

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 22nd day of March 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

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:

The meeting was called to order by Judge Pro-tem Pedro "Pete" Benavides at 9:33 A.M. He asked 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 March 18, 2005, at 2:58 P.M.:

Commissioner Tamayo congratulated Thomas Garza, son of Commissioner Garza, for winning the grand championship of the Mercedes Livestock Show and all young kids who participated in the same. She reported that she had meetings with residents of Precinct No. 4 and that all comments were positive.

Commissioner Wood commented that he attended the opening of the New Mexican Counsel's Office and the Trans Texas Corridor public hearing held at the Event Center. He encouraged people to attend because the corridor was very important for the county.

Note: Judge Hinojosa arrived at this time.

Commissioner Benavides commented that they should be recognized at every function that they attend.

Commissioner Garza stated that he attended a couple of meetings involving dust control and street lighting. He stated that people were recognizing that the Court was trying to help the quality of life of rural residents. Commissioner Garza expressed pride in his son's performance at the rodeo.

Judge Hinojosa reported that he was in Washington, DC, where much support was expressed for the realignment of the intra coastal canal system, particularly from Senator Hutchinson, in addition to Congressmen Ortiz, Edwards, and Culberson. Judge Hinojosa stated that it was believed that the additional \$1 million needed to finish pre-construction engineering studies would be obtained. He added that the dredging could begin as soon as 12 to 18 months if funding was received and if no environmental issues derive.

(1) **PUBLIC COMMENTS**

None was presented.

PRESENTATIONS

(2) **PRESENTATION OF RESOLUTION OF APPRECIATION FOR THE EFFORTS OF END OF THE ROAD MINISTRIES AND URGING PUBLIC PARTICIPATION IN THE MINISTRY'S 'INVEST IN HOPE' FUNDRAISERS (COMM. COURT)**

Commissioner Tamayo stated that the End of the Road Ministries does a great job for the community in trying to change the lives of homeless and persons with drug problems. She commented that Ralph Morales was retiring and hoped that the organization's success continues as in the past.

Commissioner Garza stated that James Matz, End of the Road Ministries Executive Chairperson, asked that the two Commissioners of the area receive the resolution. He stated that they presented the Good Samaritan Award to Oran Johnson, and did a series on the life of Ralph Morales during a fundraiser held on Thursday. Commissioner

Garza stated that they recognized the twelve municipalities and the county for adopting supporting resolutions. He stated that the End of the Road Ministries was more than just a homeless shelter; that it was a faith based drug rehabilitation center. Commissioner Garza indicated that he requested that his share of Forfeiture Fund made available by the District Attorney be donated said organization.

Judge Hinojosa read the resolution, and asked that Commissioners Garza and Tamayo present it to the End of the Road Ministries.

At this time, Judge Hinojosa informed that Judge Betancourt passed away. He commented that Judge Betancourt was a great prosecutor and later the best criminal defense lawyer in Cameron County.

Upon motion by Commissioner Tamayo, seconded by Commissioner Wood and carried unanimously, the Presentation of Resolution of appreciation for the efforts of End of the Road Ministries and urging public participation in the Ministry's 'Invest in Hope' Fundraisers was acknowledged.

ACTION ITEMS

(3) 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 Tamayo and carried unanimously.

The documents are as follow:

**(4) APPROVAL OF MINUTES FOR:
A JANUARY 25, 2005-REGULAR MEETING**

Commissioner Garza questioned the reason for duplication of pages 23 thru 25.

Mrs. Maricruz Robles, Commissioners Court Secretary, responded that such duplication might have occurred when scanning the documents, and that the minutes would be reviewed.

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the Minutes of the January 25, 2005, Regular Meeting were approved.

**(5) CONSIDERATION AND AUTHORIZATION TO
CREATE THE COURT CLERK POSITION IN THE
OFFICE OF LINDA SALAZAR, JUSTICE OF THE
PEACE PRECINCT 2, PLACE 1, CAMERON COUNTY,
TEXAS (LS-J.P. 2-1)**

Justice of the Peace Linda Salazar, Precinct 2, requested a 32 hour position. She presented revenue figures for the month of January and February.

Judge Hinojosa stated that the position was needed, and noted the need to ensure that funding was available.

Mr. Xavier Villarreal, Budget Officer, reported that funds were not budgeted and that additional revenues had to be certified to fund the position for the remainder of the fiscal year, in the amount of \$14,000.00. He stated that the Auditor was not prepared to certify additional revenues, and that his understanding was that the request was for a full time position at a salary of \$17,500.00.

Judge Hinojosa asked if the position could be funded through lapsed salaries.

Mr. Villarreal stated that lapsed salaries were available within different departments. He expressed concern with the high expenditure trends in many departments resulting from high fuel cost. Mr. Villarreal explained that he would meet with individual department to try to control going over budget due to high fuel costs; however, this meant that another position would be added for next fiscal year. He stated that another issue was the pending appraisal caps.

Judge Hinojosa stated that the appraisal cap was passed by the House and the Senate.

Commissioner Wood asked what the federal inmate count was at this time.

Chief Gus Reyna responded that the count was presently 332.

