

THE STATE OF TEXAS §

COUNTY OF CAMERON §

**BE IT REMEMBERED** on the 18<sup>th</sup> day of January 2005, 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**

**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:**

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

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The meeting was called to order by Judge Pro-tem Pedro Pete Benavides at 9:33 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 January 14, 2005, at 3:15 P.M.:

**NOTE: JUDGE HINOJOSA ARRIVED AT THIS TIME.**

Commissioner Tamayo informed that the ribbon cutting Ceremony for the Rio Hondo Learning Center would take place February 5, 2005.

Commissioner Benavides informed that completion of Browne Road Regional Park would be delayed about two weeks due to pending work.

Judge Hinojosa informed that he met with the respective mayors of Brownsville and Harlingen concerning the development of an event center. He stated that Harlingen was back to the position of developing an event center on its own and that he informed them that the County supported their decision and project. Judge Hinojosa explained that now was not a good time for Cameron County to engage in this project and that perhaps it would be safe to proceed with such a project once issues with the jail were resolved. He noted that the county must examine the possibility of developing an event center upon Harlingen not following thru, and that he was confident that Harlingen would make a good decision regardless of whether they proceed with the project as their sole project or as a regional project.

Commissioner Tamayo stated that Mr. Cesar Gonzalez, San Benito City Mayor, was ready for a regional approach for the project and that they had land available for the arena.

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**(14) CONSIDERATION AND AUTHORIZATION TO CONTRACT WITH ALEJANDRO BIGLIONE, MD, TO PROVIDE GATEKEEPER PHYSICIAN SERVICES TO PARTICIPANTS OF THE CAMERON COUNTY INDIGENT HEALTHCARE PROGRAM. (MY-AUDITOR)**

Mr. Mark Yates, County Auditor informed that Dr. Biglione submitted an application for Gatekeeper services and was offering opportunities for expanded services, extended hours and home visits on occasions as needed. He stated that considering Dr. Biglione's contract at this time was coincidental because he was recently notified that Dr. Teresa Witt decided to terminate her office in downtown San Benito, therefore ceasing services at the end of the month. He stated that he would like to coordinate a meeting with all gatekeepers and the Health Services District in order for them to become familiarized with the program.

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza, and carried unanimously, the Contract with Alejandro Biglione, M.D., to provide Gatekeeper Physician Services to participants of the Cameron County Indigent Healthcare Program was approved.

**The Contract is as follows:**

**(1) PUBLIC COMMENTS**

None was presented.

**ACTION ITEMS**

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

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

The motion was seconded by Commissioner Garza and carried unanimously.

**The documents are as follow:**

**(3) CONSIDERATION AND ACTION REGARDING THE PROPOSED PLAN FOR SELECTION OF PROSPECTIVE JURORS. (MM-103<sup>RD</sup> DISTRICT COURT)**

Mr. Remi Garza, County Administrative Assistant, informed that District Judge Menton Murray requested that the Court take action regarding the proposed Plan for selection of prospective jurors. He explained that the Plan would be brought back before the Court next week for certification, as required by the process.

Commissioner Benavides moved that the proposed Plan for selection of prospective jurors be approved.

The motion was seconded by Commissioner Tamayo and carried unanimously.

**The Plan is as follows:**

**(4) CONSIDERATION AND ADOPTION OF A RESOLUTION REGARDING MOBILE PUBLIC SAFETY DATA SERVICE IN CAMERON COUNTY. (COMM. COURT)**

Mr. Remi Garza, County Administrative Assistant, informed that a Presentation was made about five weeks ago regarding the Wide-Area Network, which would allow a mobile link with law enforcement agencies. He stated that there were marked funds in Congress that authorize the expenditure of setting up the infrastructure to allow law enforcement agencies access to databases. Mr. Garza stated that initial discussions pertained to having a system located at the International Bridges to allow access to the database by Border Patrol or DPS in order to verify identity of individuals. He stated that the project's cost upon completion was estimated at about \$7 million and would be funded through Congressional Funds. Mr. Garza explained that a proposal was being prepared to access the funds.

Commissioner Tamayo asked if the project was initiated due to a conflict in identifying an individual.

Mr. Garza responded that the project was initiated by Homeland Security because, at times, false identification was being provided when somebody was pulled over. He added that there was the fear of possible suspected terrorists or other criminals being able to slip thru the system as a result of not having accurate information readily available to law enforcement agencies. Mr. Garza stated that he did not know if a specific problem initiated the project, and added that the system would alleviate issues concerning identification of individuals brought to the jail by simply doing a fingerprint scan. He stated that the proposal was the first step of the process of access federal funds. Mr. Garza explained that different agencies would be able to participate and that a reoccurring maintenance fee might be provided by the agencies.

