

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 10th day of May 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 9:30 A.M. He 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 May 6, 2005, at 4:20 P.M., and Supplemental Agenda posted May 6, 2005, at 4:20 P.M.:

NOTE: JUDGE HINOJOSA ARRIVED AT THIS TIME.

**(1) PUBLIC COMMENTS AND (1) PUBLIC COMMENTS
ON SUPPLEMENTAL AGENDA**

None was presented.

ACTION ITEMS

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

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

The Documents are as follow:

(3) DISCUSSION REGARDING THE PROPOSED SOLID WASTE MANAGEMENT FACILITY SITE EAST OF LOS FRESNOS PROPOSED BY CONSOLIDATED WASTE INDUSTRIES, INC. (COMM. COURT)

Judge Hinojosa asked that county residents provide their home or e-mail address to his office for purposes of placing them on the county's mailing list to let them know about arising issues concerning the proposed solid waste facility east of Los Fresnos. He explained that a weekly agenda item would be placed to address any issues that may arise, and noted the critical need to be prepared to deal with the situation. Judge Hinojosa informed that a meeting was scheduled for Thursday at 10:00 a.m. in Los Fresnos to discuss these issues, that the matter was being very closely and that the county was prepared to engage in a fight to stop development of the proposed landfill.

Commissioner Garza commented that residents in Los Fresnos were leading ongoing efforts to get people to submit letters to the Texas Commission of Environmental Quality (TCEQ). He requested to be informed of meetings being held throughout the community in order to have a county representative present.

Commissioner Wood stated that TCEQ normally does not participate in Public Hearings prior to an application being filed, thus their participation in the meeting held in Los Fresnos was kind of different. He added that TCEQ understands the urgency of the matter and the involvement of all communities in the county, which in turn speaks well of the county and its citizens.

Commissioner Tamayo added that TCEQ wants to ensure that people are not misinformed and that they understand the process to be followed.

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the discussion regarding the proposed Solid Waste Management Facility Site east of Los Fresnos proposed by Consolidated Waste Industries, Inc., was acknowledged.

(4) 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)

Mr. Remi Garza, County Administrative Assistant, requested adoption of a Resolution opposing passage of both CSHB 2193 and SB 1266 that would amend the Health and Safety Code and would require counties with a population of 200,000 or above to establish a Drug Court Program, noting that this was yet another unfunded mandate.

Commissioner Tamayo moved that the Resolution opposing passage of both CSHB 2193 and SB 1266 that would amend the Health and Safety Code and would require counties with a population of 200,000 or above to establish a Drug Court Program be adopted unless funding was provided.

The motion was seconded by Commissioner Garza and carried unanimously.

Mr. Garza reported that Representative Veronica Gonzalez, Jim Solis, and Senator Juan Hinojosa were trying to get the \$6 million restored via a bill that would restore \$1.5 million, yet he has not received additional information concerning the results of that matter.

Judge Hinojosa stated that he was informed that someone attached a writer to the city finance bill giving the facility in San Antonio first option to the funds to be used towards the construction of the valley's facilities. He explained that this meant that they would not only take the \$6 million, but rather any additional cost to build the facility in San Antonio. He added that the bill also indicates that upon the facility being built in Cameron County that no state or federal funding would be used for its operation, leaving only local and tobacco funds. Judge Hinojosa stated that he asked that attempts be made to block the bill and to send a message to legislatures that Cameron County will pull from the Health Services District if the writer was adopted. He stated that these were continuing efforts of people in the legislature trying to take funding for healthcare and mental healthcare and send it to the north. Judge Hinojosa stated that he was tired of the situation and recommended that Cameron County move forward on what needs to be done if this was to be their attitude.

Commissioner Garza informed that the Bond Review Committee met and approved the sale of the bonds for the project with the Texas Department of Transportation (TXDOT) in the amount of \$1 million per year for the next four (4) years, adding that this would hopefully fund projects believed to be in jeopardy of not being done or being delayed, such as the expansion of Highway 48.

Judge Hinojosa informed that the bill concerning the court's magistrate was passed in the house and would be heard before the Jurisprudence Committee.

Mr. Garza added that the bill would be heard next week and that the availability of the District Attorney to testify before the Senate was confirmed.

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

The Resolution is as follows:

(5) **CONSIDERATION AND AUTHORIZATION TO CONTRACT WITH BIA, LLC OF AUSTIN TO PROVIDE AUDIO-VISUAL ENGINEERING CONSULTANT SERVICES FOR THE DANCY BUILDING PROJECT. (MY-AUDITOR)**

Mr. Mark Yates, County Auditor, reported that the local consultant who has worked on the audio/visual for the historic courtroom was no longer available to provide the services, and requested authorization to fund travel for a consultant to travel here for a day and a half to make sure that the county's needs were being met.

Commissioner Garza asked if any funds have been expended on the services, and asked if any resulted from that payment.

Mr. Robert Ruiz, Project Architect, stated that expenditures incurred for Mr. Carnesi's services were based on an hourly wages, totaling \$1,000.00, for specifications and drawings for the communication systems.

Mr. Yates stated that the needed equipment was under venue contract with RL Jones Construction, whom was using a company for the audio visual. He added that the consultant would ensure that the communications vendor meet the county's needs.

Judge Hinojosa informed that Mr. Carnesi died about two months ago.

Commissioner Garza moved that the contract with BIA, LLC, of Austin be approved to provide Audio-Visual Engineering Consultant Services for the Dancy Building Project.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Contract is as follows:

(6) **CONSIDERATION AND POSSIBLE ACTION TO ALLOW CAMERON COUNTY TO UTILIZE THE COASTAL IMPACT ASSISTANCE PROGRAM (CIAP) FUNDS, AND TO CONTRACT WITH BROWNSVILLE NAVIGATION DISTRICT (BND) TO BUILD A PILOT CHANNEL TO FLOOD THE BAHIA GRANDE (JM-PARK SYSTEM)**

Judge Hinojosa informed that \$60,000.00 that are part of the coastal impact assistance money would be used to fund the pilot channel project for construction of a channel to flood the bahia, which will address the dust issue in Laguna Madre and create another estuary. He explained that after the contract was bid out and all bids received were above budget, the Navigation District asked if they could do the work and the county pay them the \$60,000.00, adding that he placed the matter on the agenda since he did not believe it would be a problem. Judge Hinojosa stated that in the meantime the Navigation District was notified that they may not be entitled to mitigations credits on the flooding if the flooding occurs through the construction of the pilot channel funded through federal funds, thus they were pulling back and looking to do it on their own because the mitigation credits to be received were enormous. Judge Hinojosa recommended that the Resolution be adopted in the event that a contract was needed, otherwise, the Navigation District would do the work on their own, adding that language to that effect would be included in the contract.

Commissioner Garza thanked Judge Hinojosa for attending the meetings held, and commented that the impact of what was occurring as a result of this project was probably one of the most important ecologically things that could occur in the next hundred years, the restoration of over 10,000 acres of wetlands and what it would do to augment what occurs now in South Padre Island and all the other nature type functions that occur would be very significant.

Commissioner Wood stated that restoration of the 10,000 acres of was the largest restoration of wetlands in the United States and probably the world, thus this was a very momentous event that the county was trying to accomplish.