Judge Hinojosa stated that Judge Salazar needs the position, and explained that the two Justices of the Peace serving half the population of Cameron County were overworked and understaffed.

Commissioner Wood noted the need to fund the position.

Mr. Villarreal indicated that lapsed salaries from other departments could be used.

Judge Hinojosa recommended that the 32 hour position be funded from lapsed salaries and that the matter be revisited at a later time.

Commissioner Garza clarified that the cost was about \$11,000.00.

Commissioner Benavides moved that the creation of the Court Clerk Position in the Office of Linda Salazar, Justice of the Peace Precinct 2, Place 1, Cameron County, Texas, be authorized.

The motion was seconded by Commissioner Garza and carried unanimously.

The Salary Schedule is as follows:

Note: Judge Hinojosa stepped out.

(6) CONSIDERATION AND AUTHORIZATION TO PURCHASE SIX (6) CELL PHONES FOR USE BY ASSISTANT DISTRICT ATTORNEYS AND OFFICE PROJECT ASSISTANT (AV-DA)

Mr. Patrick Christensen, Office of District Attorney, requested authorization to purchase six cell phones, noting that funding was designated. He explained that one of the changes made by the administration of Mr. Armando Villalobos, District Attorney, was to designate a representative of his office to all the different police departments throughout the county accepting calls 24/7. Mr. Christensen added that adjustments would be made upon the usage being too much.

Mr. Xavier Villarreal, Budget Officer, stated that money was available to fund the six cell phones and in other line items within the department upon funding not being sufficient for the remainder of the fiscal year. He reported that according to a list from the Purchasing Department, 13 cell phones were presently issued to the District Attorney's Office. He stated that Sprint PCS would review usage of county cell phones and recommend as to the plan that would provide best savings to the county.

Commissioner Tamayo asked if there was much activity within the Environmental Protection Division.

Mr. Christensen responded that the division was new and that formation of a task force to prosecute illegal dumping and similar violations was underway.

Commissioner Garza asked if cities other than those already listed have a liaison available with cell phones.

Mr. Christensen stated that work was underway to provide all police department contacts at all times.

Commissioner Garza asked if these were all the cell phone to be requested or if others would be needed.

Mr. Christensen responded that the additional six cell phones and the other thirteen cell phones should be sufficient because one Assistant District Attorney should be able to handle more than one police department.

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the purchase of six (6) cell phones for use by Assistant District Attorneys and Office Project Assistant was authorized.

The list is as follows:

(7) **CONSIDERATION AND APPROVAL OF PERSONNEL
POLICY CHANGES ON SECTION 6.01 AND 9.05 (MV-
HUMAN RESOURCES)**

Mr. Manuel Villarreal, Human Resources Director, explained that changes to the policy clarify issues concerning half an hour and one hour unpaid lunch breaks and the need to include the revised policy in the Cameron County Personnel Manual.

Commissioner Garza moved that Personnel Policy changes on Section 6.01 and 9.05 be approved.

The motion was seconded by Commissioner Tamayo and carried unanimously.

NOTE: Judge Hinojosa returned at this time.

The Policy is as follows:

(8) CONSIDERATION AND APPROVAL OF COUNTY USE OF FUNDS FOR ITS APPLICATION TO THE 2005 JUSTICE ASSISTANCE GRANT PROGRAM (FB-PD & M)

Mr. Remi Garza, County Administrative Assistant, reported that last week the suggestion was made that the Indentix Empowering Identification System be purchased, at a cost of \$67,549.00; however, the Court had questions concerning reoccurring cost pertaining to the following: two equipment warranties of \$158.00 and \$280.00, a \$300.00 monthly reoccurring fee for connections, and an installation fee of \$450.00.

Commissioner Garza asked if the cost includes wireless technology and if the system could interface with the equipment.

Mr. Garza responded in the affirmative.

Commissioner Garza asked if the equipment could be purchased through an agreement already in place rather than going out for bids.

Mr. Garza explained his understanding to that the Indentix Empowering Identification System was available through the state contract. He stated that a request was made to set aside funds for training and that the remaining \$9,000.00 be set aside to purchase radio equipment for the Juvenile Department in an attempt to increase the radios from 17 to 35. Mr. Garza suggested that \$1,549.00 be allocated for training or used for equipment upon there being a need.

Judge Hinojosa stated that he got several requests for new computers from Constables and suggested that the matter be explored.

Commissioner Garza asked if Human Resources requested additional monies for training.

Mr. Garza responded that funds were not requested from this specific grant; however, requests have been made on a weekly basis. He stated that the Court's original intent was to provide in-house training to save money and that departments allocate funds for the training, yet this was not happening. Mr. Garza stated that the \$5,000.00 set aside from the Local Block Grant two years ago was still being used.

Commissioner Garza expressed support to acquire computers for Constables.

Mr. Manuel Villarreal, Human Resources Director, stated that training was needed for use of defibrillators and CPR.

Commissioner Wood asked the Computer Center Director what type of inventory of good quality computers waiting to be placed was available.