Commissioner Garza asked if this item would authorize submission of a proposal or a funding application.

Mr. Garza responded that upon approval of this item the Court would do the following: 1) express support to establish a Public Safety Mobile Data System; 2) would further the interest of law enforcement terrorist prevention by aiding the capture of wanted criminals and terrorists; and 3) would take the first step in constructing a Regional Public Safety Mobile Data System to safeguard the entire border region.

Commissioner Tamayo questioned if the project would be 100% funded through federal funds.

Mr. Garza responded that this was his understanding and that there would be an in-kind contribution, that being the primary location and the vehicles in which the mobile units would be put in.

Commissioner Garza questioned why the project was not being lead by a federal agency, such as Homeland Security.

Mr. Garza indicated that he would be unable to express a response and that he knew that the law enforcement community was looking more towards local leadership because federal agencies were working with the local law enforcements agencies to get them established so they can work and communicate with them because their primary responsibility with law enforcement falls with local agencies.

Judge Hinojosa agreed that it was unusual that the project was being done thru the county and asked if the project was tied to the International Bridge System.

Mr. Garza explained that the International Bridges were discusses as possible location, noting that Mr. Tom Hushen, Chief Emergency Officer, and Commissioner Wood were working with Motorola Organization, whom was spear heading the electronic aspect of the project.

Commissioner Tamayo questioned if the county would incur an expense resulting from the maintenance of vehicles mentioned.

Mr. Garza clarified that the vehicles were those already belonging to the county and that the project would essentially enhance the county's law enforcement. He added that for purposes of the grant that vehicles were considered participating because the county would provide the location. Mr. Garza stated that there should not be any outlay of cash from the County nor an increase in expenditures.

Mr. Tom Hushen, Chief Emergency Officer, stated that the county was being considered for the project because of the pilot program done with the county-wide radio system, which shows that the county is unified and working together. He stated that the database would allow law enforcement to run TLETS, fingerprint recognition, and would permit for the GPS system, wanted by Sheriff, to be set up to track all officers' locations.

Commissioner Garza asked if the Federal Government was willing to fund this 100%.

Mr. Hushen responded that it was a private pilot project that the county was trying to get, yet it was unknown if the funds would be obtained since an applications must be submitted. He noted that all law enforcement would be switching to the database system, adding that the system would eliminate the need for the large VCR located in the units because the recording of all traffic stops, required by State, would now go into the hard drive.

Commissioner Garza asked if the database would be shared with the federal agencies, and if the Sheriff had been consulted on the matter.

Mr. Hushen stated that the federal agencies would be able to do history checks, and that he met with the Sheriff last week. He added that the Sheriff liked the mobile data system but he really wants the GPS System, thus "killing two birds with one stone" and not costing the county any money if it goes thru.

Commissioner Garza expressed concern with sharing of information because of jurisdictional territories of each agency.

Mr. Hushen explained that the shared information being considered pertained to the ability to run criminal histories to determine if an individual has a warrant, information already being shared. He added that the system would enhance it and would allow officer to run the checks from the vehicle and that the GPS system was an added feature strictly for the county.

Commissioner Tamayo asked if an expense would be incurred during the second year.

Mr. Hushen responded that the only anticipated expense was the reoccurring tower rental fee and the service would just be an added feature. He stated that a cost estimated was unavailable because the type of equipment to be used was unknown.

Mr. Garza noted that other participating agencies would share the expense, thus decreasing the cost.

Mr. Hushen stated that the tower usage fee concept used for the radio system would be implemented for the mobile data system and that contracts would be needed.

Commissioner Tamayo moved that the Resolution regarding Mobile Public Safety Data Service in Cameron County be adopted.

The motion was seconded by Commissioner Garza and carried unanimously.

**The Resolution is as follows:**

**(7) CONSIDERATION AND POSSIBLE ACTION REGARDING THE BROWNE ROAD SOCIAL SERVICES CENTER AND TO ACCEPT A PROPOSAL FROM JAMAIL CONSTRUCTION (JM-PARK SYSTEM)**

Mr. Sepulveda stated that the information regarding the proposal for the Social Services Building for Browne Road Park was included in the package, adding that a summary page was added to the front of the information. He stated that the base bid from Jamail Construction was in the amount of \$1,572,040.00 and that the finishing of the NINOS portion of the facility would be done by the Building Maintenance Department, at total labor costs of \$25,000.00, totaling \$130,000.00. Mr. Sepulveda stated that the septic system and the grease trap would cost \$37,500.00, increasing the total to \$1,739,540.00. He explained that according to the Parks System Director the available budget was \$1,400,000.00, thus leaving a balance negative balance of \$339,540.00. Mr. Sepulveda stated that meetings were held with the Health Department regarding the WIC portion of the project, at an estimated \$302,000.00, amount that might decrease if State WIC Department provides funding.

