

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 2nd day of August 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 Hinojosa at 9:58 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 July 29, 2005, at 4:55 P.M.:

(1) PUBLIC COMMENTS

Mr. John Whelan, Arroyo City resident – “Yes, well I’m here about the garbage collection, and I just have to state that you kind of broke the ice a little bit with your suggestion in before you dump the civil service system thing on your employees that you really ought to let them know about it ahead of time. That way at least they get a fair opinion if they want one. I’ve got the exact same thing to say about the garbage collection. First time I ever heard about it was at a water board meeting in Rio Hondo that Commissioner Tamayo went to. And first time I ever heard about it was well here you are too late; it’s dumped on you. What I’d like to say is number one: in anyway shape or form was any small community recycle center thought of? I travel the United States in my work and they’re real popular now, most communities are doing it, not cities but communities. Was that even contemplated?”

Judge Hinojosa – “We can’t respond to you under the public comment section.”

Mr. Whelan – “Okay, I didn’t know that.”

Judge Hinojosa – “But we’ll talk to you about that in my office.”

Mr. Whelan – “Okay, well that was just one little thought. My issue about today is why wasn’t notice sent to the Cameron County residents three months ago, six months ago, whenever this became your particular desire to do this. I understand you could’ve sent a notice stating that mandatory rural trash collection was being organized; at that point the residents could’ve had an opportunity to select a variety of services. Also, if that were made public at the present obviously in Arroyo City they pick-up maybe 10, 15, 20% of the household. If everyone knew they had to have such service, you’d wind up with some competition, obviously. And then in the end, state that if people in ninety days or whenever didn’t have service that the county would assign the service of the lowest competitor. My point about all that is the regulation that freedom of choice is what has lowered local and long distance telephone, cell phone, car insurance, satellite TV and now our electric service. You can pick your electric service if you want. But when Cameron County forces a monopoly on the citizens you eliminate any possibility of lower prices by competition... And my point is an informative notice is not that difficult or that costly. We receive tax appraisals, water bills, draft notices, water quality statements, there’s kind of no excuse for the citizens not to have been when the idea was being contemplated. Another point; just that we haven’t had a garbage department or solid waste division while we’ve had our private services so far, in Arroyo City for example or any other community. We haven’t had to pay \$109,000.00 a year for expenses. Those companies somehow manage to manage themselves and their billing and now we’re going to have to have someone that’s going to baby sit our monopoly at the expense of the taxpayers. And the final thing is; who do we discuss this exclusion thing with? For example in Arroyo City, you know, we’ve got so many different types of instances in which they say well we’ll address that. Who? Do I call

Red River? Do I call you folks? You know, how is that handle? Because once it starts and once I get a bill I'm probably going to play heck trying to get out of the bill and I don't want some other service messed up while I have a delinquent bill that I don't deserve in the first place. I'm just saying that's something that really ought to be straightened. And then in the end; how many refrigerators and stoves does the average family throw away in the trash per month, per year? Tires, you don't bring your tires home anymore from the tire service or place. You get four new tires and they keep them, you pay fee. My point is that it is not too late to do the right thing. Thank you."

Mr. Jack Gibson, Arroyo City resident –“Good morning, I also live out at Arroyo City. And if you all bear with me a little bit, I didn't realize exactly how this public comment session worked or I would have gotten on the agenda. Your idea behind the trash pick-up was a good idea; I agree with it whole heartily to stop the dumping. The problem was you didn't get any input from the community. The community really didn't get a hold of this until a couple of months ago and because of that most of us feel like this was something that the Commissioners' Court stuffed down our throat without any input from us. I've got a couple of quotes here and I'll agree with the Judge, the local media very seldom gets it right and if they misquoted you Judge, I apologize for that. But they quoted you last week in saying, 'the mistake we made was not realizing how adamant the haulers were going to be to keep their customers.' The problem was you all did not realize how adamant their customers were going to be to keep their service. I use Waste Management. I am perfectly happy with their service. I get good service out of them. There's another quote in here alleged to you Judge that 'the county filed a lawsuit after the haulers started to harass their customers, threatening lawsuits, breaching contracts, making reports to credit bureaus that could damage credits. They're really going out of their way to sign up customers. They're telling some customers that their contracts got renewed automatically for five years.' I know Judge Hinojosa well and I got the feeling he's not getting all correct information.' Well I agree with that. Nobody has harassed me to continue my service or extend my contract at least from Waste Management; I've not been contacted by any other service. If those quotes were wrong, Judge, again it's blame of our local media. Then the contract was lead. Those of us that are handling our trash responsibly got less service for more money. Here is what Waste Management will not pick up: paint, chemicals, household cleaner, lawn and pest control products, car batteries, automotive fluids, etc., as well as dirt, car parts, rocks, construction materials. I consider a lot of those to be trash, not necessarily car batteries or placing car batteries and automotive fluids. But if I've used pest control around the house or I've painted the house and I've got empty containers what am I suppose to do with them. Basically what you all are trying to do is to force us to go down the road and throw them on the side of the road; that's what you're trying to stop. So the consequence: this contract is going to produce more litter than it did in the past. This whole deal has turned into a fiasco. For the last thirty days,

