

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 28<sup>th</sup> day of June 2005, there was conducted a REGULAR Meeting of the Honorable Commissioners' Court of Cameron County, Texas, at the Courthouse thereof, in the City of Brownsville, Texas, for the purpose of transacting any and all business that may lawfully be brought before the same.

THE COURT MET AT:

9:30 A.M.

PRESENT:

GILBERTO HINOJOSA  
COUNTY JUDGE

PEDRO "PETE" BENAVIDES  
COMMISSIONER PRECINCT NO. 1

COMMISSIONER PRECINCT NO. 2

DAVID A. GARZA  
COMMISSIONER, PRECINCT NO. 3

EDNA TAMAYO  
COMMISSIONER, PRECINCT NO. 4

JOE G. RIVERA  
COUNTY CLERK

Mary Robles Deputy Clerk

ABSENT:

JOHN WOOD

---

---

The meeting was called to order by Judge Hinojosa 9:30 A. M. He asked Commissioner Tamayo for the invocation, and he then led the Court and audience in reciting the Pledge of Allegiance. Commissioner Tamayo asked for a moment of silence in memory of Frances Domenski.

The Court considered the following matters as posted and filed for Record in the Office of the County Clerk on June 24, 2005, at 8:22 A.M.:

(1) **PUBLIC COMMENTS**

Mr. Dagoberto Barrera, County resident, gave a speech regarding the history of Independence Day.

**The Form is as follows:**

**PRESENTATIONS**

(2) **PRESENTATION BY PETER M. ZAVALLETTA,  
BROWNSVILLE NAVIGATION DISTRICT CHAIR,  
REGARDING THE BAHIA GRANDE PROJECT.  
(COMM. COURT)**

Mr. Lino reported that the Navigation District Representative informed that the project was nearly ready to commence flooding of the bahia and that they were wait for some eggs to hatch. He presented special shovels in representation of those used during the ground breaking ceremony to each Court member on behalf of the Navigation Board.

Judge Hinojosa stated that the Bahia Grande Project has caused much interest in Washington D.C. because it will restore 10,000 acres of wetlands.

Commissioner Garza asked how much longer it would be before the eggs causing the delay hatch. He hoped that the flooding takes place soon after the eggs hatch to avoid further delays.

Mr. Lino responded that according to biologist the eggs should hatch in about ten to fifteen days from last week.

Commissioner Garza stated that construction of Highway 48 would commence soon, thus things were moving along.

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the Presentation by the Navigation District regarding the Bahia Grande Project was acknowledged.

---

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

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

The motion was seconded by Commissioner Garza and carried unanimously.

**The documents are as follow:**

---

**(4) APPROVAL OF MINUTES FOR:  
A. APRIL 19, 2005-REGULAR MEETING**

Upon motion by Commissioner Tamayo, seconded by Commissioner Benavides and carried unanimously, the Minutes of the Regular Meeting held April 19, 2005, were approved.

---

**(5) CONSIDERATION AND POSSIBLE ACTION  
REGARDING THE PROPOSED DEVELOPMENT OF  
SOLID WASTE MANAGEMENT FACILITY IN  
CAMERON COUNTY. (COMM. COURT)**

Judge Hinojosa reported that the Lower Rio Grande Valley Development Council unanimously passed both Resolutions opposing the proposed landfill and adopted the recommendation of the Regional Solid Waste Committee indicating that the proposed landfill was not in conformity with the Regional Solid Waste Plan.

Mr. Remi Garza, County Administrative Assistant, informed that a letter was received from TCEQ informing that the application was on file for review at the Central Records File Room in Austin and at the Region 15 Office in Harlingen. He stated that the county had a copy of the application that will be made available online and at the County Clerk's Office. Mr. Garza explained that the application was declared administratively complete on June 7, 2005, and that local governments would have thirty days to review the application and submit comments to TCEQ once the technical review was complete.

Commissioner Garza asked how much time was allowed for the technical review.

Mr. Garza stated that a time line was not made available and that the letters would be provided once the technical review was complete.

Judge Hinojosa stated that application was presently being scanned in order to make it available to the public via the internet. He stated that the application was believed to have incomplete and incorrect information and that the county's attorneys were closely reviewing in order to challenge it, in addition to the application having no business being approved by state.

Commissioner Garza commented that an open letter was published on the newspaper this week by the principals associated with the landfill alluding that they met with local county officials before they applied for an application. He clarified that he never met with any official from any company proposing to build a landfill other than in Commissioners Court.

Judge Hinojosa stated that the company came to his office and said that they were interest in building the landfill, and noted that the record was clear that he indicated that the proposed landfill would not generate public support because the location being considered was not appropriate given its proximity to Los Fresnos and Bayview. He stated that he also indicated that the county would not support the proposed landfill without community support, which he did not anticipate. Judge Hinojosa stated that when the company came to talk to him they did not indicate that they would open a landfill rather that they were looking into the possibility of opening a landfill outside Los Fresnos and in other areas. He explained his understanding to be that they also met with the City of Los Fresnos, who called to thank him for taking the position that the county would oppose the application unless there was support from the community.