Judge Hinojosa questioned the status of the WIC funding.

Mrs. Yvette Salinas, Health Department Director, stated that approval was needed from the USDA since the WIC Department was primarily funded through them. She stated that limitations applicable to WIC grant funds require that they be used within a specific fiscal year and prohibits them from rolling over to the following year. Mrs. Salinas stated that the Health Department was presently attempting to get the funding state agency to commit funds from this year and next year because the project might possibly be a two fiscal year project. She indicated that \$100,000.00 were set aside from this year and another \$100,000.00 from next year by the Cameron County WIC Department for said project; however, approval much be obtained from State and USDA. Mrs. Salinas added that hopefully State might contribute additional funds.

Commissioner Garza asked when notification would be obtained.

Mrs. Salinas responded that approval could take months, as it has in the past.

Judge Hinojosa stated that State has consistently made allocations for this; therefore, he thought approval would be obtained. He noted the need to go on with the project, and indicated that he was willing to take that risk because he believes that State will come thru, adding that the balance, of about \$30,000.00, could funded thru bond monies.

Mr. Sepulveda added that the proposal excludes the cost for the parking lot, of about \$50,000.00 for material, the irrigation and landscaping, and the gymnasium. He recommended that the proposal be awarded to Jamail Construction for \$1,572,040.00.



Commissioner Tamayo questioned the funding source for the interior finish of the NINOS project and if this was to be funded from the funds available through Head Start.

Judge Hinojosa stated that there were insufficient funds from Head Start to complete the interior; therefore, it was agreed, about a year ago, that the shell would be built and that the interior would be done in-house.

Mr. Sepulveda stated that the interior work was already budgeted within the Parks System.

Mr. Javier Mendez, Parks System Director, explained that the \$130,000.00 for the interior work was budgeted within the \$1.4 million.

Commissioner Garza asked if said work was included in the base bid.

Mr. Sepulveda responded negatively and reiterated that the engineering and architectural fees, the parking lot, irrigation, landscaping and gymnasium were not included in the base bid.

Judge Hinojosa questioned the funding source for said portions of the project.

Mr. Sepulveda responded that the Public Works Department would do the parking lot, inclusive of materials, and that the most of the architect fees have been paid by this time.

Mr. Mendez responded that the architect fees would be funded out of the Parks System Budget, consequently decreasing available funds.

Judge Hinojosa noted the need to meet with the Budget Officer to determine the amounts available in order to move forward on the project.

Mr. Mark Yates, County Auditor, questioned the action being taken, and stated that the Court determined that there was not sufficient funding to cover the entire contract.

Judge Hinojosa clarified that the motion was to approve the entering into a contract with Jamail Construction and that the balance would be funded from bond funds, adding that the balance would be funded through WIC funds.

Mr. Yates suggested that bond proceeds be encumbered and reimbursed upon WIC funds being obtained.

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, acceptance of the proposal for the Browne Road Social Services Center from Jamail Construction was authorized and the contract with Jamail Construction for the said project was approved, designating bond proceeds as funding source.

**The Report and Contract are as follow:**

**(8) IN THE MATTER REGARDIN GCONSIDERATION AND ACTION ON EQUIPMENT LIST REQUEST FOR CONSTABLE PRECINCT NO. 1 (SPO-CONSTABLE PCT. 1) (TABLED)**

Mr. Rumaldo Rodriguez, Deputy Constable Precinct No. 1, requested equipment needed for the Office of Constable Precinct No. 1.

Judge Hinojosa commented that the list was extravagant.

Mr. Xavier Villarreal, Budget Officer, noted that the total cost of the request was \$44,000.00.

Judge Hinojosa recognized the need of equipment for Constable Precinct No. 1 and No. 2 in order to operate adequately, yet the Court did not have \$44,000.00 readily available. He suggested that the District Attorney and Sheriff might have some vehicles available. Judge Hinojosa requested that action be postponed for two (2) weeks in order to examine the matter for purposes of determining what equipment was available within the county.

Mr. Villarreal requested that requests regarding office supplies and uniforms be addressed by the Department since money was available within its budget.

Commissioner Garza questioned who the scuba diver of the Department was.