Judge Hinojosa explained that the project was a result of a committee that was formed about three years ago, composed of all the governmental entities in the region, such as the U.S. Fishing & Wildlife, Texas Department of Transportation, Texas Parks & Wildlife, Corps Engineers, South Padre Island, Point Isabel Independent School District, Laguna Madre Water District, Laguna Vista, San Benito and recently the University of Texas at Brownsville was involved by relocating some vegetation, as a long time ongoing effort that was something to be proud of. He stated that the Parks System has been very instrumental in the project. He explained that restoration of

the wetlands was originally intended to eliminate the dust problem in Laguna Madre area and to deal with dust issues that arise as a result of the dry area that exist today in the Long Island area, where dust fences are being built with the same funds and through the PAW Programs. Judge Hinojosa explained that needed equipment was provided by Red River to take mulch generated from the brush to be collected by the waste collection system to the dredging spoils in the Navigation District. He explained that this was a multi faceted approach to deal with dust issues and that the benefit arising the was restoration of the wetlands. Judge Hinojosa stated that they were seeking funding for construction of a permanent channel because a much bigger channel was needed to allow the flow of tide waters into the bahia, and that the county was also looking at the possibility of draining water from Laguna Vista into the bahia under Highway 100 to allow a fresh and salt water mixture, which was the needed combination to create the estuary.

Commissioner Garza expressed appreciation for the leadership of Judge Hinojosa on the project, and thanked the Brownsville Navigation District for participating in the project.

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously the contract with the Brownsville Navigation District (BND) to build a Pilot Channel to flood the Bahia Grande was approved, with the understanding that the BND can proceed without payment.

The contract is as follows:

(7) **CONSIDERATION AND POSSIBLE AUTHORIZATION FOR CAMERON COUNTY TO CO-SPONSOR AND SOLICIT DIFFERENT RESOURCES FOR GRANT FUNDING FOR THE CONSTRUCTION OF A PERMANENT CHANNEL TO FLOOD THE BAHIA GRANDE. (JM-PARK SYSTEM)**

Judge Hinojosa noted the need to go to the next step and requested that Mrs. Grace Salinas, County Judge's Office, work with the Navigation District and the County Parks & Recreations Department to identify funding, adding that funding was available but the county must go thru the logistics of preparing the application and submitting it.

Commissioner Garza suggested that Mr. David Garcia, Department of Transportation Assistant Director, assist in the work.

Judge Hinojosa commented that the committee has expanded beyond the mentioned people and that there was now much more federal involvement in the project.

Mr. Javier Mendez, Parks & Recreations Department Director, stated that most of the funding was through the National Marine Fisheries and that they wanted Cameron County to apply for the \$200,000.00 match for the permanent channel.

Commissioner Garza moved that Cameron County be authorized to co-sponsor and solicit different resources for grant funding for the construction of a permanent channel to flood the Bahia Grande.

The motion was seconded by Commissioner Tamayo and carried unanimously.

(8) **CONSIDERATION AND AUTHORIZATION FOR ROBERTO J. RUIZ, PROJECT ARCHITECT, TO PROCEED WITH THE DANCY BUILDING SITE DESIGN AND DEVELOPMENT PHASE. (FB-PD & M)**

Mr. Frank Bejarano, Project Development & Management Director, reported that county staff met with the architect to review the budget and that the estimated construction cost was \$1,153,960.00, which excludes a 7% professional services fees to be added, totaling \$80,777.00. He added that the staff was recommending that the architect be authorized to proceed with the design and development and that they would come back to the court for a decision on whether to bid it out or to do the change order under the current contract once the plans and specifications were complete.

Commissioner Garza asked if this would preclude the county from doing some work in-house.

Mr. Bejarano responded that the matter was visited during the meeting and that Mr. Pete Sepulveda, Department of Transportation Director, was going to address some items discussed for possible county participation, these items include asphalt demolition and tree pruning.

Judge Hinojosa recommended that local resources be used to minimize cost, and that the Building Maintenance Superintendent and Mr. Sepulveda map out how much work needs to be done, to determine where additional staff would be needed and how it would be credited to individual budgets for the projects. He requested that Mr. Remi Garza, County Administrative Assistant, coordinate all efforts and set out a plan on how in-house work on projects would be handled.

Mr. Bejarano clarified that the plans and specifications would be presented to the court and that then it would be known if and what the county could do.

Commissioner Garza moved that Mr. Roberto J. Ruiz, Project Architect, be authorized to proceed with the Dancy Building site design and development phase.

The motion was seconded by Commissioner Benavides and carried unanimously.

Mr. Roberto J. Ruiz, Project Architect, stated that he would come back before the court to present the complete plans and to get direction as to whether to obtain bids or to get proposals.

(9) IN THE MATTER REGARDING CONSIDERATION AND APPROVAL OF A CELL PHONE AND SERVICE FOR COUNTY JUDGE. (GH-COUNTY JUDGE) (TABLED)

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

(10) CONSIDERATION AND APPROVAL OF INTERLOCAL AGREEMENT BETWEEN CAMERON COUNTY AND THE CITY OF COMBES FOR THE PAVING OF RIO RANCHO, CRAGON AND NIXON ROADS. (PS-DEPT. OF TRANSPORTATION)

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the Interlocal Agreement between Cameron County and the City of Combes for the paving of Rio Rancho, Cragon and Nixon Roads was approved.

The Agreement is as follows:

(11) **CONSIDERATION AND APPROVAL OF
INTERLOCAL AGREEMENT BETWEEN CAMERON
COUNTY AND THE CITY OF LOS FRESNOS FOR
THE PAVING OF HENDERSON ROAD (PS-DEPT. OF
TRANSPORTATION)**

Commissioner Tamayo moved that the Interlocal Agreement between Cameron County and the City of Los Fresnos for the paving of Henderson Road be approved.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Agreement is as follows:

(12) **CONSIDERATION AND ADOPTION A RESOLUTION FOR THE CAMERON COUNTY SUBDIVISION RULES AND REGULATIONS AND APPROVAL OF THE ORDER. (PS-DEPT. OF TRANSPORTATION)**

Commissioner Garza acknowledged the presence of Mr. Mark Milam, City of Los Fresnos.

Mr. Ernesto Hinojosa, County Engineer, presented a Resolution and Order supporting amendments to the Cameron County Subdivision Rules and Regulations and recommended adoption of the same, adding that upon approval the Resolution and Order would be submitted to the Water Development Board for approval and published in the Brownsville Herald.

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the Resolution for the Cameron County Subdivision Rules and Regulations and the Order were adopted.

Commissioner Wood indicated that the county had little choice about adopting the changes in order to continue receiving grant funds from the Economically Distress Areas Program.

Commissioner Tamayo stated that Mr. Ferris, Rotary Club, was extremely complimentary about the Department of Transportation and referred to it as it being “refreshing to see so much professionalism,” and thanked the Department of Transportation for its work.

Mr. Hinojosa stated that Ms. Paulina Vega, new employee, was very instrumental and would be reviewing the subdivision rules and plans submitted to the county.

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the Resolution and corresponding Order for the Cameron County Subdivision Rules and Regulations were adopted.

The Documents are as follow:

(13) **CONSIDERATION AND APPROVAL OF THE AMENDMENT OF THE CAMERON COUNTY SUBDIVISION RULES AND REGULATIONS. (PS-DEPT. OF TRANSPORTATION)**

Mr. Ernesto Hinojosa, County Engineer, explained that the changes to the Subdivision Rules and Regulations were mandated by the Water Development Board. He stated that the document was reduced from two books to one book and that basically they have not changed much other than to ensure that the county is up to date on construction and design standards.

Judge Hinojosa stated that the best evidence that these were well thought out Subdivision Rules and Regulations was that he has received no complaints from developers or public expressing concerns. He noted the need for additional affordable housing in Cameron County due to the enormous growth and that it be done in an orderly manner to avoid problems.

Commissioner Garza asked if the construction of a water well would require a permit and if the changes impact this process.

Mr. Hinojosa responded that a permit was required by the Department of Health & Human Services, in addition to testing of the water.

Commissioner Garza asked if there were changes pertaining to water run-off.

Mr. Alejandro Sanchez, County Staff Engineer, responded negatively.

Mr. Hinojosa added that TXDOT's Excess Management Plan was being incorporated into the Subdivision Rules and Regulations.