Mr. Rudy Juarez, Computer Center Director, responded that no computers were available and that four computers that came from the Auditor's Offices were recently placed in Constables' Offices. He stated that some old computers not appropriate to use with the county network could be used as stand alones.

Mr. Garza stated that the specifics of the use of fund must be submitted to the federal government by March 31, 2005.

Judge Hinojosa suggested that the funds be used to acquire the Indentix Empowering Identification System, equipment in the form of computers for Constables and the Sheriff's Department and training.

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the use of funds for its application to the 2005 Justices Assistance Grant Program was approved, with the understanding that the funds would be used for training and equipment in the form of computers for Constables and the Sheriff's Department.

The Report is as follows:

Note: Judge Hinojosa stepped out at this time.

(9) CONSIDERATION AND SELECTION OF AN ARCHITECTURAL CONSULTANT FOR THE SANTA MARIA CHURCH RESTORATION PLAN (FB-PD & M)

Mr. Frank Bejarano, PD&M Director, reported that three proposals were submitted and evaluated by the Review Committee appointed by Commissioners Court and the proposal by Kell Muñoz Architects scored highest, thus the committee recommends that said architectural firm be selected subject to the following:

- (1) Approval of firm by the Texas Historical Commission;
- (2) Negotiations of a professional services agreement; and
- (3) The decision of the Commissioners Court to proceed with the project based on legal issues previously discussed.

Mr. Doug Wright, Commissioners' Court Legal Counsel, informed that an Executive Session item was on the agenda to discuss relating legal issues.

Commissioner Garza asked if contract negotiations could be approved.

Mr. Wright responded that negotiations could be approved subject to the terms mentioned by Mr. Bejarano.

Commissioner Tamayo moved that Kell Muñoz Architects be selected as architectural consultant for the Santa Maria Church Restoration Plan and that contract negotiations be authorized with the same, subject to approval of firm by the Texas Historical Commission and approval to proceed with the project by Commissioners Court based on legal issues previously discussed.

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

AYE: Commissioners Benavides, Garza and Tamayo

NAY: None

ABSTAIN: Commissioner Wood

NOTE: Judge Hinojosa joined the meeting at this time.

(10) CONSIDERATION AND ACCEPTANCE OF SASKATCHEWAN, LITTLE AMERICA, CHAPPELL, THOMAE WEST AND HEATHER ROADS INTO THE COUNTY ROAD SYSTEM (DG- COMM. PCT. 3)

Mr. Pete Sepulveda, Department of Transportation Director, stated that in the past the Court discussed the possibility of bringing in these roads into the County Road System.

Judge Hinojosa asked if the roads were located in Green Valley Farms and for which road were signatures already obtained.

Mr. Sepulveda stated that four other roads were adopted into the system previously according to the policy in place at that time.

Judge Hinojosa asked there was a need for property owners to donate land over to the county.

Commissioner Wood asked if provisions were not stipulated when the subdivision was set.

Mr. Sepulveda responded that all roads had either a 100 or 80 foot right-of-way and were privately dedicated.

Judge Hinojosa stated that the policy relates to maintenance of private public roads under certain circumstances, yet ultimately the right-of-way must be deeded over if the road is to be taken into the county road system. He stated that in the past there was a question of whether the roads would be taken into the county road system because the conditions of the roads were such that they must be completely redone and that the county was not sure it wanted to do that due to existing flooding conditions. Judge Hinojosa stated that he was prepared to support acceptance of the road be taken into the county road system if properties were deeded over to the county and if improvements were made to the roads.

Mr. Sepulveda stated that this process might take a long time.

Mr. Doug Wright, Commissioners' Court Legal Counsel, clarified that the roads must be dedicated to public in order for the county to make improvements to upgrade them to county standards.

Commissioner Garza asked if all right-of-ways were available for all roads since the county was prepared to bring them into the county road system.

Judge Hinojosa noted the need to find out.

Mr. Sepulveda stated that the matter would be researched and that if the work was not previously done then the process to be followed would be started to get this accomplished.

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the acceptance of Saskatchewan, Little America, Chappell, Thomae West and Heather Roads into the County Road System was approved.

(11) CONSIDERATION AND AUTHORIZATION TO EXECUTE A LICENSE AGREEMENT BETWEEN CAMERON COUNTY AND CUBCO CONSTRUCTION FOR THE USE OF LAND AT CAMERON PARK (JM-PARK SYSTEM)

Mr. Javier Mendez, Parks System Director, informed that there were two typos: eliminate “for” in number 1 and add Exhibit “A” in number 3.

Commissioner Garza asked if there was any provision for extension of the contract and if Mr. Mendez felt that the construction would be complete by then.

Mr. Mendez responded that no provision was included and that an extra month was allowed for clean up.

Commissioner Wood stated that according to the timeline, the work would be completed the first week of November, 225 days. He asked what property would be used and if it would interfere with any operations.

Mr. Mendez stated that the property designated for the Boys & Girls Club would be used.

Judge Hinojosa suggested that the Boys & Girls Club be consulted to determine if the facility would be built. He commented that the county spent a lot of money on the purchase of the property and that the Boys & Girls Club made a commitment.

Commissioner Wood stated that the Boys & Girls Club would not do anything until they have funding for maintenance and operations.

