

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 5th day of April 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:

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The meeting was called to order by Judge Hinojosa at 9:30 A.M. He asked Bob Clark, Brownsville resident, for the invocation, and 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 April 1, 2005, at 11:51 A.M.:

(1) **PUBLIC COMMENTS**

(5) **DISCUSSION OF A PROPOSED LANDFILL SITE BETWEEN LOS FRESNOS AND BAYVIEW (DG-COMM. PCT 3)**

Judge Hinojosa explained the county's position regarding the proposed landfill to be that "if anyone wants to put a landfill in Cameron County, unless they get full community support in the area where they are going to put it, the county would oppose it." He explained that what was happening today was good because it brings the matter to the fore front and demands immediate attention, noting that he did not know that the developer was already in the process of submitting an application to the corresponding state agency for construction of the landfill. Judge Hinojosa stated that he assumed that the developer would get community approval prior to submitting the application, yet it appeared that they decided to do this without discussing the matter with the community. He stated that he did not know exactly what the county could legally do to block construction of the landfill, nor was he aware of any administrative procedure by which attempts to block it could be made. Judge Hinojosa stated that there was no chance that the Commissioners Court would approve a landfill at that location, upon being asked. He stated that the next issue was what could the court do as a county do to protect the rights of the citizens that live in that community if the county was not in the line of approval of whether the landfill. Judge Hinojosa explained that the county would examine all available avenues for purposes of blocking construction of a landfill, including possible litigation, if it does not stand in the line of approval. He noted that the county was prepared to move forward with the community in blocking construction of the landfill.

Commissioner Tamayo expressed full support to oppose construction of the landfill, and stated that she would speak with Legal Counsel the Association of Counties to get information on what "we as a county can do." She suggested that the citizen rally and contact the agency in charge of approving the application for construction of the landfill. Commissioner Tamayo indicated that Judge Hinojosa spoke very strongly as to the Court's position, and noting that there was strength in unity and numbers.

Commissioner Benavides stated that when he first learned of the development he believed it was related to the recently approved contract with Red River Service Corporation for collection of solid waste, and expressed opposition to the development of the landfill "not in my back yard."

Commissioner Wood reiterated the Court's position to be as was stated by Judge Hinojosa if the process requires input from county officials and that if not then the county could probably assist the public by making information available that in turn must be forwarded to TCEQ and/or other state agencies. He stated that the county derives its powers and operations from state statutes and it does not have the ability to make ordinances

nor control zoning, which would permit more control of development within the county. Commissioner Wood requested assistance in obtaining some zoning ability by supporting proposed legislation presently being considered.

Judge Hinojosa explained that although Representatives Oliveira, Solis and Escobar have supported limited zoning law it has been knocked down by the developer interest. He stated that Red River Service Corporation issued a press conference to inform that they were involved. Judge Hinojosa explained that Cameron County just entered into a contract with Red River Service Corporation for solid waste collection services within the county after a two year study, adding that negotiations were ongoing with water utilities for collection of payment for services scheduled to begin as of June 1, 2005. He stated that the county has discussed the future development of a landfill, yet this was not related to the proposed landfill, and explained that the availability of landfills affects the price of waste collection services presently being negotiated.

Commissioner Wood stated that he assisted when the City of Brownsville went through the process to extend the life of the landfill by 45 years, and that while traveling to view landfills in the state he found that there were "some really nice looking facilities" because they make them look nice and because "they're also in the appropriate areas." He noted that the proposed area was not appropriate for a landfill.

Judge Hinojosa noted the importance of understanding that a landfill was needed but not in this area. He encouraged that developers look into other sites that would not be so intrusive on the population. Judge Hinojosa hoped that the message get to the developer that the location being considered on Highway 100 was not appropriate.

Commissioner Garza stated that he was please to hear the position of all Court members and that he requested that the matter be on the agenda to inform the community of the Court's position on the matter. He stated that the entire Precinct 3 was very ecological sensitive area and that landfills need to go elsewhere. Commissioner Garza stated that process has gone on without any public input and that location for a landfill was inappropriate on the way to South Padre Island. He expressed concern with a landfill built near Donna, Texas even after community involvement and opposition, thus he noted the need to do more than was done there. Commissioner Garza stated that all court members have expressed the same sentiment "we do not want a landfill in that area, period."

Commissioner Tamayo stated that she would fight a landfill not only in the Highway 100 area, but in any area small communities that may not have the same resources to fight it. She noted the need to observe all possibilities carefully and to protect all citizens.

Commissioner Garza thanked all individuals for placing calls since early Sunday morning and for organizing the people to attend.