Mr. Dagoberto Barrera, County resident, stated that a landfill being proposed in La Sara was being opposed by the people.

Judge Hinojosa stated that the letter published in the newspaper suggested that the proposed landfill would be good for the county's economic development. He stated that a lot of information in the letter was a misrepresentation of their efforts. Judge Hinojosa stated that the company appeared to want to move forward on the proposed landfill, thus the county was ready to fight.

Commissioner Garza expressed appreciation for Judge Hinojosa's job of presenting the county's position on the matter.

Judge Hinojosa stated that the community was in full support and that the Regional Solid Waste Committee, with exception of three members from Cameron County, voted to issue a recommendation of non conformity with the Regional Solid Waste Plan and that the Lower Rio Grande Valley Development Council voted unanimously, meaning that there was full community support.

Commissioner Garza moved that the Report by the County Judge's Office regarding the proposed development of solid waste management facility in Cameron County be acknowledged.

The motion was seconded by Commissioner Tamayo and carried unanimously.

---

---

**(6) CONSIDERATION AND POSSIBLE ACTION PROVIDING AN ADDITIONAL CELLULAR PHONE AND SERVICE FOR THE TEXAS DEPARTMENT OF PUBLIC SAFETY OFFICER. (GS-DPS)**

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the additional cellular phone and service for the Texas Department of Public Safety Officer were approved.

---

**(7) CONSIDERATION AND AUTHORIZATION FOR SHERIFF'S DEPARTMENT TO ACCEPT 84 INTERNATIONAL BUS AND ARMY CARGO TRUCKS FROM FEDERAL GOVERNMENT SURPLUS TO BE USED FOR COMMUNITY SERVICE PROGRAM. (OL-SHERIFF)**

Mr. Mike Leinart, Federal Detention Division Administration, stated that maintenance and fuel for the vehicles would be funded thru the Commissary Fund.

Commissioner Garza moved that the Sheriff's Department be authorized to accept 84 international bus and army cargo trucks from Federal Government Surplus to be used for Community Service Program.

The motion was seconded by Commissioner Tamayo and carried unanimously.

---

**(8) CONSIDERATION AND POSSIBLE APPROVAL OF DEPOSITORY CONTRACT WITH FIRST NATIONAL BANK. (DJV-LEGAL)**

Ms. Dylbia L. Jeffries, Contract Attorney, stated that the contract was being modified to read Texas versus Massachusetts, and that only the contract was being approved because the exhibit was still being reviewed.

Commissioner Tamayo moved that Depository Contract with First National Bank be approved.

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

AYE: Commissioners Benavides, Garza and Tamayo

NAY: None

ABSTAIN: Judge Hinojosa

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

---

(9) **CONSIDERATION AND POSSIBLE APPROVAL OF A MAINTENANCE CONTRACT WITH IBM FOR THE INFOPRINT, MODEL 1145-DNI PRINTER IN THE ELECTIONS/VOTER REGISTRATION OFFICE. (RO-ELECTIONS)**

Mr. Roger Ortiz, Elections Administrator, stated that changes to the contract requested by county personnel were not done by IBM.

Mrs. Dylbia L. Jeffries, Contract Attorney, stated that the contract did not have the standard thirty day out clause, did not have the non funding appropriations clause and had laws from New York instead of Texas. She explained that IBM indicated that the changes would not be done; however, Mr. Ortiz does need the equipment maintenance.

Mr. Ortiz stated that the printer was obtained when E-Z Vote was contracted and they agreed to do the maintenance for five years, yet the contract for maintenance was now needed because the printer was in the county's possession rather than that of E-Z Vote. He added that E-Z Vote agreed to provide a letter holding the county harmless of anything that happens and that they would incur all related costs.

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the Maintenance Contract with IBM for the Inforprint, Model 1145-DNI Printer in the Elections/Voter Registration Office was approved.

**The Contract is as follows:**

- 
- (10) **CONSIDERATION AND ACTION TO APPROVE THE PURCHASE OF THE ES & S AUTOMARK, AN UPGRADE TO THE COUNTY'S EXISTING OPTICAL SCAN VOTING SYSTEM, FROM ELECTION SYSTEMS AND SOFTWARE THROUGH THE TEXAS BUILDING AND PROCUREMENT COMMISSION (TBPC). (RO-ELECTIONS)**
- (11) **CONSIDERATION AND ACTION TO APPROVE THE PURCHASE OF THE MODEL 100 PRECINCT BALLOT COUNTER FROM ELECTION SYSTEMS AND SOFTWARE THROUGH THE TEXAS BUILDING AND PROCUREMENT COMMISSION (TBPC). (RO-ELECTIONS)**

Mr. Roger Ortiz, Elections Administrator, stated that the purchase of the equipment was a needed upgrade to the county's existing voting system, which would allow handicapped individuals to cast their votes secretly and would enable compliance with HAVA Requirements by January 2006.