Mr. Rodriguez responded that he was a scuba diver.

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

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**(6) CONSIDERATION AND ACTION DECLARING AN EMERGENCY CONDITION IN THE NEED TO REPLACE 30 BROKEN OR CRACKED WINDOW PANES WITHIN THE CARRIZALEZ-RUCKER DETENTION FACILITY, DESIGNATE FUNDING SOURCE, AND EMERGENCY COMMODITY ACQUISITION PROCEDURES (MY-AUDITOR)**

Mr. Mark Yates, County Auditor, reported that the Sheriff's Department informed him that there were 30 panes of glass either broken or cracked and that they were perceived to be a safety issue. He stated that there was no designated funding source for repairs, yet the bond funds have been used in the past, and that re-advertisement of the intent of the bonds was being made to include jail repairs.

Commissioner Garza asked if at least two bids should be obtained for this.

Mr. Yates stated that an expired bid was available.

Commissioner Tamayo questioned the timeline to obtain bids.

Mr. Yates responded that obtaining bids would take approximately two (2) months.

Sheriff Omar Lucio stated that there was a surprise visit by the Jail Standard Commission, and that they expressed concern with the damaged glasses. He noted the need to replace the glass as soon as possible with those initially included in the plans.

Commissioner Garza questioned if there was a problem with sole sourcing.

Mr. Yates stated that the intent was to speed the process up in order to not compromise future revenue. He stated that the advertisement process would be needed since the expense would exceed \$25,000.00.

Commissioner Garza asked if an emergency could be declared.

Mr. Yates responded in the affirmative.

Mr. Doug Wright, Commissioners' Court Legal Counsel, asked if the glass products resulted from the reduction of the standards at the time of construction according to the valued engineering.

Mr. Yates responded that he did not review the valued engineering.

Commissioner Garza stated that Change Order No. 8 was relative.

Judge Hinojosa stated that the thickness of the fiberglass installed decreased the valued engineering and noted the need discuss the matter with Legal Counsel in order to do the replacement according to the original purchase, and Mr. Yates agreed.

Sheriff Lucio stated that replacement of the glass was needed because the U.S. Marshall's Office wanted to house nearly 200 federal inmates at Carrizalez/Rucker Detention Center.

Commissioner Garza expressed support as long as a sole source that was an illegal bid was not done.

Mr. Wright asked Mr. Yates if he was satisfied that the record supports an emergency in this situation.

Mr. Yates responded that the county could have an economic financial deterrent if it does not have the capacity to house these inmates. He stated that a significant larger amount of monies have been spent on sole source to renovate the detention centers to operating mode. Mr. Yates stated that the bid should have been picked up by the Purchasing Department once it expired; however, many administrative issues went unaddressed. He noted that he would certify the matter as an emergency, and the need to instruct the Sheriff's Department to reinstate the process to have an operating bid for each year since there would always be broken glass.

Commissioner Garza moved that the replacement of 30 broken or cracked window panes within the Carrizalez-Rucker Detention Center be authorized based on the fact that it was declared an emergency by the County Auditor and approved by Legal Counsel, and that the \$27,460.00 be funded from bond funds.

The motion was seconded by Commissioner Tamayo and carried unanimously.

**(9) CONSIDERATION AND AUTHORIZATION TO HOLD  
A PUBLIC HEARING TO DISCUSS THE  
AMENDMENT OF THE CAMERON COUNTY DUNE  
PROTECTION & BEACH ACCESS RULES (JM-PARK  
SYSTEM)**

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the Public Hearing to discuss the Amendment of the Cameron County Dune Protection & Beach Access Rules was opened for public comment.

Judge Hinojosa asked if this amendment eliminates the set back dune requirement, and Mr. Doug Wright, Commissioners' Court Legal Counsel, responded in the affirmative.

Judge Hinojosa explained that many years ago the Commissioners Court adopted the set back requirements of 1,000 feet prior to construction as part of the Dune Protection & Beach Access Rules. He added that in his opinion the requirement was out of touch with reality, and that it eliminates development on the northern part of South Padre Island. He stated that the recommendation was that the set back requirement be eliminated and that State requirements be adopted.

Commissioner Garza commented that residents believe that their private land was being taken as a result of the set back requirement.

Commissioner Benavides asked what the distance requirement by State was.

Mr. Javier Mendez, Parks System Director, explained that the distance required by State was 200 feet and that the building line in the County's plan would be eliminated. He added that the 240 feet indicated in Section 3-g 2-H would also be eliminated.