Mr. Jim Blackwell, B& C Engineering, (representing Consolidated Waste Industries) reported that he was familiar with the needs for disposal of solid waste in the Valley since he was directly involved in the development of the original Solid Waste Master Plan for the Lower Rio Grande Valley Development Council in 1992. He stated that everyone understands that there will be a need sooner or later for a regional solid waste facility in the county, and that as landfill space dwindles and the population increases the cost to the county for management of solid waste would increase, adding that said increases must then be passed onto the citizens. Mr. Blackwell added that illegal dumping would become a problem when the fees become so high. He stated that the Solid Waste Master Plan indicates that regional landfills in both Cameron and Hidalgo Counties would eventually be required.

Mr. Blackwell stated that Cameron County has resolved one of two factors of proper handling of solid waste by offering residents affordable means of handling solid waste needs, this being collection and the second being disposal. He stated that right now solid waste from the county would go to the landfill in Donna, which has had much litigation, or the landfill in Brownsville, which is one of the most expensive landfills if not a Brownsville resident. Mr. Blackwell explained that the identification of a location for a solid waste management facility was an extremely difficult process with many key items that must be viewed and analyzed. He stated that state requires a fifty foot buffer from a property line before the landfill starts, and that the three properties they have been looking at, two located in Cameron County and one in Hidalgo County. Mr. Blackwell stated that the Consolidated Waste Industries wants a minimum of a thousand acres of land to be able to buffer the disposal area from adjoining residents. He stated that the three properties have and continue to be assessed and that the preliminary engineering study was being conducted for the Los Fresnos property. Mr. Blackwell added that public hearings would be held upon said study being complete. He clarified that they were not trying to “short change and push a permit [for the landfill] through” and that they have followed a process that first determines the technical aspect of the process and then the social aspect of the property. Mr. Blackwell stated that he was unable to answer questions when attending a public meeting such as today prior to completion of the technical studies and that they were not attempting to ignore that but rather that they were not at that stage. He explained that upon completion of the process and upon public input being obtained and it resulting in great opposition they could very well look for property elsewhere.

Commissioner Benavides expressed appreciation for Mr. Blackwell's eloquent presentation, and stated that the people and the county were opposed to the landfill. He stated that that the court would like to tell the public that Consolidated Waste Industries would "step back and not come back... to this area."

Mr. Blackwell stated that the residents do not know how the property would affect them.

Commissioner Benavides noted that the residents knew that the landfill would smell and cause all kinds of environmental problems.

Mr. Blackwell stated that there are very well managed and well operated landfills.

Judge Hinojosa stated that the residents were just getting started in opposing the proposed landfill.

At this time Rosemary Breedlove, David Winton, Los Fresnos City Mayor, Mark Sundquist, Bayview City Mayor, Dr. Silvia Atkinson, Los Fresnos Consolidated School District, Chief South Padre Island, Rosa Silva, Del Mar Heights, expressed opposition towards development of a landfill.

Mr. Darrell Mangham, Lower Rio Grande Development Council Solid Waste Advisory Committee Member, explained that the proposed landfill has not been discussed in during the meeting and that they were in the process of updating the regional plan. He presented a copy of the criteria by which the Solid Waste Advisory Committee would review any permit application if given the opportunity, yet noted that such was not a requirement of TCEQ and encouraged county officials to assist in revising the wording to make it a requirement.

Judge Hinojosa noted that the Mayor of the Town of South Padre Island called him to express his opposition towards the proposed landfill.

Mr. Clifford Rowell, Assistant City Manager and Fire Chief of South Padre Island, Grady Deaton, Rancho Viejo City Alderman, Larry Cantu, county resident, DeeOnda Ahadi, Port Isabel Chamber of Commerce Executive Director, Linn Keller, Bayview resident, Richard Frankee, Bayview resident, expressed opposition towards the proposed landfill.

Judge Hinojosa presented the TCEQ phone number where the public can express their concerns, that being 512-239-6363.

Ms. Rosa Silva, Del Mar Heights resident, Dr. AN Vallado, Los Fresnos Consolidated School District, expressed opposition for the proposed landfill. Mrs. Terry Galloway, Laguna Vista Mayor Pro-tem, expressed opposition for the same and asked if the court would be willing to adopt a resolution opposing the landfill.

Judge Hinojosa responded in the affirmative. He explained that he would like time to prepare and to learn what all the procedure with filing the application with TECQ entails and to have a workshop thereafter, perhaps in Los Fresnos. Judge Hinojosa added that no more than two weeks would be needed and that the

workshop be scheduled in the evening to discuss the process and strategies. He noted the need for the public to be more involved and to do what the law permits to prevent development of the landfill.