this whole thing has changed almost daily and your answer to the problem has been to spend \$109,000.00 of my money to hire two people to watch Red River Services and handle problems they were supposed to handle. I've got. Driving up and down the road, you were talking about the great service that people told you about yesterday. Well out in my area we've got trash lying up and down the road that nobody's touched and nobody will touch cause nobody lives there. The court has taken a lot of criticism over this debacle. I think most of it has been justified, although the local media deserves some share of the credit. We have lousy local media here. Both the print system and the televised system you never hear anything about the court or the political system down here til after the fact. There was an alleged quote by Commissioner Tamayo in yesterday's or the day before yesterday's paper. The commissioner and I don't always see eye to eye on everything, but I think she is a good commissioner. I think she is the best commissioner I've had. I look forward to her re-election. But this doesn't sound like something she would say. The quote is by R.F. Dan (inaudible) from Rio Hondo: 'My next door neighbor doesn't generate trash at their house. The precinct told me they will now.' That doesn't sound like something that Commissioner Tamayo would say. It doesn't make any sense. Last comment would be that on the future in projects you would find a committee not of friends, lawyers and yes people, but people with common sense that can think details through, anticipate problems, resolve them rather than rough shadows above them, and as I told Mrs. Tamayo, the devil is in the details. And there's always been something that kind of stunk about this. And after listening to BFI today, the stink comes from the appearance at least of conflict of interest of two people on your team. They may not have had a conflict of interest. They may not have thought they had a conflict of interest. But the appearance was there to the public. And that appearance is the whole issue. I appreciate your time."

Judge Hinojosa – "Thank you, Sir."

The forms are as follows:

ACTION ITEMS

(11) CONSIDERATION AND POSSIBLE ADOPTION OF AMENDED ORDER FOR THE PROVISION OF SOLID WASTE SERVICES. (RB-CIVIL)

Judge Hinojosa stated that there was much misinformation regarding the provision of solid waste services. He stated that the county held three public hearings in Brownsville, Harlingen and San Benito, that at least ten public meetings were held on the matter and discussed the service throughout the past two years. Judge Hinojosa stated that Commissioners Benavides, Garza, Tamayo and he requested a countywide referendum for voters to decide if they wanted a solid waste collection system in Cameron County, but the Attorney General said it would be illegal for the county to do this. He explained that consultants were hired to tell the county how to implement the service, and that residents of cities where garbage collection services are provided must go under the collection program set up by that city instead of hiring its own company, noting that the county was advised of this by its consultant. Judge Hinojosa noted that the county followed a process to implement the service and studied the program for two years. He stated that the county was allowing residents to continue under their present contract; however, once the contracts expire they must commence services with the company hired by Cameron County to do the waste collection services. Judge Hinojosa stated that the county has taken many calls from people, some of whom claim not to remember signing a contract, and others that are being told that they would be held to a five year contract for waste collection services, reported to the credit bureau and/or sue. He explained that the county was trying hard to do something to deal with a very serious issue. Judge Hinojosa stated that only one negative comment was presented in all public hearings. He explained that in setting up a rural trash collection program you try to set it with one company to have a uniformed system of collections—household trash collection, brush pick-up, and illegal dumping of large items and that the county has a Solid Waste Division to oversee this program, noting that the county was not trying to waste tax payers money but rather trying to ensure that constituents get the best service. Judge Hinojosa stated that the service might not be the perfect nor the situation that residents like best, but it was the best the county could come up under the circumstance and it was done with the best intentions. He stated that he realizes that the residents have a problem with the program, yet the county really tried to implement the program by following the right process while taking politics completely out of it to ensure that residents got the best service possible. Judge Hinojosa apologized if the program was not done as residents wanted and stated that the county would continue to work on the program until it can get to the best possible way that it can become. He stated that

the county had the option to implement the program or to do nothing and that if nothing was done then present problems would continue in Cameron County and this option was not acceptable.