Mr. Herb Houston, Landowners Representative, stated that the 240 feet represents approximately 40% of the properties and that State had no set back lines but rather a 200 feet distance to maintain public beaches and/or the vegetation line.

Judge Hinojosa noted that the Court was adopting State guidelines.

Mr. Wright indicated that the rules would be amended to reflect "South Padre Island and Port Isabel."

Mr. Mendez stated that the \$1.00 conservation fee would also be included in the plan. He explained that the revised rules would be submitted to GLO, who would place notice in the Texas Registrar for thirty days and would approve it upon no comment being presented.

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the Public Hearing to discuss the Amendment of the Cameron County Dune Protection & Beach Access Rules was closed.

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(10) **CONSIDERATION AND ACTION RELATING TO THE AMENDMENT TO THE CAMERON COUNTY DUNE PROTECTION & BEACH ACCESS RULES (JM-PARK SYSTEM)**

Commissioner Garza asked if action should be delayed until an order was available.

Mr. Doug Wright, Commissioners' Court Legal Counsel, stated that the Contract Attorney was presently preparing the order and suggested that action could be delayed until the latter part of the meeting.

Commissioner Garza suggested that the amendment could be approved and that the order be reconsidered after the thirty days.

Commissioner Tamayo moved that the Amendments to the Cameron County Dune Protection & Beach Access Rules be approved subject to adoption of the Order.

The motion was seconded by Commissioner Garza and carried unanimously.

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## **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**

ITEM NO. 12: Commissioner Garza asked if security has been considered for the Administrative Building. Mr. Ramon Shears, Courthouse Security, responded that there was some type of plan being prepared to place security and/or security equipment within said building. Judge Hinojosa stated that he does not know how the financial issue was resolved since at one time he saw a number of new bailiffs. He stated that the dilemma regarding courthouse security was that the number one threat to courtroom security comes from family law cases. Judge Hinojosa gave examples of cases where violence has been experience within a courtroom dealing with family court, noting that family court cases were held within the Commissioners' Courtroom twice a week, aside from the child welfare cases heard. He stated that the point has now been reached where the Administrative Building needs of security. Judge Hinojosa added that there was no question that upon someone wanting to do harm during family court proceedings there was nothing to stop them. Mr. Shears indicated that two (2) bailiffs from San Benito were present during juvenile and family court. Mr. Mark Yates, County Auditor, stated that in reality hand held metal detectors were needed and that a panic button was installed some time ago. He noted the need to consider the future relocation of the Commissioners' Court to the Dancy Building. Judge Hinojosa noted the need to close the back entrance to the Administrative Building. Mr. Yates stated that the swipe card system recently installed at the Sheriff's Department could be installed at the back door of the Administrative Building.

Judge Hinojosa asked if there was an administrative fee that could be tagged onto family court case to be used for courthouse security and whether legislation gives the county authority to do this, adding that this could be the source of funding. He noted the need to research the matter and/or to present this to the legislature for consideration. Judge Hinojosa stated that the courtroom must be treated as all courtrooms located on the Judicial Building with regards to security. He stated that funding sources must be reviewed to identify funding to do necessary repairs or accommodations to enhance security.

Mr. Shears stated that unsuccessful attempts were made to install the secure key card system at the back door.

Commissioner Garza asked if the request was for the Judicial Building.

Mr. Shears responded in the affirmative.

Mr. Xavier Villarreal, Budget Officer, responded that the equipment was included within the equipment list.

ITEM NO. 15: Commissioner Garza asked if everything was not purchased previously, and asked what the equipment would do.

Mr. Mark Yates, County Auditor, stated that this was approved in the equipment list and that it was brought before the court because it was a component purchase. He explained that a number of buildings do not have time clocks. Mr. Yates stated that the data must be moved quicker electronically in order to make direct deposit feasible, and added that the system allows for the information to be verified promptly. He explained that his office would return timesheets to employees for verification of balances in order to have a better footage in challenging times.

Judge Hinojosa stated that the problem with direct deposit was that the set up would delay payment of one check to employees.

Mr. Yates stated that changes have occurred since check 21 was implemented. He stated that he has two clerks doing payroll for 1,700 employees. Mr. Yates stated that a plan must be developed by a department upon it not wanting to provide timesheets electronically.

ITEM NO. 16: Commissioner Garza questioned the purchase of 63 computers and 123 battery backups.

Mr. Rudy Juarez, Computer Center Director, explained that the 63 computers were for the Adult Probation Department to be funded through State funds. He added that the battery backups were for the 63 computers approved last week and those being considered at this time.

ITEM NO. 23: Commissioner Tamayo questioned the payment amount for the agreement.