Judge Hinojosa clarified that the same system of voting was being set with exception of having precinct counters that will provide faster results, noting that the system will continue to keep the hard copies. He stated that the county has opted to keep the ballot system due to opposition of the voters to go to the automated system and to modify the system by purchasing the precinct counters, causing no significant change to the county's election system. Judge Hinojosa noted the need for the court to be aware that approval of the requested equipment signifies that the election process would continue to have the paper ballots on the long term.

Mr. Ortiz commented that approving the upgrade enables continued use of the optical scanners system purchased, at an estimated cost of \$150,000.00, and the same system that people are used to vote in.

Commissioner Tamayo moved that purchase of the ES & S Automark, an upgrade to the county's existing Optical Scan Voting System and the purchase of the Model 100 Precinct Ballot Counter from Election Systems and Software through the Texas Building and Procurement Commission be approved.

The motion was seconded by Commissioner Benavides and carried unanimously.

---

---

(12) **CONSIDERATION AND POSSIBLE ACCEPTANCE OF  
THE INTER-OPERABLE PUBLIC SAFETY  
COMMUNICATIONS SYSTEM FROM MOTOROLA,  
INC. (TH-EMERGENCY MANAGEMENT)**

Judge Hinojosa noted the need to order pagers for each constable that will participate in the rotating system to transport mental patients.

Upon motion by Commissioner Tamayo, seconded by Commissioner Benavides and carried unanimously, the acceptance of the Inter-Operable Public Safety Communications System From Motorola, Inc., was authorized.

**The Notice is as follows:**



---

(13) **IN THE MATTER REGARDING CONSIDERATION AND AUTHORIZATION TO CHANGE THE SUPERVISION OF STAFF POSITIONS AT CAMERON PARK – HEALTH & HUMAN SERVICES DEPARTMENT BACK TO THE CAMERON PARK – CAMERON COUNTY PARKS AND RECREATION DEPARTMENT. (JM-PARK SYSTEM) (TABLED)**

Mr. Javier Mendez, Parks & Recreation Department Director, stated that the Health Department of Health and Human Services Director and he were in agreement to transfer the position back to the Parks & Recreation Department in order to better accommodate the service providers and to simplify the process.

Judge Hinojosa questioned how the transfer would make things better.

Mrs. Yvette Salinas, Department of Health and Human Services Administrator, stated that Mr. Mendez and she agreed that transferring the two positions to the Parks & Recreation Department would be best in order for its needs to be met, rather than having supervising issues.

Judge Hinojosa stated that no other community park has a full time position as that in Cameron Park and that said staff is really involved in social services issues rather than park issues. He stated that he dislikes the idea that park issues were being delegated to staff that must deal with social issues, and that he believes that what was agreed would be done when doing the consolidation was not being done because it was easier to do things this way in terms of supervision. Judge Hinojosa stated that the staff in question should be supervised by the Department of Health and Human Services and that a Parks Department employee should make sure that the park is in the condition that it needs to be to meet the needs of the community.

Mr. Mendez explained that the renting of the center was being handled by the Department of Health and Human Services employees and they had to open the center on weekends when needed. He stated that Mrs. Salinas spoke to the staff and resolved the misinterpretation that they had. Mr. Mendez stated that having the staff open and close the center on weekends was one of the concerns of the staff because it was a duty of the Parks Department rather than the Department of Health and Human Services.

Judge Hinojosa stated that this was a minor concern that could be addressed.

Mr. Mendez stated that the center was being operated by the supervisor and an aide, and explained that the aide was hired because the position was needed to fulfill all duties of the Parks Department and that there was no need for the position under the Department of Health and Human Services.

Commissioner Garza asked which department pays for the positions.

Mr. Mendez responded that the positions were funded through the Parks & Recreation Department.

Commissioner Garza stated that the issues should be solved based on the funding source.

Judge Hinojosa stated that county departments have employees being funded from different funds and that he believes that this should not be the guiding factor because all funds were county funds.

Commissioner Tamayo stated that she wants for the center to serve the community as best as possible, and asked if the environment has changed since the transfer took place and if there was support for educational activities.

Mrs. Salinas responded that their focus has been addressing administrative issues and that some programs have not started. She noted that perhaps the matter must be further reviewed.

Commissioner Tamayo suggested that the structure or restructure be done to best serve the community.

Judge Hinojosa stated that there was no reason why the two departments cannot work together and that there was a need to have at least two positions.