Commissioner Garza commented that the court's meetings were aired to the public every Thursday at 10:00 P.M. on Channel 60, and that discussions have been held for well over two years. He hoped that the money was not being misspent because people are not watching the meetings, and recommended that the public take advantage of the mediums used by the court to inform them.

Mr. Jack Gibson, Arroyo City resident, expressed concern with the media not publishing the Commissioners' Court Agendas and with its lousy job. He stated that what the court tried to do was admirable and needed to be done, yet the court got bad advice.

Commissioner Wood stated that none of the companies doing independent contracting were doing brush collection in rural areas, and that many things must be worked out.

Judge Hinojosa stated that 95% of phone calls being received were positive.

Mr. Gibson expressed concern with getting different information on a daily basis.

Judge Hinojosa explained that Cameron County was the third county to implement a solid waste collection system and that Nueces and El Paso Counties have exclusive contracts for rural trash collections with one company, noting that the company complaining the most has an exclusive contract with El Paso County.

NOTE: JUDGE HINOJOSA STEPPED OUT AT THIS TIME.

Commissioner Benavides stated that the company could be changed in the future if it does not do a good job.

Mr. John Whelan, Arroyo City resident, stated that a mail out notice would have been much better.

PRESENTATIONS

- (3) PRESENTATION BY THE U.S. FISH & WILDLIFE SERVICE OF REVENUE SHARING CHECK IN THE AMOUNT OF \$125,483.00. (CS-U.S. FISH & WILDLIFE)**
- (4) PRESENTATION BY CRAIG LANDGRAF, UNIT DIRECTOR H.E.BUTT TOURNAMENT OF CHAMPIONS, FOR A DONATION OF \$2,500.00 TOWARD THE LAGUNA HEIGHTS RECREATIONAL PARK. (JM-PARK SYSTEM)**

Mr. Sonny Perez, U.S. Fish & Wildlife Representative, informed that the County Treasurer had the check and that a form was done to submit revenues to the county via direct deposit from now on. He commended Judge Hinojosa and the county for its efforts and contributions to the Bahia Grande Project.

Mr. Craig Landgraf, Unit Director H.E. Butt Tournament of Champions, presented a check in the amount of \$2,500.00 for expansion of the pavilion, the trail, and for the restrooms in the Laguna Heights Recreational Park.

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the presentation by the U.S. Fish & Wildlife Service of revenue sharing check in the amount of \$125,483.00 and donation by Craig Landgraf, Unit Director H.E. Butt Tournament of Champions, in the amount of \$2,500.00, towards the Laguna Heights Recreational Park were accepted.

The Checks are as follow:

(2) **PRESENTATION ON UPDATE OF SOUTH PADRE ISLAND BIRDING AND NATURE CENTER. (RF-SPI EDC)**

Mr. Richard Franke, President of EDC, reported that the Birding Center has evolved since last presented to the court, and that the facility would be a two story building with a five story tower on it. He highlighted the floor plan and the exhibit area that would be educational and interactive.

Commissioner Garza questioned the size of the facility being contemplated.

Mr. Franke responded that the building would be 4,500 square feet.

Mr. Pete Moore, EDC Board Member, informed that the project would be done in cooperation with the World Birding Center. He stated that the center was to be one of nine in the valley and was expected to be a premier site that would bring economic benefits to Cameron County.

Mr. Franke reported that construction was expected to commence within a year and that the property immediately south of the site was purchased, that being 7½ acres.

Commissioner Tamayo suggested that Mr. Moore elaborate on the financing of the project.

Mr. Franke stated that \$1 million were acquired from the Texas Parks & Wildlife for the Birding & Nature Center, which was anticipated to cost a total of \$6 million, half for the exhibit center and half for the buildings, thus they would propose to work on the building and later on the exhibits as funding was made available. He informed that a fundraiser was started, that \$50,000.00 in private contributions were raised, that additional support would be requested from businesses and that grants would be pursued.

Mr. Moore added that the voters of South Padre Island would be asked to allow that Hotel/Motel Monies be used to towards the project.

Commissioner Garza asked if the proposed building site was on the acquired property versus being on county property as initially planned.

NOTE: COMMISSIONER TAMAYO STEPPED OUT AT THIS TIME.

Mr. Franke explained that the plans include three buildings, the second phase of the project to be built on county property, and that the entrance would be on EDC property. He stated that the idea was to conserve county property and use it for commercial buildings that generate revenue as requested by the county. Mr. Franke stated that they would continue to keep the county up to date on the project.