Mr. Pete Sepulveda, Department of Transportation Director, explained that Article No. 10, Section 10.1.1., was blank but should be 7.25%, at an approximate cost of \$375,000.00.

Commissioner Garza requested a timeline for all projects.

Mr. Doug Wright, Commissioners' Court Legal Counsel, asked if the funding source would be Bond Funds.

Judge Hinojosa responded in the affirmative.

ITEM NO. 21 Commissioner Garza questioned the due amount.

Mr. Pete Sepulveda responded that the cost was \$7,500.00.

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

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

AYE: Commissioners Benavides, Garza and Tamayo,

NAY: None,

ABSTAIN: Commissioner Garza as to Warrant No. 00131104, payable to The Medicine Shoppe, in the amount of \$1,086.36.

- (11) **APPROVAL OF CLAIMS.**  
**The Affidavit follows:**
- (12) **AUTHORIZATION TO UTILIZE THE STATE OF TEXAS –G.S.C. TEXAS BUILDING AND PROCUREMENT COMMISSION – STATE CONTRACT FOR THE PURCHASE OF COURTHOUSE SECURITY X-RAY EQUIPMENT. (CONTROL SCREENING). (LA-357<sup>TH</sup> DISTRICT JUDGE)**
- (13) **ADOPTION OF A RESOLUTION APPROVING THE PARTICIPATION OF THE CITIES OF COMBES, PRIMERA, SANTA MARIA, LOS INDIOS, RANCH VIEJO AND LAGUNA VISTA IN THE CAMERON COUNTY COMPREHENSIVE EMERGENCY PLAN. (TH-EMERGENCY MANAGEMENT)**  
**The Resolution follows:**
- (14) **IN THE MATTER REGARDING CONSIDERATION AND AUTHORIZATION TO CONTRACT WITH ALEJANDRO BIGLIONE, MD, TO PROVIDE GATEKEEPER PHYSICIAN SERVICES TO PARTICIPANTS OF THE CAMERON COUNTY INDIGENT HEALTHCARE PROGRAM. (MY-AUDITOR) (ACTION TAKEN SEPARATELY)**
- (15) **AUTHORIZATION TO PURCHASE ADDITIONAL KRONOS TIME AND ATTENDANCE COMPONENT PERIPHERAL EQUIPMENT (KRONOS INC.) PURSUANT TO V.T.C.A. LOCAL GOVERNMENT CODE 262.0247(D). (MY-AUDITOR)**
- (16) **AUTHORIZATION TO PURCHASE 63 COMPUTERS UTILIZING TEXAS DEPARTMENT INFORMATION RESOURCES (TDIR)-(DELL) (NO MONITORS). (RJ-COMPUTER CENTER)**
- (17) **AUTHORIZATION TO PURCHASE 126 BATTERY BACKUPS UTILIZING STATE OF TEXAS QUALIFIED INFORMATION SERVICES VENDOR (QISV) (SAFARI MICRO). (RJ-COMPUTER CENTER)**
- (18) **AUTHORIZATION TO PURCHASE SOFTWARE LICENSE FOR 63 COMPUTERS USING TDIR – TEXAS DEPARTMENT OF INFORMATION (SHI). (RJ-COMPUTER CENTER)**
- (19) **POSSIBLE AUTHORIZATION TO EXECUTE AN AGREEMENT BETWEEN CAMERON COUNTY (PARKS) AND BLUE APPLE PUBLISHING INC. TO PROVIDE ONE YEAR SUPPLY OF 13X25 FULL COLOR, GLOSS MAPS. (JM-PARK SYSTEM)**  
**The Agreement follows:**
- (20) **ACTION OF SETTING THE BASE FLOOD ELEVATION FOR PELICAN POINTE SUBDIVISION, ARROYO CITY AT 10.5 FEET. (PS-DEPT. OF TRANSPORTATION)**
- (21) **AUTHORIZATION TO PAY THE DUES FOR THE I-69 ALLIANCE. (PS-DEPT. OF TRANSPORTATION)**
- (22) **APPROVAL OF LICENSE AGREEMENT BETWEEN CAMERON COUNTY AND ISLAND DELIVERY ANTICS FOR THE USE OF THE AIRPORT PROPERTY. (PS-DEPT. OF TRANSPORTATION)**  
**The Agreement follows:**
- (23) **APPROVAL OF AGREEMENT WITH DISTEFANO SANTOPETRO FOR THE VEHICLE MAINTENANCE FACILITY. (PS-DEPT. OF TRANSPORTATION)**  
**The Agreement follows:**
- (24) **AUTHORIZATION TO INITIATE THE DRAWING PROCESS ON LETTER OF CREDIT FOR PEREZ ESTATES SUBDIVISION, PRECINCT 2, FOR UNBUILT SEPTIC SYSTEMS. (PS-DEPT. OF TRANSPORTATION)**