Commissioner Tamayo noted that she did not want social services deleted.

Mr. Mendez responded that they did not want to delete service but rather to expand services. He noted the need to better coordinate the matter, and stated that Commissioner Wood and the Cameron Park Board had suggestions with regards to transferring the staff to the Parks Department.

Judge Hinojosa agreed to table the matter until Commissioner Wood returns, and expressed opposition towards the transfer only because of an inconvenience.

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo 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**

ITEM NO. 25: Based on the back-up information presented by the Department of Transportation, this agenda item must include the Los Indios Irrigated Land Company.

ITEM NO. 21: Mr. Javier Mendez, Parks & Recreation Department, requested that approval of addition of a pavilion for Thomae Park to the application.

Commissioner Benavides moved that the "Travel and Consent Items," be approved, inclusive of changes.

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. 00140590, payable to Southwest Key La Esperanza, in the amount of \$4,960.00, and Commissioner Garza as to Warrant No. 00140505, payable to The Medicine Shoppe, in the amount of \$848.59.

- (16) **APPROVAL OF CLAIMS.**  
The Affidavits follow:
- (17) **ADOPTION OF A RESOLUTION HONORING THE MEMORY OF MS. RAMONA BARRERA AND FOR LIFETIME OF DEDICATED COMMUNITY SERVICE. (COMM. COURT)**  
The Resolution follows:
- (18) **POSSIBLE APPROVAL OF A CONTRACT EXTENSION WITH DRC, INC. FOR PRE-POSITIONED RECOVERY SERVICES. (TH-EMERGENCY MANAGEMENT)**  
The Contract follows:
- (19) **AUTHORIZATION TO EXECUTE AN AGREEMENT BETWEEN CAMERON COUNTY AND THE ESTRELLA DEL MAR ENVIRONMENTAL CONSULTING FOR THE WETLAND DELINEATION AT THE FORMER JEREMIAHS RIVER SLIDE PROPERTY. (JM-PARK SYSTEM)**  
The Agreement follows:
- (20) **AUTHORIZATION FOR CAMERON COUNTY (PARKS) TO SUBMIT A GRANT APPLICATION TO THE TEXAS GENERAL LAND OFFICE UNDER THE COASTAL EROSION PLANNING AND RESPONSE ACT (CEPRA) PROGRAM, FOR THE ISLA BLANCA PARK BEACH NOURISHMENT PROJECT. (JM-PARK SYSTEM)**  
The Application follows:
- (21) **AUTHORIZATION TO SUBMIT THREE INDIVIDUAL GRANT APPLICATION(S) TO THE TEXAS GENERAL LAND OFFICE-COASTAL MANAGEMENT PROGRAM, GRANT CYCLE 11, FOR EQUIPMENT TO MAINTAIN COUNTY BEACHES ON SOUTH PADRE ISLAND AND BOCA CHICA BEACH. (JM-PARK SYSTEM)**  
The Application follows:
- (22) **APPROVAL OF A RESOLUTION AUTHORIZING THE SUBMISSION OF AN OTHER VICTIM ASSISTANCE GRANT (OVAG) APPLICATION TO THE OFFICE OF THE ATTORNEY GENERAL FOR THE DISTRICT ATTORNEY'S VICTIM ASSISTANCE PROGRAM. (FB-PD & M)**  
The Resolution follows:
- (23) **APPROVAL OF PROFESSIONAL SERVICE AGREEMENTS BETWEEN CAMERON COUNTY AND RAUL SOSA III AND NINA LUNA, TO PROVIDE SERVICES IN THE WEED AND SEED TARGETED COMMUNITY. (TR-JUVENILE)**  
The Agreement follows:
- (24) **AUTHORIZATION TO INITIATE THE DRAWING PROCESS ON LETTER OF CREDIT FOR MAGNOLIA ESTATES SUBDIVISION, PRECINCT NO. 4, FOR UNBUILT SEPTIC SYSTEMS. (PS-DEPT. OF TRANSPORTATION)**
- (25) **APPROVAL OF ESTABLISHING A BASE FLOOD ELEVATION AT 51.000 FOR APPROXIMATELY 26.78 ACRES OF LAND IN BLOCKS 18 AND 20 OF THE AMENDED MAP OF LANDS OF SAN BENITO LAND AND WATER COMPANY, RIO GRANDE CONSTRUCTION COMPANY AS SHOWN BY MAP OF RECORD IN VOLUME 2, PAGE 43, OF THE CAMERON COUNTY MAP RECORDS. (PS-DEPT. OF TRANSPORTATION)**
- (26) **APPROVAL OF AMENDED AGREEMENT BETWEEN CAMERON COUNTY AND BRADY'S DUTY FREE FOR THE LOS INDIOS DUTY FREE STORE. (PS-DEPT. OF TRANSPORTATION)**  
The Agreement follows:

- (27) AUTHORIZATION FOR FINAL APPROVAL FOR: (PS-DEPT. OF TRANSPORTATION)
- A. PRECINCT NO. 1- R & B SUBDIVISION, BEING A 2.06 ACRE TRACT MORE OR LESS 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, MAP RECORDS OF CAMERON COUNTY, TEXAS.
  - B. 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 VOLUME 5, PAGE 6 OF THE MAP RECORDS OF CAMERON COUNTY, TEXAS.
  - C. PRECINCT NO. 4- WESTON OAKS SUBDIVISION, BEING 9.101 ACRES OUT OF BLOCK 7, VALLEY GROVES SUBDIVISION, AS RECORDED IN VOLUME 6, PAGE 29, OF THE MAP RECORDS OF CAMERON COUNTY, TEXAS.
- (28) AUTHORIZATION FOR PRELIMINARY AND FINAL APPROVAL FOR: (PS-DEPT. OF TRANSPORTATION).
- A. PRECINCT NO. 4- BATAG GARCIA BROS. TRACT 11 SUBDIVISION, BEING 9.74 ACRES OUT OF SHARE NO. 11, AS DESCRIBED IN A PARTITION DEED DATED SEPTEMBER 30, 1925, BY AND BETWEEN BENJAMIN GARCIA CANTU ET AL, RECORDED IN VOLUME 142, PAGE 139, DEED RECORDS OF CAMERON COUNTY, TEXAS, SAID SHARE 11 CONTAINING 19.18 ACRE, MORE OR LESS, AND BEING OUT OF SHARE 24, OF THE CONCEPCION DE CARRICITOS GRANT IN CAMERON COUNTY, TEXAS.
  - B. PRECINCT NO. 4- CLOSNER-GARCIA SUBDIVISION, BEING THE SOUTH 10 ACRES OF THE NORTH 10 ACRES OF BLOCK 28, SOLIS SUBDIVISION, ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 5, PAGE 20 OF THE MAP RECORDS OF CAMERON COUNTY, TEXAS.
  - C. PRECINCT NO. 4- NORTH CAMERON RO PLANT SUBDIVISION, BEING 4.62 ACRES OUT OF BLOCK 300, ADAMS GARDEN SUBDIVISION, AS RECORDED IN VOLUME 10, PAGE 4 C.C.M.R. OF THE MAP RECORDS OF CAMERON COUNTY, TEXAS.
- (29) AUTHORIZATION FOR PRELIMINARY APPROVAL FOR:
- A. PRECINCT NO. 4- FOUNTAIN VIEW ESTATES SUBDIVISION, BEING A SUBDIVISION OF THE EAST FIFTEEN (15) ACRES OF BLOCK ONE HUNDRED SIXTY-EIGHT (168) ADAMS GARDENS SUBDIVISION "C", CAMERON COUNTY, TEXAS, ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 10, PAGE 3, OF MAP RECORDS OF CAMERON COUNTY, TEXAS.
-

---

## **TRAVEL ITEMS**

**(30) CONSIDERATIONS AND AUTHORIZATION TO TRAVEL/OR APPROVAL OF TRAVEL EXPENSE FOR THE FOLLOWING (PLEASE NOTE: TRAVEL REQUESTS ARE SUBJECT TO ALL APPLICABLE COUNTY POLICIES):**

- A. Commissioner Precinct No. 2 to attend the “2005 Annual Conference Post Legislative Session”, in Austin, Texas August 9-12, 2005;
  - B. County Extension Agent to attend the “South Region 4-H Master Volunteer Advisory Group & Training”, in Victoria, Texas, June 22, 2005;
  - C. Sheriff and Captain to attend “Sheriff’s Association of Texas 127<sup>th</sup> Annual Training Conference”, in Houston, Texas, July 16-20, 2005; and
  - D. County Clerk to attend the “23<sup>rd</sup> Annual Election Law Seminar”, in Austin, Texas, July 19-22, 2005.
-

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

- (17) **ADOPTION OF A RESOLUTION HONORING THE MEMORY OF MS. RAMONA BARRERA AND FOR LIFETIME OF DEDICATED COMMUNITY SERVICE. (COMM. COURT)**  
**The Resolution follows:**

- (18) POSSIBLE APPROVAL OF A CONTRACT EXTENSION WITH DRC, INC. FOR PRE-POSITIONED RECOVERY SERVICES. (TH-EMERGENCY MANAGEMENT)**  
**The Contract follows:**



- (19) AUTHORIZATION TO EXECUTE AN AGREEMENT BETWEEN CAMERON COUNTY AND THE ESTRELLA DEL MAR ENVIRONMENTAL CONSULTING FOR THE WETLAND DELINEATION AT THE FORMER JEREMIAHS RIVER SLIDE PROPERTY. (JM-PARK SYSTEM)**  
**The Agreement follows:**

