follows:
- (25) **AUTHORIZATION TO APPLY WITH THE TEXAS DEPARTMENT OF TRANSPORTATION AS AN ECONOMICALLY DISADVANTAGED COUNTY (EDC) FOR THE REPLACEMENT OF A BRIDGE AT CR 536 (GRACIA ROAD) IN THE PRECINCT 4 AREA;**
The Application follows:
- (26) **AUTHORIZATION FOR PRELIMINARY AND FINAL APPROVAL FOR:**
 - A. **PRECINCT NO. 3- DEL REY ESTATES SUBDIVISION, BEING 2.636 ACRES OF LAND OUT OF BLOCK 15 & 16, COLE TRACT SUBDIVISION, CAMERON COUNTY, TEXAS.**
- (27) **AUTHORIZATION FOR FINAL APPROVAL FOR;**
 - A. **PRECINCT NO. 2-PINEWOOD NO. 2 SUBDIVISION, BEING 9.658 ACRES OF LAND, COMPRISED OF 6.402 ACRES POUT OF BLOCK 6 AND 3.256 ACRES OUT OF BLOCK 7, OF THE EL JARDIN HEIGHTS SUBDIVISION IN SHARE 22, ACCORDING TO MAP RECORDED IN VOLUME 5, PAGE 48, OF THE MAP OF CAMERON COUNTY, TEXAS.**
- (28) **APPROVAL OF TIME EXTENSION FROM OCTOBER 3, 2004 TO OCTOBER 3, 2005 FOR PROVIDING WATER AND SEWER FACILITIES (WATER WELLS TREATMENT SYSTEMS & SEPTIC SYSTEMS) AT C & S RODRIGUEZ SUBDIVISION, PRECINCT 4; AND,**
- (29) **AUTHORIZATION TO CLOSE LOOP ROAD BRIDGE LOCATED NORTH OF BAY VIEW AND OFF TED HUNT ROAD IN THE PRECINCT 3 AREA.**

TRAVEL ITEMS

- (30) **CONSIDERATIONS AND AUTHORIZATION TO TRAVEL/OR APPROVAL OF TRAVEL EXPENSE FOR THE FOLLOWING (PLEASE NOTE: TRAVEL REQUESTS ARE SUBJECT TO ALL APPLICABLE COUNTY POLICIES):**
 - A. Justice of the Peace Precinct 5, Place 2, to attend "20 Hours Justice of the Peace Seminar Training", in Corpus Christi, November 15-18, 2004;
 - B. County Treasurer to attend the "2004 Texas Public Funds Investment Conference", in Houston, Texas, November 18-19, 2004;
 - C. Commissioner Precinct 4, to attend the "Texas Border Infrastructure Coalition 2004 Legislative Briefing", in Austin, Texas, on November/16-17/04,
 - D. Commissioner Precinct 3, Commissioner Precinct 4 and Director of Department of Transportation, to meet with officials regarding "The North Rail Relocation Project" in Washington, D.C., on 10/13-14/04,
 - E. Tax Assessor-Collector and Chief Deputy, to attend the "LBJ School Conference and Training, State Comptroller's Property Tax Division's 26th Annual Conference", in Austin, Texas, on 10/17-19/04,
 - F. Automobile Crimes Enforcement Task Force Investigators (2), to attend the "Texas Association of Vehicle Theft Investigators 2004 Annual Training Conference", in Lubbock, Texas, on 10/25-29/04

- G. County Clerk and Deputy clerks (3), to attend the “Annual Training Workshop For Collecting Court Fines And Fees”, in Lakeway, Texas, on November/11-12/04,
- H. Juvenile Probation Employees (2), to Attend “Special Programs Contract and Case Planning Training”, in Austin, Texas, on 10/18-20/04,
- I. Juvenile Probation Employees (4), to Attend “Texas Juvenile Probation Commission Mock Audit of Probation Files”, in Laredo, Texas, on 10/18-22/04,
- J. Pd & M Employees (2), to attend the Office Rural Community Affairs 2004 Implementation Manual Small Group Training Workshop”, in Falfurrias, Texas, on 10/14/04,
- K. Health Inspector, to attend Teex (Texas Engineering Extension Service) Installer I Course on on-site sewage facilities (OSSF)”, in Weslaco, Texas, on 10/19-20/04,
- L. Two (2) Health Department employees to attend the “Annual National Conference on Correctional Health Care”, in New Orleans, Louisiana, on November 12-17, 2004.