Commissioner Garza requested that the brochure make mention of Cameron County because of the existing partnership.

The Report is as follows:

(6) APPROVAL OF CLAIMS.

Commissioner Wood moved that the Claims be approved as presented.

The motion was seconded by Judge Pro-tem Benavides and carried as follows:

AYE: Judge Pro-tem Benavides and Commissioner Wood

NAY: None

ABSTAIN: Commissioner Garza as to Warrant No. 00142233, payable to The Medicine Shoppe, in the amount of \$1,060.96.

The Affidavit and claims are as follow:

(12) **CONSIDERATION AND ADOPTION OF A RESOLUTION APPROVING THE CONSTRUCTION OF A TROPICAL TEXAS FOR MENTAL HEALTH AND MENTAL RETARDATION-OWNED FACILITY IN BROWNSVILLE AND THE USE OF THE MATCHING PORTION OF THE COUNTY REQUIRED LOCAL MATCHING CONTRIBUTION TOWARD THE COST TO CONSTRUCT THE BROWNSVILLE FACILITY. (TC-TTMHMR)**

NOTE: COMMISSIONER TAMAYO RETURNED AT THIS TIME.

Mr. Terry Crocker, Tropical Texas for MHMR CEO, informed that they were proposing to build a new building in Brownsville and requested that the Court adopt a resolution to allow use of a portion of local funds received from the county towards the project, totaling \$136.17 per month. He clarified that no increase to the amount was being requested.

Commissioner Garza moved that the Resolution approving the construction of a Tropical Texas for Mental Health and Mental Retardation-Owned Facility in Brownsville and the use of the matching portion of the county required local matching contribution towards the cost to construct the Brownsville facility.

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

AYE: Judge Pro-tem Benavides and Commissioners Garza and Tamayo

NAY: None

ABSTAIN: Commissioner Wood

The Resolution and Affidavit are as follow:

EXECUTIVE SESSION

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the

Court met in Executive Session at 10:59 A.M. to discuss the following matters:

(32) EXECUTIVE SESSION:

- A. Confer with Commissioners' Court Legal Counsel concerning the case styled Cameron County versus Faulkner, USA, formerly known as Landmark; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.071(1) (A) & (2);
- B. Confer with Commissioners' Court Legal Counsel concerning issues regarding the Cameron County Detention Centers and the Cameron County Sheriff's Administration Building; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.071(2);
- C. Deliberation regarding Real Property concerning acquisition of Parcel 141, for Primera Road Project in the Primera, Precinct No. 4 area; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.072;
- D. Confer with Commissioners' Court Legal Counsel concerning protest by BFI Waste Services of Texas, LP, 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(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 the case styled Cameron County versus BFI Waste Collection, et. al, Cause No. 2005-07-3905-A, for discussion of case status and settlement authority; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.071 (A) & (B);
- G. Confer with Commissioners' Court Legal Counsel concerning issues relating to the possible acquisition of Real Property for the Dancy Building Renovation Project; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.072.

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the

Court reconvened into Regular Session at 12:15 P.M. to discuss the following matters:

NOTE: JUDGE HINOJOSA RETURNED AT THIS TIME.

(33) ACTION RELATIVE TO EXECUTIVE SESSION:

- A. Confer with Commissioners' Court Legal Counsel concerning the case styled Cameron County versus Faulkner, USA, formerly known as Landmark.**
- B. Confer with Commissioners' Court Legal Counsel concerning issues regarding the Cameron County Detention Centers and the Cameron County Sheriff's Administration Building.**

Commissioner Garza moved that Legal Counsel be authorized to act as discussed in Executive Session.

The motion was seconded by Commissioner Tamayo and carried unanimously.

C. Deliberation regarding Real Property concerning acquisition of Parcel 141, for Primera Road Project in the Primera, Precinct No. 4 area.

Upon motion by Commissioner Wood, seconded by Commissioner Benavides and carried unanimously, the purchase of Parcel 141, for Primera Road Project in Primera, Precinct No. 4 area at a cost of \$783.00 was authorized, and Project Road Map was designated as funding source.

D. In the matter regarding confer with Commissioners' Court Legal Counsel concerning protest by BFI Waste Services of Texas, LP, 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. (TABLED)

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

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

Commissioner Garza moved that the purchase of properties in the amount of \$13,200.00 be authorized.

The motion was seconded by Commissioner Tamayo and carried unanimously.