Commissioner Benavides moved that the Amendment of the Cameron County Subdivision Rules and Regulations be approved.

The motion was seconded by Commissioner Tamayo and carried unanimously.

The Amendment is as follows:

(14) **CONSIDERATION AND POSSIBLE APPROVAL TO ACCEPT A DONATION OF TWO (2) PORTABLE BUILDINGS FROM THE BROWNSVILLE INDEPENDENT SCHOOL DISTRICT AND TO APPROPRIATE SUCH FUNDS AS MAY BE NECESSARY TO TRANSPORT AND MAKE THE BUILDINGS READY FOR USE. (JH-COUNTY JUDGE)**

Judge Hinojosa informed that two buildings were being donated by the school district, and proposed that one building be used at the La Feria Learning Center and the other be used for the pre-trial release.

Mr. Remi Garza, County Administrative Assistant, responded that the building would be placed next to the Carrizalez/Rucker Detention Center.

Judge Hinojosa explained that space was needed for the pre-trial release due to the lack of space at Carrizalez/Rucker Detention Center and because of the Sheriff's opposition to house it in his facility due to security issues. He noted the need for funding to relocate the buildings and for needed repairs.

Commissioner Garza asked if the security issues would increase if pre-trial releases were done in a building with no security.

Judge Hinojosa explained that Mr. Santellana would have to deal with that matter based upon the way he deals with his office since this was a separate concern of the Sheriff. He clarified that he was not being critical of the Sheriff because he understood where he was coming from.

Commissioner Garza noted that space was available in the Sheriff's Department and that not wanting the pre-trial release in there made no sense. He expressed concern with placing an unsightly building when there was plenty of office space available.

Judge Hinojosa stated that if the buildings were good enough to house our kids, then they must be good enough for the pre-trial release after making repairs. He added that he was not going to question the Sheriff on how he perceives his needs with regards to security issues in his facility to avoid consequences should something happen.

Commissioner Garza stated that he was not questioning the Sheriff's security needs, rather he was only saying that they could work together to find a solution to the matter. He commented that a colonia was being moved into the Sheriff's Department.

Judge Hinojosa indicated that he did talk to the Sheriff's Department and asked that he reconsider moving the pre-trial release out, yet they were pretty adamant about their position in insuring the safety of their operation. He stated that he needed to find a solution to the matter and that there were two things that could be done either to build a facility to add two offices or to move the facility at a cost of \$15,500.00 for both buildings.

Commissioner Tamayo asked if funding was available.

Commissioner Wood asked if the school district would leave the air conditioning units and if they were operational.

Mr. Marcelino Ibarra, Building Maintenance Superintendent, responded in the affirmative.

Mr. Xavier Villarreal, Budget Officer, indicated that funds were available within lapsed fringe, in the amount of \$200,000.00. He stated that there were two large unresolved funding issues: one pertaining to possible additional funding for the Indigent Healthcare Program, in the amount of \$800,000.00, and high expenditures for fuel mainly within law enforcement, adding that possible action to alleviate the matter would be discussed with the departments.

Mr. Garza stated that the Health Services District (HSD) agreed to use Tobacco Funds to access the \$800,000.00 state funds.

Mr. Villarreal responded that funds were available and at the discretion of the court.

Commissioner Tamayo moved that the acceptance of donation of two (2) portable buildings from the Brownsville Independent School District be approved and that \$15,000.00 be appropriated from lapsed fringe to transport and make the buildings ready for use.

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

AYE: Commissioners Benavides, Tamayo and Judge Hinojosa

NAY: Commissioners Wood and Garza

The Report is as follows:

(15) **IN THE MATTER REGARDING CONSIDERATION
AND POSSIBLE ACTION TO CREATE THE
DEPARTMENT OF ENVIRONMENTAL SERVICES.
(GS-COUNTY JUDGE) (TABLED)**

Ms. Grace Salinas, County Judge's Office, indicated that this department would front the Solid Waste Program and the Illegal Dumping Program, and that job descriptions would be provided next week.

Commissioner Garza asked if the Illegal Dumping Program would be removed from the Sheriff's Department.

Ms. Salinas responded that only the man front power of it would be removed.

Judge Hinojosa stated that previous discussions was that everything dealing with solid waste would be placed under one department, and explained the problem to be that the tendency to use the deputies to do other things besides solid waste disposal. He added that having all related matters under one department would allow for better coordination to work on issues that they are supposed to be working on. Judge Hinojosa stated that he thought that the Court agreed months ago, in principal, to pull everything dealing with solid waste disposal into one department and proposed that this be done now.

Mr. Doug Wright, Commissioners Court Legal Counsel, noted the need to have the deputies commissioned.

Ms. Salinas stated that two positions were needed to start the department.

Judge Hinojosa suggested that the matter be tabled until additional information was provided, and noted that more than two positions were needed.

Commissioner Wood suggested that other options be explored aside from creating a new department.

Commissioner Garza expressed opposition towards creating more positions.

Judge Hinojosa stated that he could not see how a county-wide solid waste disposal program could be created to be operated by the county without having someone overseeing it. He stated that the county would be asking for major trouble if the contractor was left to do all work rather than having a department to be accountable to coordinate the services for the 20,000 household within the 930 square miles of rural area. Judge Hinojosa noted that the solid waste collection system would be viewed as Cameron County's and not as a service of Red River Inc.

Commissioner Tamayo expressed concern that it not "become top heavy with administrators."

Commissioner Wood commented that it was already top heavy with administrators. He added that the Court always talked about having one person oversee the services but now the talk was about having three employees do so. Commissioner Wood stated that the discussion included a person somewhere in the county to

receive the complaints, to oversee the contractor and to address any issues that might come up, but not about creating a new department.

Judge Hinojosa clarified that creation of a department had been discussed.

Ms. Salinas stated that the work entailed more than what was mention because the county must oversee ten (10) water supply corporations doing the billings and procedures and issues that might arise.

Commissioner Wood stated that only one person was needed to work forty (40) hours a week to do this.

Judge Hinojosa stated that the same argument could be made: that the commissioner does not need an administrator nor a secretary because he can run the precinct as he sees fit, but in reality he really does need the staff to do the work in order for him to do his job effectively. He questioned how a department that is to manage so much not have a secretary.

Commissioner Garza asked if the solid waste people and its secretary could be used as the department.

Judge Hinojosa suggested that if Commissioner Garza wanted for the Illegal Dumping Program to administer the Solid Waste Collection System that he propose it.

Commissioner Garza commented that he has a hard time getting a phone call from these people now, but they needed to be involved.

Judge Hinojosa suggested that the department could be a division within the Public Works; however, a component was needed to deal and coordinate the solid waste collection services. He noted that a program so complex could not be operated without someone that has support staff.

Commissioner Tamayo indicated that she would make a decision when needed information was presented and stated that she was in favor of placing the division within the Public Works Department.

Commissioner Wood reiterated his suggestion that the possibility of placing these duties under an already existing department be examined in order to avoid creation of a new one.

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

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 THE FOLLOWING CONSENT AND TRAVEL ITEMS:

- ITEM NO. 20: Commissioner Garza asked if a schedule was available.
Mr. Javier Mendez, Parks & Recreations Department Director, responded negatively and added that input would be obtained via public hearings to update the Master Plan.
- ITEM NO. 16: Mr. Mark Yates, County Auditor, presented Warrant No. 00137877, payable to Enterprise Rent a Car, in the amount of \$8,614.19.
Judge Hinojosa stated that the previous administration in the District Attorney's Office entered into contract without court approval and that the new administration was unhappy about it.
Mr. Yates stated that his office was presented with a service rendered to the District Attorney's Office, thus they went ahead and presented payment.
Judge Hinojosa asked if there was an issue on the legality of the contract.
Mr. Patrick Christensen, Assistant District Attorney, responded that the contract might not be enforceable because it was not entered into properly and that the matter was being examined.
Mr. Doug Wright, Commissioners Court Legal Counsel, recommended that payment be authorized.
Judge Hinojosa suggested that the matter be postponed until the issue was reviewed.
Mr. Wright clarified that use of General Funds must be approved by the court.
Mr. Yates indicated that the check would be withdrawn, and added that their impression was that payment was approved by the District Attorney since it was presented to his office.