- (20) AUTHORIZATION FOR CAMERON COUNTY (PARKS) TO SUBMIT A GRANT APPLICATION TO THE TEXAS GENERAL LAND OFFICE UNDER THE COASTAL EROSION PLANNING AND RESPONSE ACT (CEPRA) PROGRAM, FOR THE ISLA BLANCA PARK BEACH NOURISHMENT PROJECT. (JM-PARK SYSTEM)**  
**The Application follows:**

- (21) AUTHORIZATION TO SUBMIT THREE INDIVIDUAL GRANT APPLICATION(S) TO THE TEXAS GENERAL LAND OFFICE-COASTAL MANAGEMENT PROGRAM, GRANT CYCLE 11, FOR EQUIPMENT TO MAINTAIN COUNTY BEACHES ON SOUTH PADRE ISLAND AND BOCA CHICA BEACH. (JM-PARK SYSTEM)  
The Application follows:**

- (22) **APPROVAL OF A RESOLUTION AUTHORIZING THE SUBMISSION OF AN OTHER VICTIM ASSISTANCE GRANT (OVAG) APPLICATION TO THE OFFICE OF THE ATTORNEY GENERAL FOR THE DISTRICT ATTORNEY'S VICTIM ASSISTANCE PROGRAM. (FB-PD & M)**  
**The Resolution follows:**

- (23) APPROVAL OF PROFESSIONAL SERVICE AGREEMENTS BETWEEN CAMERON COUNTY AND RAUL SOSA III AND NINA LUNA, TO PROVIDE SERVICES IN THE WEED AND SEED TARGETED COMMUNITY. (TR-JUVENILE)**  
**The Agreement follows:**

- (26) APPROVAL OF AMENDED AGREEMENT BETWEEN CAMERON COUNTY AND BRADY'S DUTY FREE FOR THE LOS INDIOS DUTY FREE STORE. (PS-DEPT. OF TRANSPORTATION)**  
**The Agreement follows:**

---

(14) **CONSIDERATION AND ADOPTION OF AN ORDER AUTHORIZING THE ISSUANCE OF “CAMERON COUNTY, TEXAS UNLIMITED TAX ROAD BONDS, SERIES 2005,” AND MAKING PROVISIONS FOR THE SECURITY THEREOF; AUTHORIZING A PURCHASE CONTRACT AND A PAYING AGENT/REGISTRAR AGREEMENT; AND APPROVING OTHER MATTERS RELATING THERETO. (COMM. COURT)**

Judge Hinojosa stated that Commissioner Tamayo and he discussed the possibility of expanding the El Ranchito Park and purchase land to build a community park in La Paloma, at a total cost of \$300,000.00, and asked if this additional funding could be included in the financing.

Mr. Noe Hinojosa, Estrada-Hinojosa Investment Bankers, responded that the additional funds could be added to the original borrowing, totaling \$11.3 million, if the required notice has not been published, noting that there was a \$200,000.00 leeway for issues that might arise. He asked if the notice includes acquisition of land.

Judge Hinojosa responded negatively and asked how the matter could be resolved.

Mr. Hinojosa stated that the order could be changed and republished if needed.

Mr. Remi Garza, County Administrative Assistant, clarified that the notice has not been published.

Judge Hinojosa asked if instructions could be given under the agenda item to include acquisition of land to the order for the issuance of Certificates of Obligations.

Mr. Kerry Trom, Bond Counsel, indicated that court action would be needed during a regular or special court meeting to add acquisition of land to the order previously adopted by the court for the bond issue.

Judge Hinojosa suggested that a meeting be scheduled for Friday to add the proposed park projects to the order.

Commissioner Garza expressed concern with increasing the amount of the bond issue and stated that he hoped that the county would not get further into debt. He suggested that perhaps the Parks System might have a way to pay bond services from other than General Fund.

Commissioner Tamayo stated that building parks could be of savings to the county because kids would have a place to go.

Commissioner Garza asked if funds were available within the Parks System to fund the debt services for acquisition of property.

Mr. Javier Mendez, Parks & Recreations Department Director, responded that fund balance was always used and that it was currently at \$2 million.

Judge Hinojosa asked where fund balance was supposed to be at.

Mr. Xavier Villarreal, Budget Officer, responded that the fund balance was under \$2 million due to drops resulting from allocations for projects and grant matches, in addition to delayed reimbursement from Parks & Wildlife, in the amount of \$500,000.00, for the Browne Road Project.

Judge Hinojosa asked if fund balance would increase to about \$2.5 million upon said funds being received.

Mr. Villarreal responded in the affirmative and added that allocated grant matches not spent this fiscal year stay in fund balance and must be reallocated next year.

Judge Hinojosa suggested that a meeting be scheduled next Friday to determine if \$300,000.00 could be used from Fund Balance.