- (11) APPROVAL OF CLAIMS.**
The Affidavits follow:

- (12) APPROVAL OF PROCLAMATION DECLARING NOVEMBER 2004 AS “HOME HEALTH CARE AND HOSPICE MONTH” IN CAMERON COUNTY.
The Proclamation follows:**

- (13) ADOPTION OF A RESOLUTION RECOGNIZING MS. CINDY VELA ON THE OCCASION OF HER SELECTION AS “MISS CAMERON COUNTY”
The Resolution follows:**

- (15) AUTHORIZATION TO AMEND THE SIGNATURES ON THE FOLLOWING ACCOUNTS: CAMERON COUNTY, CAMERON COUNTY DISTRICT ATTORNEY, RESTITUTION TRUST ACCOUNT, ACCOUNT NO. 66501016; CAMERON COUNTY, CAMERON COUNTY DISTRICT ATTORNEY, EMERGENCY IMPREST ACCOUNT, ACCOUNT NO. 66501067.
The Resolution is as follows:**

- (16) AUTHORIZATION TO APPROVE BEACH FRONT CONSTRUCTION CERTIFICATE AND DUNE PROTECTION PERMIT FOR OCEAN TOWERS SPI DEVELOPMENT, ON EAST PORTION OF TRACT 20, PADRE ESTATES.
The Certificate follows:**

- (17) **APPROVAL OF A RESOLUTION AUTHORIZING CAMERON COUNTY TO APPLY FOR AN INDIGENT DEFENSE FORMULA GRANT FROM THE TEXAS TASK FORCE ON INDIGENT DEFENSE.**

The Resolution follows:

- (19) **APPROVAL OF AGREEMENT BETWEEN CAMERON COUNTY HEALTH DEPARTMENT AND THE SOUTH TEXAS CHAPTER OF THE AMERICAN RED CROSS.**
The Agreement follows:

- (20) AUTHORIZATION TO AWARD THE FOLLOWING BIDS/RFP/ RFQ FOR:
A. LINEN: MATTRESSES & PADS, BLANKETS, TOWELS, MISC. – ANNUAL BID #2360 TO BOB BARKER FOR MATTRESSES, TO I.C.S. FOR MATTRESS COVERS, TO I.C.S. FOR BLANKETS, TO I.C.S. FOR TOWELS, TO I.C.S. FOR PILLOWS AND TO I.C.S. FOR SHEETS.
The Tabulation follows:**

- (21) AUTHORIZATION TO AWARD THE FOLLOWING BIDS/RFP/ RFQ FOR:
A. OFFICE, COMPUTER, TONER SUPPLIES – ANNUAL BID #2440
The Tabulation follows:**

- (23) AUTHORIZATION TO AWARD THE FOLLOWING BIDS/RFP/ RFQ FOR:
A. SIGNS, POST & MISC. FOR ROADS – ANNUAL BID NO. 2630.
The Tabulation follows:**

- (24) **AUTHORIZATION TO APPLY WITH THE TEXAS DEPARTMENT OF TRANSPORTATION AS AN ECONOMICALLY DISADVANTAGED COUNTY (EDC) FOR THE REPLACEMENT OF A BRIDGE AT CR 540 (NORMAN ROAD) IN THE PRECINCT 4 AREA.**
The Application follows:

- (25) **AUTHORIZATION TO APPLY WITH THE TEXAS DEPARTMENT OF TRANSPORTATION AS AN ECONOMICALLY DISADVANTAGED COUNTY (EDC) FOR THE REPLACEMENT OF A BRIDGE AT CR 536 (GRACIA ROAD) IN THE PRECINCT 4 AREA.**
The Application follows:

EXECUTIVE SESSION

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the

Court met in Executive Session at 11:47 A.M. to discuss the following matters:

(31) EXECUTIVE SESSION:

- A. Confer with Commissioners' Court Legal Counsel concerning the Texas Commission on Environmental Quality (TCEQ) Docket No. 2002-1339-MLM-E, for possible settlement; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A)&(B);
- B. Confer with Commissioners' Court Legal Counsel concerning issues regarding the Del Mar Heights buyout properties; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- C. Confer with Commissioners' Court Legal Counsel concerning Rene A. Gosser versus Cameron County in the 107th District Court; Cause No. 2003-08-4129-A, to discuss status and possible settlement; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A)&(B);
- D. Confer with Commissioners' Court Legal Counsel concerning the Dancy Building parking lot on which the duty of the attorney to the Governmental Body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas conflicts with the Open Meetings Act; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(2) & 551.071(A);
- E. Confer with Commissioners' Court Legal Counsel concerning Vicenta Cantu; Felix R. Munoz, Ruth Weaver and Diamantina Alvarado versus Cameron County and Tony Yzaguirre, Jr.; Civil Action No. B-03-096 in the United States District Court, for discussion of status of case and settlement offer; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(B)&(2);
- F. 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);
- G. 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);
- H. Deliberation regarding Real Property concerning acceptance of property in Arroyo City; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072; and,
- I. Confer with Commissioners' Court Legal Counsel concerning claim of Craig Atchison; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071.

Upon motion by Commissioner Tamayo, seconded by Commissioner Wood and carried unanimously, the

Court reconvened into Regular Session at 1:47 P.M. to discuss the following matters:

NOTE: COMMISSIONER GARZA AND JUDGE HINOJOSA LEFT THE MEETING AT THIS TIME.

(32) ACTION RELATIVE TO EXECUTIVE SESSION:

- A. **Confer with Commissioners' Court Legal Counsel concerning the Texas Commission on Environmental Quality (TCEQ) Docket No. 2002-1339-MLM-E, for possible settlement.**

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

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- B. **Confer with Commissioners' Court Legal Counsel concerning issues regarding the Del Mar Heights buyout properties.**

Commissioner Tamayo moved that the acceptance of 13 properties listed in Exhibit B be authorized.

The motion was seconded by Commissioner Wood and carried unanimously.

The Exhibit is as follows:

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- C. **Confer with Commissioners' Court Legal Counsel concerning Rene A. Gosser versus Cameron County in the 107th District Court; Cause No. 2003-08-4129-A, to discuss status and possible settlement.**

Commissioner Tamayo moved that continuation of negotiations be authorized.

The motion was seconded by Commissioner Wood and carried unanimously.

-
- D. **Confer with Commissioners' Court Legal Counsel concerning the Dancy Building parking lot on which the duty of the attorney to the Governmental Body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas conflicts with the Open Meetings Act.**

Upon motion by Commissioner Wood, seconded by Commissioner Tamayo and carried unanimously, the entering into a Professional Service Agreement with an Archeologist was authorized, with the understanding that the County would do some self help, labor, and equipment with regards to the archeological work at the site.

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- E. **Confer with Commissioners' Court Legal Counsel concerning Vicenta Cantu; Felix R. Munoz, Ruth Weaver and Diamantina Alvarado versus Cameron County and Tony Yzaguirre, Jr.; Civil Action No. B-03-096 in the United States District Court, for discussion of status of case and settlement offer.**

Commissioner Tamayo moved that continuation of negotiations be authorized.

The motion was seconded by Commissioner Wood and carried unanimously.

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

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 Cameron County versus Faulkner, USA formerly known as Landmark.

Commissioner Tamayo moved that the Status Report be acknowledged.

The motion was seconded by Commissioner Wood and carried unanimously.

H. Deliberation regarding Real Property concerning acceptance of property in Arroyo City.

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

I. Confer with Commissioners' Court Legal Counsel concerning claim of Craig Atchison.

Commissioner Wood moved that Legal Counsel and the Parks System Director be authorized to continue negotiations pursuant to discussions in Executive Session to allow Mr. Atchison an ingress/egress easement.

The motion was seconded by Commissioner Tamayo and carried unanimously.

There being no further business to come before the Court, upon motion by Commissioner Tamayo, seconded by Commissioner Wood and carried unanimously, the meeting was ADJOURNED at 1:51 P.M.

APPROVED this 7th day of **December 2004**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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