Mrs. Rosemary expressed opposition to a workshop being held and stated that the public was already involved by opposing the landfill.

Judge Hinojosa explained that the public made the presentation to the Court; however, TCEQ is the agency that approves the landfill. He added that the County wants to ensure that the approval or disapproval process was well known to the residents to be affected and that the public has all information needed to take proper action.

Commissioner Tamayo noted the need to give everyone unable to attend due to working hours the opportunity to express their position.

Judge Hinojosa stated that an evening meeting would be held in Los Fresnos two weeks from tonight, where information and a representative from the state would be invited in order to “do it the right way.”

Upon motion by Commissioner Tamayo, seconded by Commissioner Benavides and carried unanimously, the discussion of a proposed landfill site between Los Fresnos and Bayview was acknowledged.

The Report is as follows:

**(18) CONSIDERATION AND APPROVAL OF
CONTRACT BETWEEN CAMERON COUNTY AND
THE LOWER RIO GRANDE VALLEY
DEVELOPMENT COUNCIL FOR THE SHERIFF'S
ENVIRONMENTAL AWARENESS AND
EDUCATION TRAINING PROJECT (FB-PD & M)**

Commissioner Benavides moved that the contract between Cameron County and the Lower Rio Grande Valley Development Council for the Sheriff's Environmental Awareness and Education Training Project be approved.

The motion was seconded by Commissioner Tamayo and carried unanimously.

The Contract is as follows:

(5) DISCUSSION OF A PROPOSED LANDFILL SITE BETWEEN LOS FRESNOS AND BAYVIEW (DG-COMM. PCT 3)

Upon motion by Commissioner Tamayo, seconded by Commissioner Benavides and carried unanimously, the discussion of a proposed landfill site between Los Fresnos and Bayview was acknowledged.

(7) CONSIDERATION AND ACTION RELATING TO JUSTICE OF THE PEACE PRECINCT 2, PLACE 1'S INTENTION TO HOLD NIGHT COURT (LS-J.P. 2-1)

Justice of the Peace Linda Salazar requested authorization to use the central jury room to hold court once a week to hear truancy, traffic, and disorderly conduct cases.

Commissioner Wood expressed concern with security issues.

Judge Salazar explained that Mr. Frank Sanchez, Courthouse Security Division, and Mr. Able Gomez, Constable Pct. 2, would provide needed security. She explained that court would be held in the central jury room.

Commissioner Garza questioned the dates and time that court was to be held.

Judge Salazar responded that she would like to hold court once a week from 5:30 p.m. to 8:00 p.m. beginning April 20, 2005.

Commissioner Garza asked if the officers would accumulate comp time.

Judge Salazar responded that the officers would not accumulate comp time but rather would flex any time they work over and that Constable Gomez would assist with a bailiff.

Commissioner Garza asked if any legal implications could derive as a result of authorizing evening hours for Judge Salazar.

Mr. Doug Wright, Commissioners' Court Legal Counsel, responded negatively and explained that the court was not authorizing Judge Salazar to hold court but rather to use the facility. He suggested that there be some form of coordination with the Maintenance Superintendent to secure the facility while court is being held.

Commissioner Benavides moved that Justice of the Peace Precinct No. 2, Place 1 be authorized to hold night court at the central jury room.

The motion was seconded by Commissioner Tamayo and carried unanimously.

At this time Judge Hinojosa read and presented Sheriff Omar Lucio with a Resolution previously adopted by the Court to recognize the End of the Road Ministries of Brotherhood for their services to the community.

(8) CONSIDERATION AND AUTHORIZATION TO HOLD A PUBLIC HEARING SETTING THE MAXIMUM SPEED LIMIT ON CARMEN AVENUE FROM AVENIDA ESCANDON TO FM 1732, FOR THE PORTION OF THE ROAD THAT LIES WITHIN THE CAMERON COUNTY JURISDICTION (PS-DEPT. OF TRANSPORTATION)

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the Public Hearing for setting the maximum speed limit on Carmen Avenue from Avenida Escandon to FM 1732, for the portion of the road that lies within the Cameron County jurisdiction was opened for public comment.

Mr. Pete Sepulveda, Department of Transportation Director, reported that a request from the Town of Rancho Viejo was received to increase the speed limit from 25 mph to 35 mph on the county's portion of Carmen Avenue, that being between Avenida Escandon and FM 1732. He stated that staff engineers went to the site and presented written recommendation, and explained that a public hearing was required by statute.

Ms. Bridget Newberg, Town of Rancho Viejo Alderman, commented that the section of the road in question was not populated and that increasing the speed limit to 35 mph would cause no harm and would benefit ingress to the city.