Commissioner Garza asked how many days could be funded by the \$2.5 million in fund balance.

Mr. Mendez responded that Parks System annual budget totals about \$6 million, and stated that he would make a presentation to the court regarding revenues and expenditures during the second week of July.

Judge Hinojosa stated that he was okay with funding land acquisition for the park projects through Parks System Budget.

Mr. Villarreal stated that funds were allocated within the Parks System for land acquisition.

Mr. Hinojosa stated that a recommendation could be presented Friday.

Judge Hinojosa stated that all court members were in agreement to fund land acquisition through Parks System Fund Balance if possible instead of the Bond Issue.

Mr. Hinojosa noted the need to confirm the total Fund Balance for Parks System.

Judge Hinojosa stated that high revenues were anticipated for the Parks System.

Mr. Hinojosa explained that the first order was to execute the refinancing considered about two months ago that would result in \$1,005,000.00 savings. He stated that the bond issue used for International Bridge System had reserves in the amount of \$1.3 million and that the total amount and lawful use of said funds was presently being reviewed, noting that said funds could conceivably be placed in Fund Balance for next year to address the revenue loss caused by the loss of federal inmate. Mr. Hinojosa highlighted the positive rating agencies' comments found on tab 3, and explained that the Cameron County's debt ratio was practically insignificant when compared to other counties in the State. He explained the agencies only concern to be whether the county can make up the shortfall in the fund balance for which ample arrays of approaches are available to resolve the matter.

Judge Hinojosa stated that the federal inmate population was averaging about 360 and that all combined efforts have put the county in a position to fix the reserve status of the Fund Balance depleted by the loss of federal



inmates, noting that the fund was intended for use in difficult situations as was said occurrence. He stated that the refinancing done years ago thru the International Bridge System combined put the county in a financial situation where it can go back and take old reserves and put them back where they are supposed to be, noting that these total \$4 million in cash in the Bridge System and a \$2.5 million in Road & Bridge that may allow for a possible tax relief depending on how everything else works.

Mr. Hinojosa agreed that fund balance was in place to address difficult situation as were seen and that hopefully the affects to fund balance could be recovered promptly. He stated that the county's tax rate was reasonable and low when compared to other entities because of the Bridge System, thus noting the need to take care of it.

Mr. Trom explained that there would be an addition to the Order to include the authority to delegate three members of either the Court or county administration or combined to execute a document that sets the principal amount once the reserve fund issue is resolved. He stated that all other aspects of the Order will remain the same.

Mr. Hinojosa stated that this action may result in savings of nearly \$1 million.

Judge Hinojosa suggested that the Budget Officer, Commissioner Benavides and he be the members composing the committee.

Mr. Trom clarified that Texas Government Code Section 1207.07 authorizes setting of the matter in this form.

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the Order authorizing the issuance of "Cameron County, Texas Unlimited Tax Road Bonds, Series 2005," and making provisions for the security thereof; authorizing a purchase contract and a paying agent/registrar agreement; and approving other matters relating thereto, and the appointment of the committee to be composed of the Budget Officer, Commissioner Benavides, and Judge Hinojosa was adopted.

**The Order is as follows:**

---

(15) **CONSIDERATION AND ADOPTION OF AN ORDER AUTHORIZING THE ISSUANCE OF “CAMERON COUNTY, TEXAS LIMITED TAX REFUNDING BONDS, SERIES 2005,” AND MAKING PROVISIONS FOR THE SECURITY THEREOF; AUTHORIZING A PURCHASE CONTRACT, AN ESCROW AGREEMENT, AND A PAYING AGENT/REGISTRAR AGREEMENT; AND APPROVING OTHER MATTERS RELATING THERETO. (COMM. COURT)**

Mr. Noe Hinojosa, Estrada-Hinojosa Investment Bankers, explained that this Bond Issue was intended only for Project Road Map.

Commissioner Tamayo moved that the Order authorizing the issuance of “Cameron County, Texas Limited Tax Refunding Bonds, Series 2005,” and making provisions for the security thereof; authorizing a Purchase Contract, an Escrow Agreement, and a Paying Agent/Registrar Agreement; and approving other matters relating thereto be adopted

The motion was seconded by Commissioner Garza and carried unanimously.

Commissioner Garza suggested that some Project Road Map Bonds be sold to fund projects and that a portion of the Road & Bridge Fund be designated to have a five year capital improvement project that would enable having a plan that impacts roads needing improvement countywide at no additional cost other than financing \$5 million through Road & Bridge.

Judge Hinojosa recommended that an amount of the tax rate in the Road & Bridge Fund that be dedicated to capital improvement be determined instead of decreasing the tax rate.

Commissioner Garza suggested that the matter be reviewed in order to build better roads with quality material that lasts longer.