- (25) **AUTHORIZATION FOR PRELIMINARY APPROVAL FOR: (PS-DEPT. OF TRANSPORTATION)**  
A. **PRECINCT NO. 4- ARCOIRIS SUBDIVISION, A 21.780 ACRE TRACT OF LAND MORE OR LESS, BEING BLOCK TWO HUNDRED TWO (202), BLOCK TWO HUNDRED THREE (203), AND BLOCK TWO HUNDRED FOUR (204), SAN BENITO IRRIGATED LAND COMPANY SUBDIVISION, CAMERON COUNTY, TEXAS AS RECORDED IN VOLUME 2, PAGE 6 OF THE MAP RECORDS OF CAMERON COUNTY, TEXAS.**
- (26) **AUTHORIZATION TO ACCEPT CANADA AVE. AND THE DELL AVE. LOCATED IN LA CANADA/THE DELL SUBDIVISION PHASE II, PRECINCT 4, INTO THE COUNTY ROAD SYSTEM. (PS-DEPT. OF TRANSPORTATION)**

## TRAVEL ITEMS

(27) **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 7, Place 1, to attend the "Stage 2 New Judge's Forty-Four Justice of the Peace Seminar", in Austin, Texas, January 23-28, 2005;
- B Constable Precinct 2 to attend the "Newly Elected Constables Mandatory 40 Hour Class", in Austin, Texas, January 23-28, 2005
- C Constable Precinct 7 to attend the "2005 Newly Elected Constables Mandatory 40 Hour Class", Austin, Texas, January 23-28, 2005;
- D Commissioners' Court Chief Legal Counsel to attend the "Advanced Negotiation Strategies Seminar," in Dallas, Texas, March 1, 2005;
- E Assistant County Administrator, Chief Emergency Officer, Assistant Coordinator and Emergency Response and Preparedness Employee attend the "2005 Emergency Management Training Conference," in Waco, Texas, March 21-24, 2005;
- F County Clerk and two (2) Deputy Clerks to attend the "Texas Courts and Local Government Technology Conference", in Austin, Texas, February 1-3, 2005;
- G Two (2) Drug Enforcement Task Force Employees (2) to attend the "TLETS Training," in Live Oak, Texas, January 31- February 4, 2005;
- H Director of Department of Transportation attend a meeting with Secretary Officials regarding the West Rail Project, in Mexico City, Mexico, January 16-17, 2005;
- I Three (3) Park System Employees to attend a "File Maintenance Seminar," in Corpus Christi, Texas, February 7-8, 2005;
- J U.N.I.T. Director to interview with ONDCP in San Antonio, Texas, January 24-26, 2005; and
- K U.N.I.T. Administrative Secretary to attend the "Six Executive Committee Meeting," in Rio Grande City, Texas, January 12, 2005.
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**(11) APPROVAL OF CLAIMS.**

**The Affidavit follows:**

- (13) **ADOPTION OF A RESOLUTION APPROVING THE PARTICIPATION OF THE CITIES OF COMBES, PRIMERA, SANTA MARIA, LOS INDIOS, RANCH VIEJO AND LAGUNA VISTA IN THE CAMERON COUNTY COMPREHENSIVE EMERGENCY PLAN. (TH-EMERGENCY MANAGEMENT)**  
**The Resolution follows:**

- (19) **POSSIBLE AUTHORIZATION TO EXECUTE AN AGREEMENT BETWEEN CAMERON COUNTY (PARKS) AND BLUE APPLE PUBLISHING INC. TO PROVIDE ONE YEAR SUPPLY OF 13X25 FULL COLOR, GLOSS MAPS. (JM-PARK SYSTEM)**  
**The Agreement follows:**

- (22) **APPROVAL OF LICENSE AGREEMENT BETWEEN CAMERON COUNTY AND ISLAND DELIVERY ANTICS FOR THE USE OF THE AIRPORT PROPERTY. (PS-DEPT. OF TRANSPORTATION)**  
**The Agreement follows:**

- (23) APPROVAL OF AGREEMENT WITH DISTEFANO SANTOPETRO FOR THE VEHICLE MAINTENANCE FACILITY. (PS-DEPT. OF TRANSPORTATION)**  
**The Agreement follows:**

## **EXECUTIVE SESSION**

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the Court met in Executive Session at 10:53 A.M. to discuss the following matters:

**(28) EXECUTIVE SESSION:**

- A. Confer with Commissioners' Court Legal Counsel concerning claim of Raul Garza, Jr., M.D.; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(A)&(2);
- B. To confer with Commissioners' Court Legal Counsel regarding the Arroyo City Fire Station Project, 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);
- C. Deliberation regarding Real Property concerning the possible acquisition of 1048 E. Monroe St., Brownsville, Texas; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(2) & 551.072;
- D. Deliberation regarding Real Property concerning the possible improvements to the existing Costa Rica Concession on South Padre Island; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- E. Confer with Commissioners' Court Legal Counsel concerning issues in the Jail Infirmary that relate to possible 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);
- F. Confer with Commissioners' Court Legal Counsel concerning issues relating to the Dancy Building Renovation Project on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rule of Professional Conduct of the State Bar of Texas clearly conflicts with this Chapter; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Sections 551.071 (1) & (2) and 551.072;
- 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); and,
- H. 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).

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the Court reconvened into Regular Session at 11:28 A.M., to discuss the following matters:

**NOTE: COMMISSIONER BENAVIDES LEFT AT THIS TIME.**

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

**A. In the matter regarding Confer with Commissioners' Court Legal Counsel concerning claim of Raul Garza, Jr., M.D. (TABLED)**

Note: Judge Hinojosa and Mr. Remi Garza, County Administrative Assistant, did not attend the discussion in Executive Session.

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

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**B. To confer with commissioners' court legal counsel regarding the Arroyo City Fire Station Project, 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 Garza moved that the Status Report be acknowledged, and that the Legal Counsel be authorized to indicate that he "doesn't even think that the county even can take responsibility for fire hydrants."

The motion was seconded by Commissioner Tamayo and carried unanimously.

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**C. Deliberation regarding Real Property concerning the possible acquisition of 1048 E. Monroe St., Brownsville, Texas.**

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

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**D. Deliberation regarding Real Property concerning the possible improvements to the existing Costa Rica Concession on South Padre Island.**

Commissioner Garza moved that negotiations with Costa Rica Concession for the development of a hotel on the tract in which Costa Rica currently has a concession on be authorized.

Commissioner Garza asked if the current contract with Costa Rica Concession allowed this action.

Mr. Doug Wright, Commissioners' Court Legal Counsel, responded negatively and explained that the purposes of the agreement would have to be amended to include a hotel/motel complex.

Commissioner Garza asked if the current contract should be amended first.

Judge Hinojosa responded negatively and explained that amending that contract must be done after negotiations.

The motion was seconded by Commissioner Tamayo and carried unanimously

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**(5) CONSIDERATION AND ACTION REGARDING THE REORGANIZATION OF THE JAIL INFIRMARY STAFF BY THE CAMERON COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES (YS-DHHS)**

- E. Confer with Commissioners' Court Legal Counsel concerning issues in the Jail Infirmary that relate to possible 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.**

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the reorganization of the Jail Infirmary to include a pilot program for twenty-four jail infirmary services was approved with the increase in pay as recommended by the Department of Health and Human Services and as submitted to the clerk of the Court.

Judge Hinojosa clarified that the motion allows for the increases to take effect as of Friday and to be funded through lapsed salaries. He stated that the salary increases were being made to the nursing personnel that cover the infirmary and the health department only because the twenty-four hour call was required by the U.S. Marshal's Office in order for them to bring in an additional 200 inmates. He stated that this was being clarified because no other employees have received increases, adding that if this was not done then the county would never be able to give the 3% salary increases to county employees.

**The Information is as follows:**



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- F. Confer with Commissioners' Court Legal Counsel concerning issues relating to the Dancy Building Renovation Project on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rule of Professional Conduct of the State Bar of Texas clearly conflicts with this Chapter.**

Commissioner Garza moved that the Status Report by Legal Counsel and Mr. Frank Bejarano, PD&M Director, be acknowledged.

The motion was seconded by Commissioner Tamayo and carried unanimously.

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- G. In the matter regarding Confer with Commissioners' Court Legal Counsel concerning Cameron County versus Faulkner, USA formerly known as Landmark. (TABLED)**
- H. In the matter regarding Confer with Commissioners' Court Legal Counsel concerning issues regarding the Cameron County Detention Centers and the Cameron County Sheriff's Administration Building. (TABLED)**

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

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There being no further business to come before the Court, upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the meeting was **ADJOURNED** at 11:32P.M.

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**APPROVED** this 1<sup>st</sup> day of **March 2005**.

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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**