Judge Hinojosa stated that the county offered money for utilities, maintenance and one employee, possibly two. He noted the need to follow-up on the matter.

Commissioner Tamayo asked if an alternative place was available in the event that construction of the Boys & Girls Club was to proceed.

Mr. Doug Wright, Commissioners’ Court Legal Counsel, stated that the agreement fails from a binding agreement stand point for any consideration to the county and that the county receives nothing for giving the use of county property for this purpose.

Judge Hinojosa stated that the license agreement could be approved and that they could be asked to vacate the property when needed.

Commissioner Wood noted the need to include language that gives the county the ability to request that they relocate within a short period of time in the event that construction of the Boys & Girls Club facility was to proceed, in addition to some type of compensation to make it binding.

Judge Hinojosa suggested that a thirty-day out clause be included.

Mr. Mendez stated that the license agreement was prepared because there was no compensation to the county.

Commissioner Garza stated that this was not different from any other projects where property is used to store equipment.

Mr. Wright explained that the problem was the need to have something that makes the agreement binding.

Judge Hinojosa reiterated his suggestion to include a thirty-day out clause.

Commissioner Garza moved that execution of the License Agreement between Cameron County and Cubco Construction for the use of land at Cameron Park was authorized, with addition of a thirty-day out clause.

The motion was seconded by Commissioner Tamayo and carried unanimously.

The Agreement is as follows:

(12) **CONSIDERATION AND POSSIBLE ACTION REGARDING THE OFFERING OF REWARD(S) FOR INFORMATION LEADING TO THE ARREST OR CONVICTION OF INDIVIDUAL(S) CONNECTED TO THE THEFT OF EQUIPMENT FROM BROWNE ROAD PARK AND/OR OTHER ACTS OF VANDALISM (COMM. COURT)**

Judge Hinojosa indicated that Legal Counsel had a problem with using tax payers' money, and asked if money generated from tolls and concessions in the Parks System could be used.

Mr. Wright stated that said revenue was still public money. He suggested that a crime stoppers situation be set up thru these types of organizations to provide a reward.

Judge Hinojosa questioned the source of funding for crime stoppers organizations.

Commissioner Wood stated that their funds were provided by people who contribute.

Commissioner Tamayo moved that each Commissioner contribute \$100.00 for use as reward money.

Judge Hinojosa agreed, but stated the problem with this suggestion to be that it was a one time deal and that there was a need to expand.

Commissioner Wood stated that the reward needed to be offered for all county parks.

The motion was seconded by Commissioner Garza.

Commissioner Wood stated that many communities have crime stoppers and asked the Sheriff's Department if a crime stoppers was already set up.

Chief Gus Reyna, Sheriff's Department, stated that a crime stoppers was set up through their office, yet it was low in funding. He stated that funds provided by private enterprises were used for operations and that fifty dollars of reinstitions order by District Judges were used for crime stoppers.

Judge Hinojosa noted the need to further explore the matter.

Commissioner Wood stated that the theory of crime stoppers was to involve the public.

Upon motion duly made by Commissioner Tamayo that each Commissioner contributes \$100.00 dollars for use as reward money for the offering of reward(S) for information leading to the arrest or conviction of individual(s) connected to the theft of equipment from Browne Road Park and/or other acts of vandalism.

The motion was seconded by Commissioner Garza and carried unanimously.

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 ITEMS:

- ITEM NO. 13: Mr. Mark Yates, County Auditor, noted the need to monitor activities of the Child Support Division because revenues were running low. He stated that a transfer of \$23,000.00 was being made to jail capital improvements fund for operations. He presented the following late claims: Warrant No. 00135110, payable to Motorola, in the amount of \$500,000.00. Mr. Yates added that two checks in the amount of \$1.172 million and \$300,000.00 would be presented for approval next week. He stated that TAC was urging all officials to call State Representative and Senators to express their opinion concerning the proposed appraisal cap. Judge Hinojosa stated that the proposed appraisal cap was the “biggest piece of hypocrisy” and that the proposed sale tax bill will make the sale tax in Texas the highest in the United States, while telling counties not to increase property taxes based upon the increase in property valuation. He stated that legislature was unable to care for their own business and were now messing with counties’ operations. Judge Hinojosa reiterated that the sales tax was absurd as was the appraisal cap because everyone should pay more taxes if their property value increases. Mr. Yates stated that the Auditor’s Office was concerned that the county may just be able to cover current operations due to shortage in funding at State and Federal level, in addition to all unfunded mandates being sent to local governments. Judge Hinojosa indicated that state wants to cut the county’s ability to generate revenue even though it has staff shortage throughout the county. Mr. Yates stated that the county would have to increase user fees, and clarified that the proposed appraisal cap and sales tax were essentially a shifting of taxes.
- ITEM NO. 15: Mr. Xavier Villarreal, Budget Officer, explained that the request from Constable Precinct No. 6 was for a vehicle different from what was normally approved by the Court, an SUV, to replace a totaled unit. He added that the totaled vehicle was a 2003 Crown Victoria that was being finance. Judge Hinojosa stated that the Constable was intending to place a cage in the SUV for the canine in the department. Commissioner Garza asked where the canine came from because he did not recall its approval. Judge Hinojosa stated that a large part of the constable’s jurisdiction was along the river and that the vehicle would help with drug interdiction. Commissioner Tamayo questioned the dollar amount difference. Mr. Villarreal stated that patrols cost about \$19,500.00 versus the SUV costing nearly \$25,000.00. Commissioner Garza noted the need for the Court to be informed if a dog was part of the department because of related expenses and possible liabilities. Commissioner Benavides expressed concern with fuel cost, thus suggested that a smaller vehicle be considered. Mr. Villarreal stated that the specifics of the vehicle were not indicated and requested direction as to the type of vehicle to be obtained. Judge Hinojosa directed that Mr. Villarreal use his best judgment as to the type of vehicle to be purchased.
- ITEM NO. 32: Commissioner Wood asked what would happen if no bids were received. Mr. Mike Forbes, Purchasing Agent, responded that the current vendor would be kept.
- ITEM NO. 18: Commissioner Tamayo questioned the funding source. Mr. Mark Yates, County Auditor, responded that Capital Projects Funds would be used.