Mr. Hinojosa clarified that no part of the refinancing would impact the tax rate.

**The Order is as follows:**

(17) **APPROVAL OF CLAIMS.**

At this time, Mrs. Martha Galarza, Assistant County Auditor, presented the following late claims, and requested that Warrant No. 00140311, payable to ACS, in the amount of \$155,000.00, be withdrawn from the claims previously approved.

Commissioner Benavides moved that the late claims and the withdrawal of Warrant No. 00140311 be approved.

The motion was seconded by Commissioner Tamayo.

Commissioner Garza noted that Warrant No. 00140311 was already approved by the court and asked if the withdrawal could be done.

Mr. Doug Wright, Legal Counsel, stated that the court must go back and reconsider.

Mr. Joe G. Rivera, County Clerk, stated that the service in question was the backbone of the operations of his office and that Commissioners Court assured him that the contract would be extended for the next two years, yet this did not happen, thus the services were retained on a monthly basis. He noted the need to either extend the contract or to request proposals. Mr. Rivera stated that retaining payment was unfair to operations and ACS because services have already been rendered.

Judge Hinojosa asked why payment was being withdrawn.

Mrs. Galarza responded that the request to withdrawal was due to the lack of a valid contract that authorizes payment although the services have been provided. She stated that the matter has not been on the agenda for the court to address how the services would be paid.

Judge Hinojosa explained his understanding to be that the terms of the original contract were to be extended on a month to month basis, and questioned why payment would not be made if services were delivered and no complaints were presented.

Mr. Rivera explained that the services were being rendered on a month to month basis at this time.

Commissioner Garza asked if the Court was legal in making the payment.

Mr. Wright indicated that the Court was legal in making the payment since there was no reason to retain it and recommended that it be approved.

Upon motion by Commissioner Benavides moved that the late claims be approved.

The motion was seconded by Commissioner Tamayo and carried unanimously.

## **EXECUTIVE SESSION**

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the Court met in Executive Session at 11:20 A.M. to discuss the following matters:

**(31) 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 Solid Waste Disposal in Cameron County on which the duty of the Attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.071(2);
- D. 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;
- E. Confer with Commissioners' Court Legal Counsel concerning claim of Donald Porter, for discussion and authority to pay claim; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.071(A) & (2);
- F. Confer with Commissioners' Court Legal Counsel concerning possible claim of BFI on the solid waste collection proposal and award from such proposal; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.071(1)(A);
- G. Deliberation regarding Real Property located at County Beach Access #3, concerning the possible Concession Lease with Costa Rica Food and Spirits, Inc., and Aguico Properties; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.072; and
- H. Confer with Commissioners' Court Legal Counsel concerning possible claim against David Suissa for the building leased to the county for the Justice of the Peace and Tax Office; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.071(1)(A).

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the Court reconvened into Regular Session at 11:50 A.M. to discuss the following matters:

(32) **ACTION RELATIVE TO EXECUTIVE SESSION**

- A. **In the matter regarding confer with Commissioners' Court Legal Counsel concerning Cameron County versus Faulkner, USA, formerly known as Landmark. (TABLED)**
- 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)**
- C. **In the matter regarding confer with Commissioners' Court Legal Counsel concerning solid waste disposal in Cameron County on which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly Conflicts With The Open Meetings Act. (TABLED)**

NOTE: These items were not discussed.

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, these Items were **TABLED**.

- 
- D. **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 Garza moved that the Status Report by Legal Counsel be acknowledged.

The motion was second by Commissioner Tamayo and carried unanimously.

- 
- E. **Confer with Commissioners' Court Legal Counsel concerning claim of Donald Porter, for discussion and authority to pay claim.**

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the payment of claim not to exceed \$99.00 was authorized.

- 
- F. **Confer with Commissioners' Court Legal Counsel concerning possible claim of BFI on the Solid Waste Collection Proposal and award from such proposal.**

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

The motion was second by Commissioner Garza and carried unanimously.

- 
- G. **Deliberation regarding real property located at County Beach Access #3, concerning the possible Concession Lease with Costa Rica Food and Spirits, Inc. and Aguico Properties.**

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the contract with Costa Rica Food and Spirits, Inc., and Aguico Properties was approved.

**The Contract is as follows:**

---

**H. Confer with Commissioners' Court Legal Counsel concerning possible claim against David Suissa for the building leased to the county for the Justice of the Peace and Tax Office.**

Commissioner Tamayo moved that the issuance of demand for county property be authorized.

The motion was second by Commissioner Benavides and carried unanimously.

---

There being no further business to come before the Court, upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the meeting was **ADJOURNED** at 11:55 A.M.

---

---

**APPROVED** this 25<sup>th</sup> day of **October 2005**.

---

**GILBERTO HINOJOSA**  
**COUNTY JUDGE**

**ATTEST:**

---

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