F. Confer with Commissioners' Court Legal Counsel concerning the case styled Cameron County versus BFI Waste Collection, et. al, Cause No. 2005-07-3905-A, for discussion of case status and settlement authority.

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

G. Confer with Commissioners' Court Legal Counsel concerning issues relating to the possible acquisition of Real Property for the Dancy Building Renovation Project.

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

The motion was seconded by Commissioner Tamayo and carried unanimously.

**(5) 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:

**(7) APPROVAL OF MINUTES FOR:
A. MAY 10, 2005-REGULAR MEETING**

Commissioner Wood moved that the Minutes of the Regular Meeting held on May 10, 2005, be approved.

The motion was seconded by Commissioner Tamayo and carried unanimously.

**(8) DISCUSSION AND POSSIBLE ACTION ON
SCHEDULING USE OF BRUSH TRUCKS. (DG-COMM.
PCT. 3)**

Commissioner Garza asked what the county's position was with regards to brush pick-up.

Mr. Esteban Bazan, Public Works Director, responded that the brush truck was presently in Brownsville and moved throughout the county as needed.

Commissioner Wood commented that the truck was in Harlingen last Wednesday and asked when it had been returned.

Mr. Bazan responded that the truck was returned after being used for two days.

Commissioner Garza explained that the matter was on the agenda because he saw the truck in San Benito for needed repairs. He asked if the county was still doing brush pick-up.

Mr. Bazan responded in the affirmative.

Commissioner Garza commented that brush pick-up has not been done in Precinct No. 3. He stated that Commissioner Tamayo and he have discussed using the brush truck occasionally, and that it has not been used in Precinct No. 3 in the past year.

Commissioner Tamayo stated that the truck was used in Precinct No. 4 because a call was made. She stated that a schedule was prepared and presented to the commissioners.

Mr. Bazan stated that the schedule originally started to have the truck in each precinct for one week did not work out.

Judge Hinojosa recommended that a schedule be prepared to keep the truck at each precinct for one week and then placed on a rotating basis and that upon another truck being purchased that both trucks be rotated.

Commissioner Tamayo suggested that the equipment be inspected prior to being rotated.

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the Public Works Director was instructed to develop a rotating schedule that allows the brush truck to be rotated on a weekly basis throughout the four precincts.

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

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

(10) IN THE MATTER REGARDING DISCUSSION AND APPROVAL OF ORDER INSTITUTING A CIVIL SERVICE SYSTEM FOR CAMERON COUNTY, TEXAS. (RB-CIVIL)

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

(11) CONSIDERATION AND POSSIBLE ADOPTION OF AMENDED ORDER FOR THE PROVISION OF SOLID WASTE SERVICES. (RB-CIVIL)

Commissioner Benavides moved that the Order for the Provision of Solid Waste Service be adopted.

The motion was seconded by Commissioner Tamayo and carried unanimously.

The Order is as follows:

(13) CONSIDERATION AND POSSIBLE AUTHORIZATION TO EXECUTE A MUTUAL AID AGREEMENT BETWEEN CAMERON COUNTY AND WILLACY COUNTY FOR THE PURPOSE OF ALLOCATING LAW ENFORCEMENT AND OTHER PUBLIC SAFETY SERVICES DURING EMERGENCIES. (JM-PARK SYSTEM)

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the Mutual Aid Agreement between Cameron County and Willacy County was approved for the purpose of allocating Law Enforcement and other Public Safety Services during emergencies, inclusive of the following language: “Willacy county is acknowledging a constant state of emergency in those areas and that this was why Cameron County was responding as the initial responders.”

The Agreement is as follows:

(14) DISCUSSION AND POSSIBLE ACTION REGARDING THE EXPANSION OF THE VETERANS INTERNATIONAL BRIDGE AT LOS TOMATES. (PS-DEPT. OF TRANSPORTATION)

Judge Hinojosa asked if the project would be built to where an expansion could connect in the future.

Mr. Pete Sepulveda, Department of Transportation Director, presented three options prepared in-house. He explained that Option 2 and 3 do not require a Presidential Permit because the existing permit allows the county to do the expansion, that the same might not require approval from IBWC because they are not going to the middle of the river and that amendment to the license agreement might be needed. Mr. Sepulveda explained that the county would need to select an engineering firm to do the design and engineering or obtain RFQ upon going with doing Option 2 or 3. He added that the County Auditor and he briefly talked about possible financing options for the project in order to later bid out and construct.

Mr. Mark Yates, County Auditor, clarified that funds for this project were not included in any financing, and requested that the court approve a reimbursement order that allows for preliminary costs to be covered in any financing, adding that only \$500,000.00 were included in a financing for additional truck lanes.