Mr. Grady Deaton, Rancho Viejo Town Alderman, informed that it was the town's intention to decrease the speed limit back to 25 mph in the future.

Judge Hinojosa noted the importance to state the indication of Aldermen Newberg and Deaton that it was the intent of the Town of Rancho Viejo to request to decrease the speed limit to 25 mph once the road becomes populated.

Ms. Newberg reiterated that it was the town's intention to return the speed limit to 25 mph.

Mr. Doug Wright, Commissioners' Court Legal Counsel, noted that an analysis was done by the staff engineer and that the court must rely on the same.

Mr. Sepulveda read and presented the observations and recommendations of the staff engineer.

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the Public Hearing for setting the maximum speed limit on Carmen Avenue from Avenida Escandon to FM 1732, for the portion of the road that lies within the Cameron County jurisdiction was closed.

The Report is as follows:

(9) **CONSIDERATION AND AUTHORIZATION TO ADOPT AN ORDER ESTABLISHING THE SPEED LIMIT FOR CARMEN AVENUE BETWEEN AVENIDA ESCANDON AND FM 1732 (PS-DEPT. OF TRANSPORTATION)**

Commissioner Wood moved that the Order establishing the speed limit for Carmen Avenue between Avenida Escandon and FM 1732 be adopted.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Order is as follows:

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

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the Budget Amendments, Line Item Transfers and/or Salary Schedules were approved.

The documents are as follows:

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- (4) **APPROVAL OF MINUTES FOR:**
- A. **FEBRUARY 1, 2005-REGULAR MEETING (TABLED)**
 - B. **FEBRUARY 8, 2005-REGULAR MEETING**
 - C. **FEBRUARY 15, 2005-SPECIAL MEETING (TABLED)**

Commissioner Garza moved that the Minutes of the Regular Meeting held February 8, 2005, be approved and that the Minutes of the Regular and Special Meeting held February 1, 2005, and February 15, 2005, be **TABLED**.

The motion was seconded by Commissioner Benavides and carried unanimously.

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- (6) **CONSIDERATION AND POSSIBLE ACTION REGARDING THE CAMERON COUNTY LEGISLATIVE AGENDA, TO INCLUDE PASSAGE OF RESOLUTIONS IN SUPPORT OF OR IN OPPOSITION TO CERTAIN LEGISLATION AFFECTING THE COUNTY'S INTEREST (VDL-COUNTY JUDGE)**

Commissioner Garza informed that he was asked to bring the issue regarding SB 1623 on behalf of the City of Port Isabel with regards to a challenge of a home rule city and what it can annex. He added that there has been discussion between Port Isabel and South Padre Island and that the matter was now in the court system. Commissioner Garza stated that there was a provision in the legal system to remedy the matter and that it was not business of the legislature to be getting involved. He explained that the Resolution indicates that there is a separation of powers between legislative and local, and that the county was requesting that the locals decide and that the court system address the matter if the two municipalities cannot decide.

Judge Hinojosa clarified that there was a Resolution requested by Port Isabel and a Resolution requesting that the matter remain at a local level.

Commissioner Garza read the resolution regarding separation of powers relating to SB 1623 and SB 854.

Commissioner Garza moved that the Resolution opposing SB 1623 and SB 854 be adopted.

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

AYE: Commissioners Wood, Garza Tamayo and Judge Hinojosa,

NAY: None

ABSTAIN: Commissioner Benavides.

The Resolution is as follows:

Mr. Remi Garza, County Administrative Assistant, presented a Resolution supporting HB 2421 relating to increasing of funding for the Skills Development Fund.

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the Resolution supporting HB 2421 relating to increasing of funding for the Skills Development Fund was adopted.

The Resolution is as follows:

Judge Hinojosa reported that yesterday he testified before the House Judiciary Committee regarding the Hearing Officer Bill where a favorable response was obtained. He added that a newspaper article indicated that for once the Texas Legislature was pushing for rehabilitation and probation programs as opposed to incarceration, and that he suspected that they understand the dilemma that the county sees continuously with respect to jail overcrowding in Cameron County.

Judge Hinojosa reported that he met with several Representatives regarding the Health Service District and that he expressed the court's position to be that a regional approach was preferred. He stated that Cameron County needed to move because there was no cooperation from Hidalgo County, yet now that Hidalgo County moved forward and completed their operations plan, they were saying that the counties must stay together. He added that his response to Senators Lucio and Hinojosa was that if they could promise that he had no problem with the regional approach if the senators could promise that Hidalgo County was moving forward and that the funding was preserved, adding that otherwise Cameron County must proceed on its own. Judge Hinojosa explained that he got assurances from Senator Hinojosa that he would move that and that he fully understood Cameron County's concerns and that he expressed the same concerns to officials in Hidalgo County and that he (Senator Hinojosa) got assurances from Hidalgo County that it was moving forward. He stated that Hidalgo County Judge Ramon Garcia told him that they were moving forward and that they would like to see if this could be worked out. Judge Hinojosa stated that he would like for Cameron County representative to move forward on the legislation since it does not require that Cameron County pull out but rather allows the option to do so.