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

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

- AYE: Commissioners Benavides, Tamayo and Judge Hinojosa
- NAY: None
- ABSTAIN: Judge Hinojosa as to Warrant No. 00137707, payable to Laguna Madre Water District, in the amount of \$239.17 and Commissioner Garza as to Warrant No. Warrant No. 00137086, payable to The Medicine Shoppe, in the amount of \$1,601.40.

- (16) **APPROVAL OF CLAIMS.**
The Affidavits follow:
- (17) **ACKNOWLEDGEMENT OF DISTRICT CLERK'S JANUARY, FEBRUARY AND MARCH'S MONTHLY FEE, CRIMINAL AND FINES REPORT. (ADLG-DISTRICT CLERK)**
The Report follows:
- (18) **ADOPTION OF RESOLUTION AUTHORIZING THE SHERIFF'S DEPARTMENT TO APPLY TO THE TEXAS DEPARTMENT OF TRANSPORTATION FOR A TEXAS TRAFFIC SAFETY PROGRAM GRANT AGREEMENT. (OL-SHERIFF)**
The Resolution follows:

- (19) **APPROVAL OF MODIFICATION OF THE INTERLOCAL PARTICIPATION AGREEMENT WITH THE TEXAS ASSOCIATION OF COUNTIES FOR UNEMPLOYMENT COMPENSATION SERVICES. (MY-AUDITOR)**
The Agreement follows:
- (20) **ACKNOWLEDGEMENT OF THE PARKS AND RECREATION DEPARTMENT CONDUCTING COMMUNITY MEETINGS FOR THE PURPOSE OF REVISING THE COUNTY PARKS AND RECREATION MASTER PLAN. (JM-PARK SYSTEM)**
- (21) **APPROVAL TO PURCHASE INFLUENZA VACCINE FROM SANOFI PASTEUR, INC. (AVENTIS) THROUGH THE TEXAS BUILDING AND PROCUREMENT COMMISSION (TBPC) FOR "INFLUENZA CAMPAIGN 2005/2006" FOR THE AMOUNT OF \$20,804.00. (YS-HEALTH)**
- (22) **AUTHORIZATION TO RENEW THE FOLLOWING BIDS/RFP'S: (MF-PURCHASING)**
A. **BUILDING SUPPLIES: ELECTRICAL – ANNUAL BID #2000-2 PRIMARY- TO ELECTRIC FIXTURE SUPPLY, SECONDARY TO BUSH**
- (23) **AUTHORIZATION FOR PRELIMINARY APPROVAL FOR: (PS-DEPT. OF TRANSPORTATION)**
A. **PRECINCT NO. 4- SUN COUNTRY SUBDIVISION, BEING 38.202 ACRES OF LAND SITUATED IN CAMERON COUNTY, TEXAS AND BEING ALL OF BLOCK THIRTEEN (13), HARLINGEN LAND AND WATER COMPANY SUBDIVISION "C", CAMERON COUNTY, TEXAS, ACCORDING TO THE MAP THEREOF RECORDED IN CABINET 1, SLOT 24, OF THE MAP RECORDS OF CAMERON COUNTY, TEXAS.**
B. **PRECINCT NO. 3- TERESA GARDENS SUBDIVISION, BEING 1.67 ACRES OUT OF BLOCK 176, FRESNOS LAND AND IRRIGATION COMPANY'S SUBDIVISION, CAMERON COUNTY, TEXAS ACCORDING TO THE MAP OF SAID SUBDIVISION RECORDED IN VOL. 3, PG. 9, MAP RECORDS CAMERON COUNTY, TEXAS.**
C. **PRECINCT NO. 4- SANTA MARIA NORTH SUBDIVISION PHASE II, BEING 37.81 ACRES OUT OF A 57.79 ACRE TRACT RECORDED IN VOL. 6368, PG. 119, OFFICIAL RECORDS OF CAMERON COUNTY, TEXAS, AND BEING OUT OF THAT CERTAIN TRACT OF LAND KNOWN AS LOT KS OF THE SANTA MARIA WATER CONTROL AND IMPROVEMENT DISTRICT NO. 4, RECORDED IN VOL. 8, PAGE 35, MAP RECORDS OF CAMERON COUNTY, TEXAS.**
D. **PRECINCT NO. 1- R & B SUBDIVISION, BEING A 2.06 ACRE OUT OF LOT 18, BLOCK 309, EL JARDIN RE-SUBDIVISION IN SHARE 29, ESPIRITU SANTO GRANT, CAMERON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT OF SAID SUBDIVISION THEREOF RECORDED IN VOLUME 4, PAGE 48 OF THE MAP RECORDS OF CAMERON COUNTY, TEXAS.**
E. **PRECINCT NO. 1- NORA CISNEROS SUBDIVISION, BEING A 2.14 ACRE TRACT OUT OF A 19.37 TRACT IN BLOCK 5, WENTZ SUBDIVISION (CAMERON COUNTY MAP RECORDS VOL. 5, PAGE 44) SHARE 32, ESPIRITU SANTO GRANT, CAMERON COUNTY, TEXAS.**
F. **PRECINCT NO. 1- JIMENEZ-BOCA CHICA SUBDIVISION, BEING 6.00 ACRES OUT OF THE NORTH 10.00 ACRES OF BLOCK 15, EL JARDIN SUBDIVISION, (CAMERON COUNTY MAP RECORDS VOL. 4, PG. 52) IN SHARE 32 ESPIRITU SANTO GRANT, CAMERON COUNTY, TEXAS.**
G. **PRECINCT NO. 4- CANO ESTATES NO. IV SUBDIVISION, BEING A 5.00 ACRE TRACT, MORE OR LESS, BEING ALL OF BLOCK 18, STUART PLACE SUBD. OF SURVEY 295, CAMERON COUNTY, TEXAS AS RECORDED IN**

- (24) AUTHORIZATION FOR FINAL APPROVAL FOR: (PS-DEPT. OF
TRANSPORTATION)
A. PRECINCT NO. 4- HERON COVE SUBDIVISION, BEING 18.29 ACRES,
ALL OF LOT 20, WEST ARROYO CITY SUBDIVISION, CAMERON COUNTY,
TEXAS, ACCORDING TO MAP THEREOF RECORDED IN CAB. 1, SLOT 925-
B OF THE MAP RECORDS OF CAMERON COUNTY, TEXAS.