Judge Hinojosa noted the need to do everything right the first time because the county eventually wants to build a whole span even if it takes a little longer, adding that this way the county can spend less money.

Commissioner Garza encouraged Mr. Sepulveda to look at all of Option 1.

Commissioner Garza moved that Mr. Pete Sepulveda, Department of Transportation Director, be authorized to proceed to start the process of doing necessary work to go towards an expansion of the International Bridge at Los Tomates.

The motion was seconded by Commissioner Wood and carried unanimously.

The Report is as follows:

(15) IN THE MATTER REGARDING CONSIDERATION AND APPROVAL OF PURCHASE OF COMPUTER EQUIPMENT, NECESSARY SOFTWARE AND/OR HARDWARE REQUIRED BY THE SOLID WASTE DIVISION OF THE CAMERON COUNTY TRANSPORTATION DEPARTMENT. (PS-DEPT. OF TRANSPORTATION) (TABLED)

Judge Hinojosa explained that his staff has concerns with regards to the capacity of the software available and noted the need to meet and reach a consensus promptly due to time constraints.

Mr. Pete Sepulveda, Department of Transportation Director, stated that a definite recommendation would be presented by next week. He commented that he met with the County Auditor and would meet with the Tax Assessor/Collector and that they would most likely be able to do the billing in-house.

Judge Hinojosa stated that having needed software and hardware was high priority.

Mr. Mark Yates, County Auditor, noted the need to ensure that double billing does not take place.

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

(16) CONSIDERATION AND APPROVAL TO REQUEST BIDS FOR THE CONSTRUCTION OF THE PORT ISABEL ANNEX BUILDING. (PS-DEPT. OF TRANSPORTATION)

Commissioner Garza moved that the Request for Bids for construction of the Port Isabel Annex Building be approved.

The motion was seconded by Commissioner Benavides and carried unanimously.

NOTE: JUDGE HINOJOSA LEFT AT THIS TIME.

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. 31-g: Commissioner Garza questioned the number of employees to travel.

Mrs. Yvette Salinas, Department of Health and Human Services, recommended that sixteen employees travel to attend the drill that would assist in providing treatment for about 600,000 people within forty-hours, adding that the travel would be grant funded. She stated that the training was very short notice and that it was unknown if the training would be available in the future. Mrs. Salinas stated that Dr. Gonzalez, Sheriff's Department staff and she were included in the sixteen employees to travel. She clarified that the drill was a State exercise sponsored by the Texas Department of Health and Human Services.

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

The motion was seconded by Commissioner Wood and carried unanimously.

- (17) **APPROVAL OF BUSINESS WEB BANKING EMPLOYEE FORM WITH FIRST NATIONAL BANK FOR COUNTY AUDITOR'S OFFICE EMPLOYEE. (EG-TREASURER)**

The Form follows:

- (18) **AUTHORIZATION TO PUBLISH PUBLIC NOTICES AS REQUIRED WITHIN THE TIME REQUIREMENTS AND FORMAT AS STATED IN THE PROPERTY TAX CODE FOR THE SETTING OF THE FISCAL YEAR 2006 TAX RATE. (XV-BUDGET OFFICER)**

- (19) **ADOPTION OF A RESOLUTION RECOGNIZING THE RODRIGUEZ FAMILY FOR THEIR MANY CONTRIBUTIONS TO THE COMMUNITY AND FOR THEIR ACHIEVEMENTS IN AGRICULTURE. (COMM. COURT)**

The Resolution follows:

- (20) **APPROVAL OF A NON-FINANCIAL COOPERATIVE AGREEMENT BETWEEN CAMERON COUNTY (CONSTABLES' OFFICES) AND CAMERON WORKS. (COMM. COURT)**

The Agreement follows:

- (21) **CONSENT TO PURCHASE COMPUTERS AND LICENSE'S FOR THE ADULT PROBATION DEPARTMENT FUND NO. 920-5765-6096 UTILIZING STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES INTER-LOCAL COOPERATIVE PURCHASING AGREEMENT CONTRACTS. (RS-ADULT PROBATION)**

- (22) **APPROVAL OF JUSTICE ASSISTANCE GRANT (JAG) AWARD FROM THE DEPARTMENT OF JUSTICE BUREAU OF JUSTICE ASSISTANCE FOR CAMERON COUNTY AND CITY OF BROWNSVILLE. (FB-PD & M)**

The Resolution follows:

- (23) **APPROVAL TO AMEND CONTRACT BETWEEN THE CAMERON COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE DEPARTMENT OF STATE HEALTH SERVICES FOR CHILDREN WITH SPECIAL HEALTH CARE NEEDS FY05 BUDGET. (YS-HEALTH DEPT.)**

The Amendment follows:

- (24) **AUTHORIZATION TO EXECUTE A SUBRECIPIENT COASTAL IMPACT ASSISTANCE PROGRAM (CIAP) AGREEMENT BETWEEN CAMERON COUNTY (PARKS AND RECREATION) AND TEXAS GENERAL LAND OFFICE TO CONSTRUCT THE RESTROOMS AND PARK PAVILION AT THE LAGUNA HEIGHTS REGIONAL PARK. (JM-PARK SYSTEM)**
The Agreement follows:
- (25) **AUTHORIZATION TO ENTER INTO A BEACH CLEANING AND MAINTENANCE AGREEMENT WITH THE TEXAS GENERAL LAND OFFICE FOR THE STATE FINANCIAL ASSISTANCE FOR FISCAL YEAR 2006. (PS-DEPT. OF TRANSPORTATION)**
The Agreement follows:
- (26) **AUTHORIZATION TO INITIATE THE DRAWING PROCESS ON LETTER OF CREDIT FOR SAN CARLOS SOUTH SUBDIVISION, PRECINCT NO. 3, FOR UNBUILT SEPTIC SYSTEMS. (PS-DEPT. OF TRANSPORTATION)**
- (27) **AUTHORIZATION TO INITIATE THE DRAWING PROCESS ON LETTER OF CREDIT FOR PEDERSON BROTHERS NO. 4 SUBDIVISION, PRECINCT NO. 4, FOR UNBUILT SEPTIC SYSTEMS. (PS-DEPT. OF TRANSPORTATION)**
- (28) **AUTHORIZATION TO INITIATE THE DRAWING PROCESS ON LETTER OF CREDIT FOR HACIENDA DEL NORTE SECTION IV SUBDIVISION, PRECINCT NO. 2, FOR UNBUILT SEPTIC SYSTEMS. (PS-DEPT. OF TRANSPORTATION)**
- (29) **AUTHORIZATION TO INITIATE THE DRAWING PROCESS ON LETTER OF CREDIT FOR HACIENDA DEL NORTE SECTION III SUBDIVISION, PRECINCT NO. 2, FOR UNBUILT SEPTIC SYSTEMS. (PS-DEPT. OF TRANSPORTATION)**
- (30) **AUTHORIZATION TO ACCEPT CITRUS DRIVE AND ORANGE DRIVE LOCATED IN THE SUN VALLEY RETIREMENT VILLAGE, PRECINCT NO. 4, AS RECORDED IN VOL. 31, PAGE 35 OF THE CAMERON COUNTY MAP RECORDS, CAMERON COUNTY, TEXAS AND TANGELO DRIVE AND ORANGE DRIVE LOCATED IN THE SUN VALLEY RETIREMENT VILLAGE NO. 2 SUBDIVISION, PRECINCT NO. 4, AS RECORDED IN VOL. 32, PAGE 20 OF THE CAMERON COUNTY MAP RECORDS, CAMERON COUNTY, TEXAS INTO THE COUNTY ROAD SYSTEM. (PS-DEPT. OF TRANSPORTATION)**

TRAVEL ITEMS

- (31) **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's Office employees (2) to attend the "7th Annual Texas Environmental Superconference," in Austin, Texas, August 4-5, 2005;
 - B. District Attorney and employees (9) to attend the "TDCAA's Legislative Update Seminar," in Edinburg, Texas, August 26, 2005;
 - C. District Attorney's Office employee to attend the "Career Track's the Outstanding Receptionists Seminar," in McAllen, Texas, August 22, 2005;
 - D. District Attorney's Office employee to attend the "Dallas Children's Advocacy Center's 17th Annual Crimes Against Children Conference," in Dallas, Texas, August 15-18, 2005;
 - E. Commissioner Precinct No. 2 to attend the "FHWA Border Finance Conference," in San Antonio, Texas, August 16-18, 2005;