Judge Hinojosa reported that the Rio Grand Valley Regional Water Authority was formed during the last session and that irrigators filed a bill that expands the powers of their Rio Grand Water Authority that has been dormant for over fifty years. He stated that the county has expressed its opposition to the matter and that it wants to move forward on the Rio Grand Valley Regional Water Authority, whom was moving forward. Judge Hinojosa noted the need to be concerned about water and that working with the Rio Grand Valley Regional Water Authority and Valley Partnership sponsored by Senator Lucio was a vehicle, adding that the irrigators have plenty of representation.

It was informed that Commissioners Garza and Tamayo were traveling to Austin, Texas, today.

Judge Hinojosa stated that he told Mr. Buddy Garcia that he wants to speak to his office about what Cameron County was doing on railroad relocation in order for the Governor's Office to understand how it works from the local perspective and to get ideas of what Cameron County needs in said area. He stated that the Texas Department of Transportation (TXDOT) would work with Representative Mike Krussee, District 5, on fashioning

the state railroad relocation plan, and noted the importance of continuing to talk to them about the county's plan to try to incorporate some of what the county has done into the state plan.

Commissioner Wood commented that it was good that state was looking into rehabilitation programs rather than incarceration as long as the burden was not placed on local entities.

Mr. Garza stated that Ms. Veronica De La Fuente, County Judge's Office, would be asked to keep immediate communication with members of the Court because of issues with accessing e-mail.

Mr. Mark Yates, County Auditor, stated that the Texas Association of Counties has computers available on the 4th floor of the Capitol.

Commissioner Wood moved that the Report regarding the Cameron County legislative agenda be acknowledged.

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

ITEM NO. 20-a: Judge Hinojosa instructed that an item be placed on the next agenda for appointment of the evaluation committee.

Commissioner Garza moved that the "Travel and Consent Items" be approved inclusive of Supplemental Consent Item No. 1, and exception of Item No. 18.

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. 00135620, payable to Southwest Key La Esperanza, in the amount of \$73,168.00

**(10) APPROVAL OF CLAIMS.
The affidavit follows:**

**(11) AUTHORIZATION TO AMEND THE FOLLOWING ACCOUNTS WITH LONE STAR NATIONAL BANK: CAMERON COUNTY, CAMERON COUNTY INMATES RELEASE ACCOUNT. (EG-TREASURER)
The Resolutions follow:**