TRAVEL ITEMS

- (25) 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. District Attorney to attend the "South Texas HIDTA Executive Committee Meeting," in San Antonio, Texas, May 17, 2005;
 - B. Sheriff's Office Captain and two (2) Lieutenants to attend "19th Annual Texas Jail Association Spring Conference," in San Antonio, Texas, May 22-27, 2005;
 - C. Sheriff and two (2) Chiefs to attend "Commission on Jail Standards & Army Surplus," in San Antonio, Texas, May 4-6, 2005;
 - D. Health Administrator to attend the "Local Health Department Director's Meeting," in Falfurrias, Texas, May 4, 2005;
 - E. PD&M Fiscal Analyst/Manager to attend "TDHCA Home Portfolio Management & Compliance Training," in Austin, Texas, May 3-4, 2005; and
 - F. Computer Center Director to attend "Computer Associates Executive Conference," in Austin, Texas, May 4-6, 2005.
-

(16) APPROVAL OF CLAIMS.
The Affidavits follow:

(17) ACKNOWLEDGEMENT OF DISTRICT CLERK'S JANUARY, FEBRUARY AND MARCH'S MONTHLY FEE, CRIMINAL AND FINES REPORT. (ADLG-DISTRICT CLERK)

The Report follows:

- (18) ADOPTION OF RESOLUTION AUTHORIZING THE SHERIFF'S DEPARTMENT TO APPLY TO THE TEXAS DEPARTMENT OF TRANSPORTATION FOR A TEXAS TRAFFIC SAFETY PROGRAM GRANT AGREEMENT. (OL-SHERIFF)**
The Resolution follows:

- (19) APPROVAL OF MODIFICATION OF THE INTERLOCAL PARTICIPATION AGREEMENT WITH THE TEXAS ASSOCIATION OF COUNTIES FOR UNEMPLOYMENT COMPENSATION SERVICES. (MY-AUDITOR)**
The Agreement follows:

SUPPLEMENTAL AGENDA/PRESENTATIONS

(2) **IN THE MATTER REGARDING PRESENTATION BY JOE SANTOPETRO REGARDING THE LEVI'S BUILDING. (COMM. COURT) (TABLED)**

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

(20) **AUTHORIZATION TO APPROVE A CONTRACT WITH EZ ACCESS, INC. TO PROVIDE INTERNET CREDIT CARD PAYMENT OF JUSTICE OF THE PEACE FINES AND COURT COSTS. (MY-AUDITOR)**

Mr. Mark Yates, County Auditor, informed that this was a form of credit card payment via online at no cost to the county and explained that the Hamer Enterprise, thru EZ Access, was guarantying that they will make sure that all charges go to the county without bearing any risk of loss.

Commissioner Benavides moved that the contract with EZ Access, Inc., be approved to provide internet credit card payment of Justice of the Peace Fines and Court Costs.

The motion was seconded by Commissioner Tamayo and carried unanimously.

Commissioner Garza requested that a report be presented to the Court concerning the system being developed for used by all Justices of the Peace.

Judge Hinojosa questioned why the credit card payment option was not being used by all Justices of the Peace, and requested that a memorandum be sent to inform them of the systems availability.

Mr. Remi Garza, County Administrative Assistant, responded that the option was part of the EZ Justice System.

Mr. Yates stated that the payment option could be done for other county functions.

Commissioner Wood questioned if the contract was reviewed by legal.

Mr. Yates responded in the affirmative.

The Contract is as follows:

(14) APPROVAL TO OBTAIN ALIAS LICENSE PLATES AND TO APPROVE THE REMOVAL OF MARKINGS OF UNIT NO. 105, CONSTABLE PRECINCT NO. 1. (SPO-CONSTABLE PCT. 1)

Commissioner Wood moved that the alias license plates and removal of markings of Unit No. 105, Constable Precinct No. 1 be approved.

The motion was seconded by Commissioner Benavides.

Commissioner Garza congratulated Constable Ochoa for the role he wishes to undertake, and expressed concern with the sizable responsibility.

Constable Saul Ochoa, Precinct No. 1, clarified that a marked unit would be called to assist when someone was to be stopped.

Judge Hinojosa stated that he had no doubt that Constable Ochoa would use this to the benefit of the community, and noted the need to provide more slots to said department.

Commissioner Garza commented that the solid waste program for illegal dumping being implemented in said precinct has been working really well.

Upon motion duly made by Commissioner Wood that the alias license plates and the removal of markings of Unit No. 105, Constable Precinct No. 1 be approved.

The motion was seconded by Commissioner Benavides and carried unanimously.

(3) PRESENTATION OF 2004 AUDITED FINANCIAL STATEMENTS. (MY-AUDITOR)

Mr. Mark Yates, County Auditor, presented the Comprehensive Annual Financial Report, and highlighted the recommendations found under the Independent Auditor's Report on Advisory Comments, including establishment of an audit committee, a Commissioner's code of conduct, and a reporting mechanism to report fraud, abuse and misconduct that would allow employees to report concerns without fear of retaliation.

Judge Hinojosa indicated that a way to start addressing the issue was to implement a Civil Service in the county and that this would eliminate a lot of the arbitrary matters and would provide a mechanism of protection to employees, adding that this also eliminates issues concerning mismanagement.

Commissioner Garza requested a presentation concerning the Civil Service.

Mr. Doug Wright, Commissioners Court Legal Counsel, stated that a workshop could be scheduled to outline options to the court concerning the Civil Service.

Mr. Yates explained that the report was intended mainly for review by institutes that provide lending opportunities to the county, and indicated that an area of concern in the report pertains to the level of reserves.

Judge Hinojosa stated that although there were losses in the amount of \$1.8 million with the pulling of federal inmates, nearly \$1 million was made by cuts done throughout the year and that at the same time reserves in the Road & Bridge were made up from \$0 to \$1.5 million, net increasing it by \$600,000.00. He stated that the county was in an okay position if all reserves were viewed and that they would propose something to make up the \$900,000.00 loss in the next fiscal year if not messed over by the legislature on the caps.

Mr. Yates stated that HB1006 has approved a 5% revenue cap on property taxes but was pending Senate approval.

Judge Hinojosa noted that county government could not operate unless it has the ability to grow its budget and that he believes it to be irresponsible for legislatures to cut the counties' ability to generate revenue to operate and to propose to increase sales tax.

Commissioner Garza noted that the county did not provide its employees salary increases, and that the General Fund has continued to be eroding during the past years.

Judge Hinojosa reported the federal inmate population to be at 360, as a result of Sheriff Lucio's efforts to help build up the said population. He stated that the present problem was that the general inmate population was being increased too fast, thus the need to meet with the Sheriff's Department. Judge Hinojosa stated that he envisions that the financial issues created by the federal inmate population should be close to being resolved.

Commissioner Garza stated that there was 4.4% of the total unreserved fund balance and that the recommended amount was 16%.

Mr. Carlos Barrera, Long Chilton, LLP, reported that they provided an unqualified opinion, as has been done for the past five (5) years, that being a good opinion on the financial statements. He added that there were no reportable conditions throughout the county other than advisory comments. Mr. Barrera stated that the three recommendations mention by the auditor were all brought up as a result of the fraud being observed throughout the business world, and that they were intended to possibly improve internal controls systems and involvement.

Judge Hinojosa stated that it was unfair to say that reserves were so low because although the General Funds have decreased all others have increased. He stated that the International Bridge System Reserves were significantly above what they should be and that this could be transferred into General Fund Reserve without affecting its bond covenants. Judge Hinojosa stated that all funds were public funds and were controlled by the court and the bond covenants. He stated that only General Fund Reserves were used during past emergencies, thus

he believed it was unfair to said that reserves were so low because there is huge reserves in two other divisions, except for Road & Bridge, used only to fund road work. Judge Hinojosa added that there was also a large reserve in the Parks System.

Commissioner Garza stated that the Parks System Reserves has also been decreasing since he has been in office.

Judge Hinojosa stated that said reserve was still significantly above what it is supposed to be, and that it was unfair to exaggerate the level of decrease in the reserves because all reserves must be considered together. He stated that after having long discussions with the county's financial advisor it was found that the county's financial status was strong and would probably be upgraded in rating in the bond market. Judge Hinojosa noted that reserves were there to deal with unanticipated issues and that no one ever anticipated the loss of all federal inmates, costing \$1.8 million. He stated that the county was fortunate to have enough reserves to where the overall impact was not so great and that in less than a year it was financially better than what it was before, as a result of a lot of people working together and to the leadership of the Commissioners Court.