Commissioner Benavides the "Travel and Consent Items" be approved, inclusive of the late claims.

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

AYE: Commissioners Benavides, Wood and Tamayo

NAY: None

ABSTAIN: Judge Hinojosa as to Warrant No. 00134877, payable to Laguna Madre Water District, in the amount of \$12,165.44; and Commissioner Garza as to Warrant No. 00134910, payable to The Medicine Shoppe, in the amount of \$788.14.

- (13) **APPROVAL OF CLAIMS;
The Affidavits follow:**
- (14) **APPOINTMENT OF MR. LEO RAMIREZ TO FILL THE UNEXPIRED TERM OF PATRICK MARCHAN ON THE CAMERON APPRAISAL DISTRICT. (COMM. COURT)**
- (15) **AUTHORIZATION TO PURCHASE REPLACEMENT VEHICLE (SUV) FOR PRECINCT 6 CONSTABLE THROUGH THE HOUSTON GALVESTON AREA COUNCIL CONTRACT IN EXCHANGE FOR TOTALED PATROL VEHICLE. (MB-CONSTABLE PCT. 6)**
- (16) **AUTHORIZATION TO REFUND TAXES AS AUTHORIZED BY THE CAMERON APPRAISAL DISTRICT AS PER SECTION 25.25 (C) OF THE TEXAS PROPERTY TAX CODE TO: CHARMING SHOPPES INC., \$6,154.52, DELETE ACCOUNT AND CMH HOMES INC., \$8,044.66, CHANGE VALUE. (TY-TAX ASSESSOR-COLLECTOR)**
- (17) **ADOPTION OF A PROCLAMATION DECLARING THE WEEK OF APRIL 3-9, 2005, AS "WEEK OF THE YOUNG CHILD" IN CAMERON COUNTY, TEXAS. (RG-COUNTY JUDGE)
The Proclamation follows:**
- (18) **POSSIBLE APPROVAL OF CONTRACT WITH ASBESTOS & DEMOLITION CONTRACTING FOR ASBESTOS REMOVAL AND DISPOSAL AT THE LEVI'S STRAUSS BUILDING. (DJV-LEGAL)
The Contract follows:**
- (19) **AUTHORIZATION TO PURCHASE PARK EQUIPMENT VIA THE STATE OF TEXAS – TASB – BUY BOARD - COOPERATIVE PURCHASING AGREEMENT FOR THE BROWNE ROAD REGIONAL PARK. (JM-PARK SYSTEM)**
- (20) **POSSIBLE APPROVAL TO AMEND THE PROJECT AGREEMENT NO. 50-00290-BROWNE ROAD REGIONAL PARK, BETWEEN CAMERON COUNTY AND TEXAS PARKS AND WILDLIFE DEPARTMENT TO EXTEND EXPIRATION DATE FROM JANUARY 31, 2005 TO JANUARY 1, 2006. (JM-PARK SYSTEM)
The Amendment follows:**
- (21) **POSSIBLE ADOPTION OF A PROCLAMATION TO ALLOW CAMERON COUNTY TO PARTICIPATE IN THE NATIONAL BEACH SAFETY WEEK, MAY 24-31, 2005. (JM-PARK SYSTEM)
The Proclamation follows:**
- (22) **AUTHORIZATION FOR THE CAMERON COUNTY JUVENILE PROBATION DEPARTMENT TO SUBMIT A GRANT APPLICATION TO THE STATE OF TEXAS OFFICE OF THE GOVERNOR. (TR-JUVENILE)
The Resolution follows:**