- (12) **PRESENTATION AND ACKNOWLEDGEMENT OF THE QUARTERLY REPORT, FOR THE QUARTER ENDING DECEMBER 31, 2004, ON INVESTMENTS OF COUNTY FUNDS IN ACCORDANCE WITH PROVISIONS OF GOV. CODE 2256 – THE PUBLIC FUNDS INVESTMENT ACT. (EG-TREASURER)**
The Report follows:
- (13) **APPROVAL FOR CHIEF M. LIENART TO ATTEND MODULE II OF THE LEADERSHIP COMMAND COLLEGE (LCC) AT THE LAW ENFORCEMENT MANAGEMENT INSTITUTE OF TEXAS, ON JULY 10-25, 2005 AT TEXAS WOMAN’S UNIVERSITY IN DENTON, TX.. (OL-SHERIFF)**
- (14) **AUTHORIZATION TO UTILIZE HOUSTON GALVESTON AREA COUNCIL (HGAC) FOR THE PURCHASE OF AN ADDITIONAL \$1,400.00 OF RADIO ACCESSORIES UNDER THE COUNTY STATE HOMELAND SECURITY GRANT WHICH WILL EXCEED \$15,000.00 FOR TOTAL OF EQUIPMENT ORDERED. (TH-EMERGENCY MANAGEMENT)**
- (15) **APPROVAL OF THE CAMERON COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES TO SUBMIT A GRANT APPLICATION IN RESPONSE TO THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES CHILDREN WITH SPECIAL HEALTH CARE NEEDS/TITLE V FY 06 COMPETITIVE REQUEST FOR PROPOSAL TO PROVIDE CHILDREN WITH SPECIAL HEALTH CARE NEEDS (CSHCN) CASE MANAGEMENT AND RESPITE CARE SERVICES IN CAMERON AND WILLACY COUNTY. (YS-HEALTH)**
The Application follows:
- (16) **APPROVAL AUTHORIZING THE CRIME VICTIM’S DEPARTMENT FROM THE DISTRICT ATTORNEY’S OFFICE TO INVITE COMMUNITY AGENCIES DEALING DIRECTLY WITH VICTIMS OF CRIME TO DISSEMINATE INFORMATION TO THE PUBLIC ON THE FIRST FLOOR OF THE COURTHOUSE IN FRONT OF THE 357TH DISTRICT COURT. (RM-CRIME VICTIMS DEPT.)**
- (17) **APPROVAL OF RESOLUTION PROCLAIMING THE MONTH OF APRIL 2005 AS FAIR HOUSING MONTH IN CAMERON COUNTY. (FB-PD & M)**
The Resolution follows:
- (18) **APPROVAL OF CONTRACT BETWEEN CAMERON COUNTY AND THE LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL FOR THE SHERIFF’S ENVIRONMENTAL AWARENESS AND EDUCATION TRAINING PROJECT. (FB-PD & M)**
The Contract follows:
- (19) **AUTHORIZATION TO READVERTISE FOR BIDS FOR THE FOLLOWING: (MF-PURCHASING)**
A. ROAD MATERIALS: EMULSION OILS – ANNUAL BID NO. 2540
- (20) **AUTHORIZATION TO OPEN THE FOLLOWING BIDS/RFP’S/RFQ FOR: (MF-PURCHASING)**
A. PEST CONTROL – ANNUAL BID NO. 1600
B. BANK DEPOSITORY – ANNUAL BID NO. 1222
- (21) **AUTHORIZATION TO INITIATE THE DRAWING PROCESS ON LETTER OF CREDIT FOR MATTHEW BAILEY SUBDIVISION, PRECINCT 4, FOR UNBUILT SEPTIC SYSTEMS AND WATER WELLS. (PS-DEPT. OF TRANSPORTATION)**
- (22) **AUTHORIZATION TO ACCEPT PINE FALLS DR. LOCATED IN THE PINWOOD NO. 1 SUBDIVISION, PRECINCT 2, INTO THE COUNTY ROAD SYSTEM. (PS-DEPT. OF TRANSPORTATION)**
- (23) **AUTHORIZATION TO ACCEPT RESACA NUEVA DR., RESACA SECA DR., AND RESACA SANTA DR. LOCATED IN THE RESACA SANTA SUBDIVISION PHASE III, PRECINCT 4, INTO THE COUNTY ROAD SYSTEM. (PS-DEPT. OF TRANSPORTATION)**

- (24) **AUTHORIZATION FOR FINAL APPROVAL FOR: (PS-DEPT. OF TRANSPORTATION)**
- A. **PRECINCT NO. 4- LA TINA COUNTRY ESTATES PHASE II SUBDIVISION SECTION I, BEING A 162.16 ACRE TRACT OUT OF A 1,672.83 ACRE TRACT, MORE OR LESS, (VOL. 2732, PG. 265 C.C.O.R.) IN TRACT 50 OF PARTITION SHARE 19 OF THE ESPIRITU SANTO GRANT, CAMERON COUNTY, TEXAS.**
 - B. **PRECINCT NO. 3- VEGA SUBDIVISION PHASE II, BEING A 8.055 ACRE TRACT OUT OF BLOCK 107 OF THE SAN BENITO LAND AND WATER COMPANY SUBDIVISION, AS RECORDED IN VOLUME 1, PAGE 6 OF THE MAP RECORDS OF CAMERON COUNTY, TEXAS.**
- (25) **AUTHORIZATION FOR PRELIMINARY AND FINAL APPROVAL FOR: (PS-DEPT. OF TRANSPORTATION)**
- A. **PRECINCT NO. 4- VALLE DE ESPERANZA SUBDIVISION, BEING THE SOUTH 3.0 ACRES OUT OF THE NORTH 10.0 ACRES OUT OF THE SOUTH 20.0 ACRES OF BLOCK 4, BRIGGS-COLEMAN SUBDIVISION, SURVEY 28, CAMERON COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT RECORDED IN VOL. 4, PAGE 68, OF THE MAP RECORDS OF CAMERON COUNTY, TEXAS.**
 - B. **PRECINCT NO. 2- CORREA REPLAT OF RESERVE "A" SUBDIVISION, BEING A 12.73 ACRE TRACT AND BEING ALL OF RESERVE AREA "A", CORREA SUBDIVISION AS RECORDED IN CABINET 1, PAGE 2210-A OF THE MAP RECORDS OF CAMERON COUNTY, TEXAS.**
 - C. **PRECINCT NO. 3- VEGA SUBDIVISION PHASE III, BEING A 6.447 ACRE TRACT OUT OF BLOCK 107 OF THE SAN BENITO LAND AND WATER COMPANY SUBDIVISION, AS RECORDED IN VOLUME 1, PAGE 6 OF THE MAP RECORDS OF CAMERON COUNTY, TEXAS.**