Commissioner Garza stated that the county's bond indebtedness increased by \$1.8 million in the last year, and that he did not mean to exaggerate rather he merely made reference to numbers indicated in the report. He volunteered to participate in the audit committee if formed in order to better understand the issues.

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the Presentation of 2004 Audited Financial Statements was acknowledged.

The Report is as follows:

ACTION ITEMS

**(4) 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:

**(5) APPROVAL OF MINUTES FOR:
A. FEBRUARY 22, 2005-REGULAR MEETING**

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the Minutes of the Regular Meeting held February 22, 2005, were approved.

(6) CONSIDERATION AND POSSIBLE APPROVAL OF MEMORANDUM OF UNDERSTANDING FORM BETWEEN CAMERON COUNTY AND THE OFFICE OF COURT ADMINISTRATION TO EMPLOY STAFF TO ASSIST WITH THE DEVELOPMENT AND IMPLEMENTATION OF COURT COLLECTIONS PROGRAMS, AND TO PROVIDE ONGOING TECHNICAL ASSISTANCE TO EXISTING PROGRAMS. (JGR-COUNTY CLERK)

Commissioner Garza moved that the Memorandum of Understanding form between Cameron County and the Office of Court Administration to employ staff to assist with the development and implementation of Court Collections Programs and to provide ongoing technical assistance to existing programs be approved.

The motion was seconded by Commissioner Tamayo and carried unanimously.

The MOU is as follows:

(7) **CONSIDERATION AND AUTHORIZATION TO UTILIZE AND CONTRACT UNDER ROBERTO J. RUIZ ARCHITECT, INC. – INTERIOR DESIGNER SERVICES FOR DANCY BUILDING. (MY-AUDITOR)**

Mr. Mark Yates, County Auditor, requested authorization to have someone coordinate and design the interior and furnishing of the Dancy Building at a 5% purchase fee, noting that running the services through the contract with the project architect would add an additional fee.

Mr. Roberto Ruiz, Project Architect, stated that he was willing to wave the 1.25% service fee since his contract does not call for interior design.

Upon motion by Commissioner Benavides, seconded by Commissioner Garza and carried unanimously, the utilization and contract under Roberto J. Ruiz Architect, Inc., - interior designer for services for Dancy Building was approved.

The Contract is as follows:

(8) AUTHORIZATION TO COMMENCE THE PROCESS OF REFUNDING INTERNATIONAL TOLL BRIDGE COMBINATION TAX & REVENUE REFUNDING BONDS, 1996-A, INTERNATIONAL TOLL BRIDGE TAX & REVENUE COS, SERIES 1996 B AND THE COMBINATION TAX & LIMITED PLEDGE REVENUE COS, SERIES 2000 TOTALING \$22,255,000. (MY-AUDITOR)

Mr. Mark Yates, County Auditor, stated that the refunding issues involve the two International Toll Bridge System, 1996-A and 1996-B Bond Issues, totaling amount of \$22,255,000.00.

Commissioner Garza asked if any other funds could be included.

Mr. Yates responded that no other funds could be included based on the analysis provided.

Mr. Grant Thornton, Estrada-Hinojosa Investment Bankers, highlighted the refunding analysis and reported total savings to be \$70,843.00.

Judge Hinojosa asked when savings would begin to take place.

Mr. Thornton stated that much of payments for the next bonds was already accrued, that being \$397,000.00, in addition to accrued interest, totaling about a \$3,000.00 loss, thus the savings would be in the next fiscal year.

Judge Hinojosa stated that there was a need for additional money to complete projects and to fund increased budgets in addition to refinancing, which in speaking with Mr. Noe Hinojosa, Estrada-Hinojosa Investment Bankers, it was estimated between \$4.5 and \$5 million.

Commissioners Garza questioned the savings to be obtained.

Judge Hinojosa responded that there would be annual savings of about \$70,000.00.

Commissioner Garza asked if funding was available to pay the refinancing.

Mr. Yates responded that the refinancing cost was included.

Commissioner Garza moved that commencing of process of refunding International Toll Bridge Combination Tax & Revenue Refunding Bonds, 1996-A, International Toll Bridge Tax & Revenue COS, Series 1996 B And the Combination Tax & Limited Pledge Revenue COS, Series 2000 totaling \$22,255,000, be approved.

The motion was seconded by Commissioner Tamayo and carried unanimously.

The Report is as follows:

(9) CONSIDERATION AND APPROVAL OF AGREEMENT BETWEEN CAMERON COUNTY AND THE FEDERAL EMERGENCY MANAGEMENT AGENCY TO WORK TOGETHER TO CREATE AND MAINTAIN ACCURATE, UP-TO-DATE FLOOD HAZARD DATA FOR CAMERON COUNTY. (PS-DEPT. OF TRANSPORTATION)

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the Agreement between Cameron County and the Federal Emergency Management Agency to work together to create and maintain accurate, up-to-date flood hazard data for Cameron County was approved.

The Agreement is as follows:

(10) **CONSIDERATION AND SELECTION OF CONSULTANT TO PREPARE ENVIRONMENTAL ASSESSMENT AND SCHEMATIC DESIGN FOR THE GRIMES ROAD PROJECT. (PS-DEPT. OF TRANSPORTATION)**

Mr. Pete Sepulveda, Department of Transportation Director, responded that two RFPs were received to do the schematic design; one from L&G Engineers and one from TEDSI Infrastructure. He added that the court approved a reimbursement resolution to borrow money from the International Bridge System to move Project Road Map projects along until bonds were sold. Mr. Sepulveda explained that the matter was placed on the agenda in order to get direction from the court on the recommendation and/or selection of the firms.

Commissioner Benavides moved that the selection of TEDSI Infrastructure to prepare Environmental Assessment and Schematic Design for the Grimes Road Project be approved.

The motion was seconded by Commissioner Tamayo and carried unanimously.

Mr. Sepulveda reported that he would present a list of nine (9) projects to the Cameron County Regional Mobility Authority (CCRMA) at the next meeting. He explained that all projects were good and that there was a possibility that TXDOT may provide maintenance to some of the projects. Mr. Sepulveda added that \$25 million would be freed-up from the Harlingen-San Benito MPO and the Brownsville MPO for other projects upon these projects being done by the CCRMA, thus totaling \$48 million available.

(11) **CONSIDERATION AND APPROVAL OF AGREEMENT BETWEEN CAMERON COUNTY AND THE TEXAS DEPARTMENT OF TRANSPORTATION REGARDING THE BORDER COLONIA ACCESS PROGRAM SECOND CALL. (PS-DEPT. OF TRANSPORTATION)**

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the Agreement between Cameron County and the Texas Department of Transportation regarding the Border Colonia Access Program Second Call was approved.

Mr. Pete Sepulveda, Department of Transportation Director, requested direction regarding distribution of work to the three firms.

Judge Hinojosa directed that Mr. Sepulveda present recommendation.

Commissioner Tamayo requested that the firms be made aware of the accountability.

The Agreement is as follows:

(12) **CONSIDERATION AND APPROVAL OF FINAL CHANGE ORDER FOR THE BROWNE PARK PROJECT. (PS-DEPT. OF TRANSPORTATION)**

Mr. Pete Sepulveda, Department of Transportation Director, recommended approval of the final Change Order at a cost of \$3,349.00 to the county, noting that this was to finalize except for warranty items.

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the Final Change Order for the Browne Park Project was approved.

The Change Order is as follows:

CONSENT ITEMS

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

DISCUSSION CONCERNING THE FOLLOWING CONSENT AND TRAVEL ITEMS:

ITEM NO. 16: Commissioner Garza questioned if any back-up was available, and noted the need to focus on Cameron County unless funds were earmarked for inter counties.
Mr. Remi Garza, County Administrative Assistant, stated that the funds were earmarked for a regional interoperable radio system, however Mr. Tom Hushen, Emergency Management Director, was unavailable to provide needed information. He added that the funds must be spent prior to August 2005 and that follow-up information would be provided next week.