- F. Department of Health and Human Services Clinic Supervisors (2) and Breastfeeding Peer Counselors (2) to attend a "Level 4 Breastfeeding Class: Clinical Assessment of Lactation and Policies," in Houston, Texas, August 7-9, 2005;
 - G. Department of Health and Human Services employees (16) to participate in a "State-Wide Full-Scale Strategic National Stockpile (SNS) Exercise," in Dallas/Fort Worth, Texas and surrounding areas, August 7-9, 2005;
 - H. Department of Health and Human Services employees (8) to attend the "South Texas Social Workers Society Conference," in Corpus Christi, Texas, August 17-19, 2005;
 - I. County Judge's Office employee to attend the "Post-Legislative Conference," in Austin, Texas, August 7-10, 2005;
 - J. Constable Precinct No. 5 Deputies (5) to attend the "Legislative Update Workshops," in McAllen, Texas, August 16, 2005;
 - K. Sheriff's Department employees (3) to attend "Workplace Violence & Defensive Tactics," in Corpus Christi, Texas, August 24-26, 2005;
 - L. Sheriff's Department employees (2) to attend the "2005 Save a Life Summit," in Austin, Texas, September 11-14, 2005;
 - M. Justice of the Peace Precinct No. 2, Place No. 1, and employee to attend the "New Legislative Update Workshop," in Corpus Christi, Texas, August 4, 2005;
 - N. Justice of the Peace Precinct No. 2, Place No. 1 employees (2) to attend the "New Legislative Update Workshop" in McAllen, Texas, August 16, 2005;
 - O. Drug Enforcement Task Force employee to attend the "Basic CLE Narcotic School," in Austin, Texas, August 7-26, 2005;
 - P. Constable Precinct No. 4, Constable Precinct No. 4 Deputy, Constable Precinct No. 2 and Constable Precinct No. 2 Deputies (2) to attend the "Manufactured Housing Evictions," in Corpus Christi, Texas, April 25-26, 2005;
 - Q. Sheriff Department employees (2) to attend the "Commission of Jail Standards Meeting," in Austin, Texas, August 3-4, 2005;
 - R. County Extension Agents (2) to attend the "District 11 Accountability Training," in Victoria, Texas, August 11, 2005; and
 - S. Juvenile Probation employee to attend the "Strom Thurmond Boys & Girls Leadership Institute's Advance Certificate Program for Management Professionals," in Clemson, South Carolina, August 6-12, 2005.
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- (17) **APPROVAL OF BUSINESS WEB BANKING EMPLOYEE FORM WITH FIRST NATIONAL BANK FOR COUNTY AUDITOR'S OFFICE EMPLOYEE. (EG-TREASURER)**
The Form follows:

- (19) **ADOPTION OF A RESOLUTION RECOGNIZING THE RODRIGUEZ FAMILY FOR THEIR MANY CONTRIBUTIONS TO THE COMMUNITY AND FOR THEIR ACHIEVEMENTS IN AGRICULTURE. (COMM. COURT)**
The Resolution follows:

- (20) **APPROVAL OF A NON-FINANCIAL COOPERATIVE AGREEMENT BETWEEN CAMERON COUNTY (CONSTABLES' OFFICES) AND CAMERON WORKS. (COMM. COURT)**
The Agreement follows:

- (22) **APPROVAL OF JUSTICE ASSISTANCE GRANT (JAG) AWARD FROM THE DEPARTMENT OF JUSTICE BUREAU OF JUSTICE ASSISTANCE FOR CAMERON COUNTY AND CITY OF BROWNSVILLE. (FB-PD & M)**
The Resolution follows:

- (23) **APPROVAL TO AMEND CONTRACT BETWEEN THE CAMERON COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE DEPARTMENT OF STATE HEALTH SERVICES FOR CHILDREN WITH SPECIAL HEALTH CARE NEEDS FY05 BUDGET. (YS-HEALTH DEPT.)**
The Amendment follows:

- (24) **AUTHORIZATION TO EXECUTE A SUBRECIPIENT COASTAL IMPACT ASSISTANCE PROGRAM (CIAP) AGREEMENT BETWEEN CAMERON COUNTY (PARKS AND RECREATION) AND TEXAS GENERAL LAND OFFICE TO CONSTRUCT THE RESTROOMS AND PARK PAVILION AT THE LAGUNA HEIGHTS REGIONAL PARK. (JM-PARK SYSTEM)**
The Agreement follows:

- (25) AUTHORIZATION TO ENTER INTO A BEACH CLEANING AND MAINTENANCE AGREEMENT WITH THE TEXAS GENERAL LAND OFFICE FOR THE STATE FINANCIAL ASSISTANCE FOR FISCAL YEAR 2006. (PS-DEPT. OF TRANSPORTATION)**
The Agreement follows:

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 12:10 P.M.

APPROVED this 22nd day of **NOVEMBER 2005**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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