- (23) **AUTHORIZATION FOR THE CAMERON COUNTY JUVENILE PROBATION DEPARTMENT TO SUBMIT AMENDED GRANT APPLICATION TO THE STATE OF TEXAS OFFICE OF THE GOVERNOR. (TR-JUVENILE)**
The Resolution follows:
- (24) **AUTHORIZATION FOR THE CAMERON COUNTY JUVENILE PROBATION DEPARTMENT TO SUBMIT A GRANT APPLICATION TO THE STATE OF TEXAS OFFICE OF THE GOVERNOR. (TR-JUVENILE)**
The Resolution follows:
- (25) **ADOPTION OF A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE GOVERNORS OFFICE CRIMINAL JUSTICE DIVISION FOR THE CAMERON COUNTY JUVENILE JUSTICE DEPARTMENT'S COMMUNITY HELPING ADOLESCENTS MENTORING PROGRAM (C.H.A.M.P.) GRANT. (TR-JUVENILE)**
The Resolution follows:
- (26) **APPROVAL OF AGREEMENT BETWEEN CAMERON COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES (CCDHHS) AND REBEKAH RASCO FOR THE PROVISION OF EDUCATIONAL ENRICHMENT SERVICES. (YS-HEALTH)**
The Agreement follows:
- (27) **APPROVAL OF AGREEMENT BETWEEN CAMERON COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES (CCDHHS) AND KENNETH ELM FOR THE PROVISION OF VIDEO PRODUCTION ENRICHMENT SERVICES. (YS-HEALTH)**
The Agreement follows:
- (28) **APPROVAL OF AGREEMENT BETWEEN CAMERON COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES (CCDHHS) AND MARIA S. GARCIA FOR THE PROVISION OF COMPUTER EDUCATIONAL ENRICHMENT SERVICES. (YS-HEALTH)**
The Agreement follows:
- (29) **APPROVAL OF AGREEMENT BETWEEN CAMERON COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES (CCDHHS) AND JULIO HERNANDEZ FOR THE PROVISION OF PERFORMING ARTS AND EDUCATIONAL ENRICHMENT SERVICES. (YS-HEALTH)**
The Agreement follows:
- (30) **AUTHORIZATION TO ADVERTISE FOR BIDS FOR: (MI-BLDG. MAINTENANCE)**
A. FIRE ALARM SYSTEMS INSPECTION SERVICES & MAINTENANCE – ANNUAL BID
- (31) **AUTHORIZATION TO AWARD THE FOLLOWING BIDS/RFP/ RFQ FOR: (MF-PURCHASING)**
A. FOOD: MEATS–BEEF-POULTRY - QUARTERLY BID #2170-2 TO BENO'S/ LOPEZ WHOLESALE
The Tabulation follows:
- (32) **ACKNOWLEDGEMENT – NO BIDS RECEIVED FOR: (MF-PURCHASING)**
A. NATURAL GAS SUPPLY & TRANSMISSION – ANNUAL BID NO. 2435
- (33) **AUTHORIZATION TO RENEW THE FOLLOWING BIDS/RFP'S: (MF-PURCHASING)**
A. FIRE EXTINGUISHER MAINTENANCE – ANNUAL BID NO. 1430 TO PUENTE FIRE EXTINGUISHER
- (34) **AUTHORIZATION TO AWARD THE FOLLOWING BIDS/RFP/RFQ FOR: (MF-PURCHASING)**
A. RECYCLER / RECLAIMER – BID NO. 050202 TO ANDERSON
The Tabulation follows:

- (35) **AUTHORIZATION TO AWARD THE FOLLOWING BIDS/RFP/ RFQ FOR: (MF-PURCHASING)**
A. ROAD MATERIALS: DRAINAGE – ANNUAL BID NO. 2520 TO CONTECH/VARMICON/ RIO VALLEY PIPE
The Tabulation follows:

TRAVEL ITEMS

- (36) **AUTHORIZATION TO TRAVEL/OR APPROVAL OF TRAVEL EXPENSE FOR THE FOLLOWING (PLEASE NOTE: TRAVEL REQUESTS ARE SUBJECT TO ALL APPLICABLE COUNTY POLICIES):**
- (A) District Clerk and two Deputy Clerks to attend the “County & District Clerks Legal Education Conference at UT-Austin,” in Austin, Texas, April 25-29, 2005;
 - (B) Three Justice of the Peace Precinct 1 Clerks to attend the “Justice Court Training Center,” in San Antonio, Texas, March 27-29, 2005;
 - (C) County Judge employee to attend the meetings during the 79th Legislative Session in Austin, Texas, March 20-23, 2005 and March 28-April 1, 2005;
 - (D) Two Sheriff Department Administrators to attend the “South Central Region’s Community Corrections Contractors Training,” in Dallas, Texas, April 12-15, 2005;
 - (E) Department of Transportation Director to attend a hearing on Senate Bill 229 in Austin, Texas, March 16, 2005;
 - (F) Two Extension Office Employees to assist in the 2005 South District 12 4-H Fashion Show in Corpus Christi, Texas, April 30, 2005; and
 - (G) Juvenile Court Judge to attend the “42nd Annual Criminal Law Institute,” in San Antonio, Texas, April 1, 2005.
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- (13) APPROVAL OF CLAIMS;
The Affidavits follow:**

- (17) **ADOPTION OF A PROCLAMATION DECLARING THE WEEK OF APRIL 3-9, 2005, AS “WEEK OF THE YOUNG CHILD” IN CAMERON COUNTY, TEXAS. (RG-COUNTY JUDGE)**
The Proclamation follows:

- (18) **POSSIBLE APPROVAL OF CONTRACT WITH ASBESTOS & DEMOLITION CONTRACTING FOR ASBESTOS REMOVAL AND DISPOSAL AT THE LEVI'S STRAUSS BUILDING. (DJV-LEGAL)**
The Contract follows:

- (20) **POSSIBLE APPROVAL TO AMEND THE PROJECT AGREEMENT NO. 50-00290-BROWNE ROAD REGIONAL PARK, BETWEEN CAMERON COUNTY AND TEXAS PARKS AND WILDLIFE DEPARTMENT TO EXTEND EXPIRATION DATE FROM JANUARY 31, 2005 TO JANUARY 1, 2006. (JM-PARK SYSTEM)**
The Amendment follows:

- (21) **POSSIBLE ADOPTION OF A PROCLAMATION TO ALLOW CAMERON COUNTY TO PARTICIPATE IN THE NATIONAL BEACH SAFETY WEEK, MAY 24-31, 2005. (JM-PARK SYSTEM)**
The Proclamation follows:

- (22) AUTHORIZATION FOR THE CAMERON COUNTY JUVENILE PROBATION DEPARTMENT TO SUBMIT A GRANT APPLICATION TO THE STATE OF TEXAS OFFICE OF THE GOVERNOR. (TR-JUVENILE)**
The Resolution follows:

- (23) AUTHORIZATION FOR THE CAMERON COUNTY JUVENILE PROBATION DEPARTMENT TO SUBMIT AMENDED GRANT APPLICATION TO THE STATE OF TEXAS OFFICE OF THE GOVERNOR. (TR-JUVENILE)**
The Resolution follows:

- (24) AUTHORIZATION FOR THE CAMERON COUNTY JUVENILE PROBATION DEPARTMENT TO SUBMIT A GRANT APPLICATION TO THE STATE OF TEXAS OFFICE OF THE GOVERNOR. (TR-JUVENILE)**
The Resolution follows:

- (25) ADOPTION OF A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE GOVERNORS OFFICE CRIMINAL JUSTICE DIVISION FOR THE CAMERON COUNTY JUVENILE JUSTICE DEPARTMENT'S COMMUNITY HELPING ADOLESCENTS MENTORING PROGRAM (C.H.A.M.P.) GRANT. (TR-JUVENILE)**
The Resolution follows:

- (26) APPROVAL OF AGREEMENT BETWEEN CAMERON COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES (CCDHHS) AND REBEKAH RASCO FOR THE PROVISION OF EDUCATIONAL ENRICHMENT SERVICES. (YS-HEALTH)**
The Agreement follows:

- (27) **APPROVAL OF AGREEMENT BETWEEN CAMERON COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES (CCDHHS) AND KENNETH ELM FOR THE PROVISION OF VIDEO PRODUCTION ENRICHMENT SERVICES. (YS-HEALTH)**
The Agreement follows:

- (28) APPROVAL OF AGREEMENT BETWEEN CAMERON COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES (CCDHHS) AND MARIA S. GARCIA FOR THE PROVISION OF COMPUTER EDUCATIONAL ENRICHMENT SERVICES. (YS-HEALTH)**
The Agreement follows:

- (29) APPROVAL OF AGREEMENT BETWEEN CAMERON COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES (CCDHHS) AND JULIO HERNANDEZ FOR THE PROVISION OF PERFORMING ARTS AND EDUCATIONAL ENRICHMENT SERVICES. (YS-HEALTH)**
The Agreement follows:

- (31) **AUTHORIZATION TO AWARD THE FOLLOWING BIDS/RFP/ RFQ FOR: (MF-PURCHASING)**
- A. **FOOD: MEATS-BEEF-POULTRY - QUARTERLY BID #2170-2 TO BENO'S/ LOPEZ WHOLESALE**
- The Tabulation follows:**

- (34) AUTHORIZATION TO AWARD THE FOLLOWING BIDS/RFP/RFQ FOR: (MF-PURCHASING)**
A. RECYCLER / RECLAIMER – BID NO. 050202 TO ANDERSON
The Tabulation follows:

- (35) AUTHORIZATION TO AWARD THE FOLLOWING BIDS/RFP/ RFQ FOR: (MF-PURCHASING)**
- A. ROAD MATERIALS: DRAINAGE – ANNUAL BID NO. 2520 TO CONTECH/VARMICON/ RIO VALLEY PIPE**
- The Tabulation follows:**

EXECUTIVE SESSION

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the Court met in Executive Session at 11: 04 A.M. to discuss the following matters:

(37) EXECUTIVE SESSION:

- (A) Confer with Commissioners' Court Legal Counsel concerning case styled 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);
- (B) 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);
- (C) Confer with Commissioners' Court Legal Counsel concerning case styled Mitchell Kent Sweezy and Pauline Rae Sweezy; adversary No. 04-01015, Mitchell Kent Sweezy and Pauline R. Sweezy V. Lone Star National Bank and Conrado Cantu, Sheriff of Cameron County, Texas, United States Bankruptcy Court, Southern District of Texas, Brownsville Division, for possible settlement; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(B);
- (D) Confer with Commissioners' Court Legal Counsel concerning ASO appeal review request regarding Jose Cuellar, Jr.; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1) & (2);
- (E) Deliberation regarding Real Property concerning the Harlingen property located on the north side of East Tyler Avenue between 6th and 7th Street; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- (F) Confer with Commissioners' Court Legal Counsel concerning Claim of Arnoldo Tovar; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(2);
- (G) Confer with Commissioners' Court Legal Counsel concerning a possible lease with the Catholic Diocese for the Santa Maria Catholic Church, 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 Meeting Act; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(2);
- (H) Deliberation regarding Real Property concerning acquisition of parcel 10, for US 83 Expressway Project in the La Feria, Precinct 4 area; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- (I) Deliberation regarding Real Property concerning the possible utility easement through Browne Road Regional Park for Craig Atchison; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(2);
- (J) Confer with Commissioners' Court Legal Counsel concerning claim of Jeff Philo; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(2); and
- (K) Deliberation regarding Real Property concerning the possible purchase of real estate from the school district in Rio Hondo (located at 130 Colorado, Rio Hondo, Texas; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072 & 551.071(2).

(38) ACTION RELATIVE TO EXECUTIVE SESSION

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the Court reconvened into Regular Session at 11:55 A.M. to discuss the following matters:

- (A) Confer with Commissioners' Court Legal Counsel concerning case styled Cameron County versus Faulkner, USA, formerly known as Landmark.**
- (B) 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 Garza, seconded by Commissioner Tamayo and carried unanimously, the Status Report by Legal Counsel was acknowledged.

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- (C) Confer with Commissioners' Court Legal Counsel concerning case styled Mitchell Kent Sweezy and Pauline Rae Sweezy; adversary No. 04-01015, Mitchell Kent Sweezy and Pauline R. Sweezy V. Lone Star National Bank and Conrado Cantu, Sheriff of Cameron County, Texas, United States Bankruptcy Court, Southern District of Texas, Brownsville Division, for possible settlement.**

Note: Judge Hinojosa was not present during discussion of this item.

Commissioner Wood moved that Commissioner Benavides be authorized to sign settlement on behalf of the county.

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

AYE: Commissioners Benavides, Wood, Garza and Tamayo

NAY: None

ABSTAIN: Judge Hinojosa.

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- (D) Confer with Commissioners' Court Legal Counsel concerning ASO appeal review request regarding Jose Cuellar, Jr.**

Note: Judge Hinojosa was not present during discussion of this item.

Upon motion by Commissioner Garza moved that the review presented by the insurance company be accepted as final.

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

AYE: Commissioners Benavides, Wood, Garza and Tamayo

NAY: None

ABSTAIN: Judge Hinojosa.

The Report is as follows:

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- (E) **Deliberation regarding Real Property concerning the Harlingen property located on the north side of East Tyler Avenue between 6th and 7th Street.**

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

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- (F) **Confer with Commissioners' Court Legal Counsel concerning Claim of Arnoldo Tovar.**

Upon motion by Commissioner Wood, seconded by Commissioner Tamayo and carried unanimously, that the claim of Arnoldo Tovar was **DENIED**.

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- (G) **Confer with Commissioners' Court Legal Counsel concerning a possible lease with the Catholic Diocese for the Santa Maria Catholic Church, 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 Meeting Act.**

Note: Judge Hinojosa was not present during discussion of this item.

Upon motion by Commissioner Garza moved that the Status Report by Legal Counsel be acknowledged.

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

AYE: Commissioners Benavides, Wood, Garza and Tamayo

NAY: None

ABSTAIN: Judge Hinojosa.

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- (H) **Deliberation regarding Real Property concerning acquisition of parcel 10, for US 83 Expressway Project in the La Feria, Precinct 4 area.**

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the Department of Transportation Director was authorized to make an offer for the acquisition of property as discussed in Executive Session.

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- (I) **In the matter deliberation regarding Real Property concerning the possible utility easement through Browne Road Regional Park for Craig Atchison. (DENIED)**

Upon motion by Commissioner Tamayo, seconded by Commissioner Tamayo and carried unanimously, that the request of a utility easement through Browne Road Regional Park for Craig Atchison was **DENIED**.

(J) In the matter confer with Commissioners' Court Legal Counsel concerning claim of Jeff Philo. (DENIED)

Upon motion by Commissioner Benavides, seconded by Commissioner Garza and carried unanimously, that the claim of Jeff Philo was **DENIED**.

(K) Deliberation regarding Real Property concerning the possible purchase of real estate from the school district in Rio Hondo (located at 130 Colorado, Rio Hondo, Texas.

Commissioner Garza moved that the Status Report be acknowledged, and that further negotiations be authorized.

The motion was seconded by Commissioner Tamayo and carried unanimously.

There being no further business to come before the Court, upon motion by Commissioner Benavides, seconded by Commissioner Garza and carried unanimously, the meeting was **ADJOURNED** at 12:03 P.M.

APPROVED this 24th day of **May 2005**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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