ITEM NO. 24-F: Mr. Pete Sepulveda, Department of Transportation Director, clarified that this item should read Director rather than Assistant Director. He reported that the first Public Hearing concerning the North Railroad Relocation Project would be held in Harlingen City Hall on June 6, 2005, at 6:00 p.m., with an open house at 5:00 p.m.

Commissioner Tamayo moved that the "Travel and Consent Items" be approved inclusive of late claims.

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

AYE: Commissioners Benavides, Wood and Tamayo

NAY: None

ABSTAIN: Judge Hinojosa as to Warrant No. 00138109, payable to Laguna Madre Water District, in the amount of \$239.17

(13) APPROVAL OF CLAIMS;

The Affidavits follow:

(14) IN THE MATTER REGARDING APPROVAL TO OBTAIN ALIAS LICENSE PLATES AND TO APPROVE THE REMOVAL OF MARKINGS OF UNIT #105, CONSTABLE PRECINCT NO. 1. (SPO-CONSTABLE PCT. 1) (ACTION TAKEN SEPARATELY)

(15) ACTION FOR THE APPOINTMENT OF JERRY TREVINO AND RODOLFO DELGADO RESERVE DEPUTY CONSTABLES FOR PRECINCT 7 IN COMPLIANCE WITH THE FINDING THAT IT IS NECESSARY TO APPOINT THE DEPUTY IN ORDER TO PROPERLY HANDLE THE BUSINESS OF THE CONSTABLE'S OFFICE THAT ORIGINATES IN THE CONSTABLE'S PRECINCT AND THAT THE APPOINTMENT IS VALID ONLY THROUGH THE END OF THE FISCAL YEAR IN WHICH THE APPOINTMENT IS MADE OR THE CURRENT TERM OF THE ELECTED CONSTABLE WHICH EVER ENDS SOONER. (MV-HUMAN RESOURCES)

(16) POSSIBLE APPROVAL OF A GRANT ADJUSTMENT NOTICE FOR THE 2004 STATE HOMELAND SECURITY PROGRAM GRANT. (TH-EMERGENCY MANAGEMENT)

The Notice follows:

(17) AUTHORIZATION TO EXECUTE AN AMENDMENT TO THE DOLPHIN COVE CONCESSION AGREEMENT CHANGING THE END DATE FROM JANUARY 31, 2007 TO MAY 31, 2008. (JM-PARK SYSTEM)

The Amendment follows:

(18) POSSIBLE AUTHORIZATION TO ALLOW THE CAMERON COUNTY PARKS & RECREATION DEPARTMENT TO AWARD BID TO EL CLAVO SALES CO., FOR THE BUILDING MATERIALS NEEDED TO CONSTRUCT THE "NATURE TRAIL AND BIRD WATCH OVERLOOK" AT THE LAGUNA HEIGHTS PARK, IN AN AMOUNT GREATER THAN \$15,000.00, BUT LESS THAN \$25,000.00. (JM-PARK SYSTEM)

The Tabulation follows:

- (19) **AUTHORIZATION TO HOLD CAMERON COUNTY ANNUAL SURPLUS EQUIPMENT AUCTION ON JULY 23, 2005. (MY-AUDITOR)**
- (20) **IN THE MATTER REGARDING AUTHORIZATION TO APPROVE A CONTRACT WITH EZ ACCESS, INC. TO PROVIDE INTERNET CREDIT CARD PAYMENT OF JUSTICE OF THE PEACE FINES AND COURT COSTS. (MY-AUDITOR) (ACTION TAKEN SEPARATELY)**
- (21) **APPROVAL TO AMEND CONTRACT BETWEEN THE CAMERON COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES (CCDHHS) AND THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES (DSHS) SOUTH TEXAS HEALTH CARE SYSTEM (STHCS) TO PERFORM X-RAYS TO TUBERCULOSIS (TB) PATIENTS. (YS-HEALTH)**
The Contract follows:
- (22) **ACKNOWLEDGEMENT OF STRUCTURAL INSPECTION REPORTS FOR THE INTERNATIONAL BRIDGES. (PS-DEPT. OF TRANSPORTATION)**
The Reports follow:
- (23) **AUTHORIZATION FOR PRELIMINARY AND FINAL APPROVAL FOR: (PS-DEPT. OF TRANSPORTATION)**
- A. **PRECINCT NO. 3- RESACA DE CARRICITOS SUBDIVISION PHASE III, BEING 7.348 ACRE TRACT OF LAND, MORE OR LESS, OUT OF BLOCK TWO HUNDRED SIXTEEN (216), SAN BENITO LAND & WATER CO., CAMERON COUNTY, TEXAS, AS RECORDED IN VOLUME 1, PAGE 25, OF THE MAP RECORDS OF CAMERON COUNTY, TEXAS,**
- B. **PRECINCT NO. 4- WHISPERING OAKS SUBDIVISION, BEING A 5.342 ACRE TRACT OF LAND, MORE OR LESS, OUT OF BLOCK TWENTY (20) DAVID AND STEPHENSON SUBDIVISION, CAMERON COUNTY, TEXAS AS RECORDED IN VOLUME 1, PAGE 2, MAP RECORDS OF THE MAP RECORDS OF CAMERON COUNTY, TEXAS.**

TRAVEL ITEMS

- (24) **CONSIDERATIONS AND AUTHORIZATION TO TRAVEL/OR APPROVAL OF TRAVEL EXPENSE FOR THE FOLLOWING (PLEASE NOTE: TRAVEL REQUESTS ARE SUBJECT TO ALL APPLICABLE COUNTY POLICIES):**
- A. Commissioner Precinct 3 to attend the "Gulf of Mexico Foundation, Texas Coastal County Panel," in Rockport, Texas, May 12, 2005;
- B. Three (3) Sheriff's Department employees to attend the "19th Annual Texas Jail Association Spring Conference," in San Antonio, Texas, May 22-27, 2005;
- C. District Attorney's Office employee to attend the "HIDTA – 2006 Budget Meeting," in Laredo, Texas, May 12, 2005;
- D. Director of Department of Transportation and Commissioner Precinct 2 to meet with IBWC and CILA Officials regarding the West Rail Relocations Projects, in El Paso, Texas/Ciudad Juarez, Mexico, May 12-13, 2005;
- E. Director of Department of Transportation and Assistant Director to attend the "Texas Team Meeting," in San Antonio, Texas, April 21-22, 2005;
- F. Assistant Director of Department of Transportation to attend meeting with UPRR Officials regarding the North Rail and West Rail Relocation Projects, in Houston, Texas, May 2, 2005;

- G. County Judge employee to attend meetings during the “79th Legislative Session,” in Austin, Texas, May 15-20, 2005 and May 22-30, 2005;
 - H. Eight (8) District Court Reporters to attend the “Texas Court Reporters Association Annual Convention,” in San Antonio, Texas, June 9-12, 2005; and
 - I. Assistant County Administrator to attend meeting regarding the Health Services District in Austin, Texas, May 1-2, 2005;
 - J. County Court At Law No. 1 and No. 3 Court Reporters (2) to attend the “Texas Court Reporters Association Annual Convention,” in San Antonio, Texas, June 9-12, 2005;
 - K. PD&M CD Coordinator to attend “Lower Rio Grande Valley Development Council Professional Advisory Review Panel Meeting 6,” in Mercedes, Texas, May 11, 2005;
 - L. Three (3) Unified Narcotics Intelligence Task Force Employees to attend “Quarterly Intelligence Conference for South Texas HIDTA,” in Port Aransas, Texas, May 21-22, 2005;
 - M. Unified Narcotics Intelligence Task Force Director to attend “Quarterly Intelligence Conference for South Texas HIDTA,” in Port Aransas, Texas, May 21-23, 2005;
 - N. Unified Narcotics Intelligence Task Force Director to attend “Financial Sub-Committee Meeting,” in Laredo, Texas, May 11-12, 2005; and
 - O. Three (3) Extension Agents to attend the “Annual District 12 Spring 1-H Faculty Conference,” in Alice, Texas, May 17-19, 2005.
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**(13) APPROVAL OF CLAIMS.
The Affidavits follow:**