SUPPLEMENTAL CONSENT ITEM

1. **CONSIDERATION AND ADOPTION OF A RESOLUTION OF APPRECIATION FOR THE EFFORTS AND CONTRIBUTIONS OF JUDGE MOISES VELA TO CAMERON COUNTY. (DG-COMM. PCT 3)**
The Resolution follows:

TRAVEL ITEMS

- (26) **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. **JUVENILE PROBATION CHIEF TO ATTEND THE "BOYS AND GIRLS CLUB TEXAS COMBINED AREA COUNCIL ANNUAL MEETING," IN AUSTIN, TEXAS, FEBRUARY 16-18, 2005;**
 - B. **TWO (2) JUVENILE PROBATION EMPLOYEES TO ATTEND "TEXAS PROBATION ASSOCIATION 20, 2005 ANNUAL CONFERENCE," IN AUSTIN, TEXAS, APRIL 10-13, 2005;**
 - C. **COUNTY JUDGE EMPLOYEE TO ATTEND MEETINGS DURING THE 79TH LEGISLATIVE SESSION IN AUSTIN, TEXAS, APRIL 3-8, 2005 AND APRIL 10-15, 2005;**

- D. SEVEN (7) JUVENILE PROBATION EMPLOYEES TO ATTEND “SPRING CHILD ADVOCACY CONFERENCE,” IN EDINBURG, TEXAS, APRIL 21-22, 2005;**
- E. THREE (3) JUVENILE PROBATION EMPLOYEES TO ATTEND “PSYCHOTROPIC MEDICATION AND FOSTER CARE,” IN WESLACO, TEXAS, FEBRUARY 18, 2005;**
- F. TWO (2) EXTENSION OFFICE EMPLOYEES TO TRANSPORT CAMERON COUNTY MASTER GARDENER INTERNS TO PROGRAM AND EXTEND THEIR KNOWLEDGE IN HORTICULTURE IN CORPUS CHRISTI, TEXAS, APRIL 7, 2005;**
- G. FIVE (5) EXTENSION OFFICE EMPLOYEES TO PARTICIPATE AND ASSIST WITH THE 2005 DISTRICT ROUND UP, LIVESTOCK JUDGING, SHARE THE FUN CONTEST IN KINGSVILLE, TEXAS, APRIL 16, 2005;**
- H. FIVE (5) EXTENSION OFFICE EMPLOYEES TO PARTICIPATE AND ASSIST WITH THE 2005 DISTRICT ROUND UP, METHOD DEMONSTRATIONS IN KINGSVILLE, TEXAS, APRIL 23, 2005; AND**
- I. EXTENSION OFFICE EMPLOYEE TO PARTICIPATE AND ASSIST WITH THE 2005 DISTRICT ROUND UP, RIFLE CONTEST IN FALFURRIAS, TEXAS, APRIL 23, 2005.**

(10) APPROVAL OF CLAIMS.
The affidavit follows:

- (11) **AUTHORIZATION TO AMEND THE FOLLOWING ACCOUNTS WITH LONE STAR NATIONAL BANK: CAMERON COUNTY, CAMERON COUNTY INMATES RELEASE ACCOUNT. (EG-TREASURER)**
The Resolutions follow:

- (12) **PRESENTATION AND ACKNOWLEDGEMENT OF THE QUARTERLY REPORT, FOR THE QUARTER ENDING DECEMBER 31, 2004, ON INVESTMENTS OF COUNTY FUNDS IN ACCORDANCE WITH PROVISIONS OF GOV. CODE 2256 – THE PUBLIC FUNDS INVESTMENT ACT. (EG-TREASURER)**
The Report follows:

- (15) **APPROVAL OF THE CAMERON COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES TO SUBMIT A GRANT APPLICATION IN RESPONSE TO THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES CHILDREN WITH SPECIAL HEALTH CARE NEEDS/TITLE V FY 06 COMPETITIVE REQUEST FOR PROPOSAL TO PROVIDE CHILDREN WITH SPECIAL HEALTH CARE NEEDS (CSHCN) CASE MANAGEMENT AND RESPITE CARE SERVICES IN CAMERON AND WILLACY COUNTY. (YS-HEALTH)**
The Application follows:

- (17) **APPROVAL OF RESOLUTION PROCLAIMING THE MONTH OF APRIL 2005 AS FAIR HOUSING MONTH IN CAMERON COUNTY. (FB-PD & M)**
The Resolution follows:

1. **CONSIDERATION AND ADOPTION OF A RESOLUTION OF APPRECIATION FOR THE EFFORTS AND CONTRIBUTIONS OF JUDGE MOISES VELA TO CAMERON COUNTY. (DG-COMM. PCT 3)**
The Resolution follows:

EXECUTIVE SESSION

Upon motion by Commissioner Benavides, seconded by Commissioner Wood and carried unanimously, the Court met in Executive Session at 11:19 A.M. to discuss the following matters:

(27) EXECUTIVE SESSION:

- (A) 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);**
- (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 HILDA TREVINO VERSUS CAMERON COUNTY IN THE 357TH DISTRICT COURT; CAUSE NO. 2002-12-4987-E, DISCUSSION OF STATUS AND MEDIATION AUTHORITY; PURSUANT TO VERNON TEXAS CODE ANNOTATED (V.T.C.A.), GOVERNMENT CODE, SECTION 551.071(2);**
- (D) 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); AND**
- (E) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING BILLING AGREEMENTS WITH WATER SUPPLY CORPORATIONS AND CCN'S FOR SOLID WASTE GARBAGE COLLECTION SERVICES IN CAMERON COUNTY, ON MATTERS 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).**

SUPPLEMENTAL EXECUTIVE SESSION ITEMS

(3) EXECUTIVE SESSION:

- A. DELIBERATION REGARDING REAL PROPERTY CONCERNING THE HARLINGEN PROPERTY LOCATED ON THE NORTH SIDE OF EAST TYLER AVENUE BETWEEN 6TH AND 7TH STREET AND AUTHORIZATION TO PUBLISH FOR SALE; PURSUANT TO VERNON TEXAS CODE ANNOTATED (V.T.C.A.), GOVERNMENT CODE, SECTION 551.072.**

(28) ACTION RELATIVE TO EXECUTIVE SESSION:

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the Court reconvened into Regular Session at 12:35 P.M. to discuss the following matters:

- (A) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING 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.

Commissioner Tamayo moved that the Status Report by Legal Counsel be acknowledged, and that Aguirre and Associates be authorized to begin the design process on repairs to walls of the county jail at a cost less than \$24,000.00, and that the 2004 Bond Issue be designated funding source.

The motion was seconded by Commissioner Garza and carried unanimously.

(C) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING HILDA TREVINO VERSUS CAMERON COUNTY IN THE 357TH DISTRICT COURT; CAUSE NO. 2002-12-4987-E, DISCUSSION OF STATUS AND MEDIATION AUTHORITY.

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

(D) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING CLAIM OF RAUL GARZA, JR., M.D.

NOTE: Judge Hinojosa and Mr. Remi Garza, County Administrative Assistant, were not present during discussion of this item.

Commissioner Tamayo moved that the County Auditor be directed to make a final report on the accounting of those obligations under that contract.

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

AYE: Commissioners Benavides, Wood, Garza, and Tamayo

NAY: None

ABSTAIN: Judge Hinojosa.

- (E) **CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING BILLING AGREEMENTS WITH WATER SUPPLY CORPORATIONS AND CCN'S FOR SOLID WASTE GARBAGE COLLECTION SERVICES IN CAMERON COUNTY, ON MATTERS 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 Garza, seconded by Commissioner Wood and carried unanimously, the Status Report by Legal Counsel acknowledged and Legal Counsel was authorized to begin an instrument to indemnify the service providers.

SUPPLEMENTAL EXECUTIVE SESSION ITEMS

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

- A. **DELIBERATION REGARDING REAL PROPERTY CONCERNING THE HARLINGEN PROPERTY LOCATED ON THE NORTH SIDE OF EAST TYLER AVENUE BETWEEN 6TH AND 7TH STREET AND AUTHORIZATION TO PUBLISH FOR SALE.**

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the publication concerning the Harlingen property located on the north side of East Tyler Avenue between 6th and 7th Street was authorized.

PRESENTATIONS

- (2) **IN THE MATTER REGARDING PRESENTATION BY THE BROWNSVILLE HOUSING OPPORTUNITY CORPORATION TO PRESENT REPORT ON BENEFITS RESULTING OF THEIR PURCHASING FORECLOSED PROPERTIES AND TO DISCUSS POSSIBILITIES FOR FUTURE REPLICATION OF THIS ENDEAVOR (COMM. COURT)(TABLED)**

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

There being no further business to come before the Court, upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the meeting was **ADJOURNED** at 12:39 P.M.

APPROVED this 15th day of **June 2005**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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