- (16) POSSIBLE APPROVAL OF A GRANT ADJUSTMENT NOTICE FOR THE 2004 STATE HOMELAND SECURITY PROGRAM GRANT. (TH-EMERGENCY MANAGEMENT)**
The Notice follows:

- (17) AUTHORIZATION TO EXECUTE AN AMENDMENT TO THE DOLPHIN COVE CONCESSION AGREEMENT CHANGING THE END DATE FROM JANUARY 31, 2007 TO MAY 31, 2008. (JM-PARK SYSTEM)**
The Amendment follows:

- (18) POSSIBLE AUTHORIZATION TO ALLOW THE CAMERON COUNTY PARKS & RECREATION DEPARTMENT TO AWARD BID TO EL CLAVO SALES CO., FOR THE BUILDING MATERIALS NEEDED TO CONSTRUCT THE “NATURE TRAIL AND BIRD WATCH OVERLOOK” AT THE LAGUNA HEIGHTS PARK, IN AN AMOUNT GREATER THAN \$15,000.00, BUT LESS THAN \$25,000.00. (JM-PARK SYSTEM)**
The Tabulation follows:

- (21) **APPROVAL TO AMEND CONTRACT BETWEEN THE CAMERON COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES (CCDHHS) AND THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES (DSHS) SOUTH TEXAS HEALTH CARE SYSTEM (STHCS) TO PERFORM X-RAYS TO TUBERCULOSIS (TB) PATIENTS. (YS-HEALTH)**
The Contract follows:

- (22) ACKNOWLEDGEMENT OF STRUCTURAL INSPECTION REPORTS FOR THE INTERNATIONAL BRIDGES. (PS-DEPT. OF TRANSPORTATION)**
The Reports follow:

EXECUTIVE SESSION

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the Court met in Executive Session at 12:00 P.M. to discuss the following matters:

REGULAR AGENDA:

(25) 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 Vicenta Cantu; Felix R. Munoz, Ruth Weaver and Diamantina Alvarado versus Cameron County and Tony Yzaguirre, Jr.; Civil Action No. B-03-096 in the United States District Court, authority for the District Attorney's Office to substitute for Adams & Graham, LLP to represent Tony Yzaguirre; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A) & (2);
- D. Confer with Commissioners' Court Legal Counsel concerning issues with Mutual of Omaha and health services provided to Cameron County employees, 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);
- E. Confer with Commissioners' Court Legal Counsel concerning issues regarding the Del Mar Heights buyout properties; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072; and
- F. Confer with Commissioners' Court Legal Counsel concerning contemplated litigation in regards to the Public Works Department; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1) (A) & (2).

(25) EXECUTIVE SESSION:

- A Confer with Commissioners' Court Legal Counsel concerning the proposed Solid Waste Management Facility site east of Los Fresnos proposed by Consolidated Waste Industries, Inc. on matter 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 this Chapter, and concerning potential litigation; 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 claim of Leonardo Rincones, for discussion; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(A) & (2);
- C Deliberation regarding Real Property concerning the proposal's for County Beach Access #3, South Padre Island, Texas; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- D 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 Meetings Act; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(2);

- E Confer with Commissioners' Court Legal Counsel concerning acquisition of certain sections of Park Road 100; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(2) & 551.072;
- 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 Rules 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, Section 551.071 (1) & (2) And 551.072; and
- G. Confer with Commissioners' Court Legal Counsel concerning claim of Celia Rodriguez, for discussion of claim and authority to represent the county; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(A)&(2).

(27) ACTION RELATIVE TO EXECUTIVE SESSION

A. Confer with Commissioners' Court Legal Counsel concerning Cameron County versus Faulkner, USA formerly known as Landmark.

Commissioner Tamayo moved that the Status Report by Legal Counsel be acknowledged.

The motion was seconded by Commissioner Garza and carried unanimously.

B. 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**.

C. Confer with Commissioners' Court Legal Counsel concerning Vicenta Cantu; Felix R. Munoz, Ruth Weaver and Diamantina Alvarado versus Cameron County and Tony Yzaguirre, Jr.; Civil Action No. B-03-096 in the United States District Court, authority for the District Attorney's Office to substitute for Adams & Graham, LLP to represent Tony Yzaguirre.

Commissioner Garza moved that the District Attorney's Office be authorized substitute for Adams & Graham, LLP to represent Tony Yzaguirre and all individual defendants.

The motion was seconded by Commissioner Wood and carried unanimously.

D. Confer with Commissioners' Court Legal Counsel concerning issues with Mutual of Omaha and health services provided to Cameron County employees, 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 Benavides, seconded by Commissioner Garza and carried unanimously, the Status Report by Legal Counsel was acknowledged and that the use of the counties facilities for Mutual of Omaha

personnel to make contact was authorized, not to exceed \$2,000.00 in travel expenses for Mutual of Omaha personnel to be funded thru the Employee Benefit Fund.

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

Commissioner Wood moved that the Status Report by Ms. Grace Salinas, County Judge Hinojosa's Office, be acknowledged and that the purchase of three properties be authorized.

The motion was seconded by Commissioner Tamayo and carried unanimously.

The Deeds are as follow:

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- F. Confer with Commissioners' Court Legal Counsel concerning contemplated litigation in regards to the Public Works Department.**

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the Status Report by Legal Counsel and the Public Works Director be acknowledged.

(26) ACTION RELATIVE TO EXECUTIVE SESSION

- A. Confer with Commissioners' Court Legal Counsel concerning the proposed Solid Waste Management Facility site east of Los Fresnos proposed by Consolidated Waste Industries, Inc. on matter 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 this Chapter, and concerning potential litigation.**

Commissioner Tamayo moved that the Status Report by Legal Counsel be acknowledged.

The motion was seconded by Commissioner Benavides and carried unanimously.

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- B. In the matter regarding confer with Commissioners' Court Legal Counsel concerning claim of Leonardo Rincones, for discussion. (DENIED)**

Upon motion by Commissioner Wood, seconded by Commissioner Benavides and carried unanimously, the claim of Leonardo Rincones was **DENIED**.

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- C. Deliberation regarding Real Property concerning the proposal's for County Beach Access No. 3, South Padre Island, Texas.**

Commissioner Benavides moved that the county be authorized to begin negotiations with Mr. David Alvarez for concession on County Beach Access No. 3.

The motion was seconded by Commissioner Garza and carried unanimously.

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- D. 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 Meetings Act.**

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

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- E. In the matter regarding confer with Commissioners' Court Legal Counsel concerning acquisition of certain sections of Park Road 100. (TABLED)**

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

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 Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this Chapter.

Commissioner Wood moved that Mr. Frank Bejarano, PD&M Director, be authorized to coordinate with the Texas Historical Commission (THC) on proper disposition of the remains.

The motion was seconded by Commissioner Garza and carried unanimously.

Commissioner Garza noted that the remains have not been lost and were never lost, but rather were in safe keeping awaiting final decision.

G. Confer with Commissioners' Court Legal Counsel concerning claim of Celia Rodriguez, for discussion of claim and authority to represent the county.

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the Status Report by Legal Counsel be acknowledged and Commissioners Court Legal Counsel was authorized to represent the county in defense of the above claim.

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 1:15 P.M.

APPROVED this 2nd day of **August 2005**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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