

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 30th 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:

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The meeting was called to order by Judge Hinojosa at 9:55 A.M. He then 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 August 26, 2005, at 4:36 P.M.:

(1) **PUBLIC COMMENTS**

None was presented.

PRESENTATIONS

(2) **PRESENTATION OF CAMERON COUNTY
HISTORICAL COMMISSION'S 2004 ANNUAL
REPORT. (EM-HISTORICAL COMM.)**

Mr. Edward Meza, Historical Commission, presented and highlighted the Cameron County Historical Commission's 2004 Annual Report.

Upon motion by Commissioner Tamayo, seconded by Commissioner Wood and carried unanimously, the Cameron County Historical Commission's 2004 Annual Report was acknowledged.

The Report is as follows:

(14) CONSIDERATION AND AUTHORIZATION TO HOLD A PUBLIC HEARING REGARDING THE TAX RATE FOR 2005-2006 FISCAL YEAR. (XV-BUDGET OFFICER)

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the Public Hearing regarding the Tax Rate for 2005-2006 Fiscal Year was opened for public comment.

Mr. Xavier Villarreal, Budget Officer, reported that the court voted to hold public hearings today and on September 6, 2005, and to advertise the .358191 tax rate being consider for adoption at on August 21, 2005, noting that the actual vote to set the tax rate was scheduled for September 20, 2005.

Judge Hinojosa asked if anyone wished to speak on the tax rate. He explained that at this time the county was unable to implement that tax freeze for those sixty five or older.

Mr. Dagoberto Barrera, County resident, stated that Proposition 13 was approved by 85% of Texas voters to authorize local government to freeze tax rates for the elderly. He added that the City of Brownsville, UTB/TSC and over 78 counties have passed the tax rate freeze for elderly on fixed incomes.

Judge Hinojosa indicated that the court agrees that the tax rate freeze must be done and commented that the county might be able to approve the freeze for the next fiscal year.

Upon motion by Commissioner Tamayo, seconded by Commissioner Benavides and carried unanimously, the Public Hearing regarding the Tax Rate for 2005-2006 Fiscal Year was closed.

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

Mr. Remi Garza, County Administrative Assistant, reported that 85% of the employees expressed support for implementation of the Civil Service System, 12% requested additional information and 3% expressed opposition.

Commissioner Garza asked if the exclusions would be listed.

Judge Hinojosa responded that the exclusions were set by law, and explained his understanding to be that the county was not excluding anyone allowed to have it by law.

Mrs. Dylbia L. Jeffries, Contract Attorney, stated that no exclusions were being made at this time; however, the court was able to exclude employees.

Commissioner Garza requested clarification as to who the employees that may be excluded.

Judge Hinojosa asked if the exclusion were set by law or if the court must adopt the order excluding of certain employees.

Mr. Richard O. Burst, Commissioners' Court Chief Legal Counsel, responded that "neither, by operation of law the only exclusions are the judges, reporters, the DA's Office, the elected officials and the constitutionally appointed officials. To exclude, there are others that need to be excluded, if we follow the format of Nueces County, there is a proviso in the orders that you're authorized.... In the order that's before you there's a proviso that the commissioners you appoint will by a certain date establish rules of commission. If we adopt that part of Nueces County, they have in there that the commission can come to commissioners' court to ask for additional people to be excluded."

Judge Hinojosa asked if the court would make the decision.

Mr. Burst responded in the affirmative.

Commissioner Garza asked if the commission would present recommendation that requires court approval.

Mr. Burst clarified that the by law the commission does not have to go before the court for approval, unless the format of Nueces County was adopted. He stated that there was nothing in the statutes that prohibits the court from adopting an order that permits a process for exclusion of employees or exclusion of employees themselves.

Judge Hinojosa asked if the following language could be added to the order: "the civil service commission shall prior to the adoption of rules submit recommendations to the Cameron County Commissioners' Court for the adoption of an order exempting certain employees from the civil service requirements of the Cameron County Civil Service System."

Mr. Burst responded in the affirmative.

Commissioner Garza asked if this could be done by statute.

Mr. Burst responded in the affirmative.

Judge Hinojosa suggested that the language be added to the order as part of paragraph four.

Mr. Burst explained the difference to be that the court was giving flexibility as to which employees could be exempt rather than declaring at one time who is or is not exempt. He stated that the statute gives the commission the authority to do the exemptions.

Commissioner Garza asked if the court could legally exclude the commission from the authority to do the exemption.

Mr. Burst responded negatively and explained that statute specifically gives the commission the duty to define exemptions of county employees.

Commissioner Garza clarified that the civil service commission would be the one to exempt employees.

Judge Hinojosa suggested that Legal Counsel come back to the court with recommendations that meet the

needs on excluding certain employees.

Mr. Burst responded that he would do such attempt; however, it may be that this cannot be done unless the commission adopts the provisions of Nueces County.

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

(22) **CONSIDERATION AND AUTHORIZATION TO PROCEED WITH THE CONSTRUCTION DRAWINGS FOR THE CAMERON COUNTY HARLINGEN ANNEX BUILDING. (PS-DEPT. OF TRANSPORTATION)**

Judge Hinojosa clarified that the design was reviewed and approved by all corresponding departments.

Mr. Juan Monjica, GIGNAC & Associates, presented and highlighted the revised drawing prepared based on input from all departments. He clarified that all departments were content with the design and requested authorization to proceed.

Commissioner Wood suggested that a historical facade be considered instead of a modern look.

Judge Hinojosa agreed with Commissioner Wood's suggestion; however, he explained that identifying a theme for Cameron County would be difficult.

Commissioner Tamayo moved that the Project Architect be authorized to proceed with the construction drawings for the Cameron County Harlingen Annex Building.

The motion was seconded by Commissioner Garza and carried unanimously.

The Report is as follows:

- (27) **AUTHORIZATION TO OPEN THE FOLLOWING BIDS/RFP'S /RFQ FOR: (MF-PURCHASING)**
- A. **WATER DISTRIBUTION MATERIALS – BID NO. 050801**
 - B. **PORT ISABEL ANNEX CONSTRUCTION – BID NO. 050802**

Upon motion by Commissioner Benavides, seconded by Commissioner Wood and carried unanimously, the opening of Bids No. 050801 and No. 050802 was approved.

EXECUTIVE SESSION

Upon motion by Commissioner Tamayo, seconded by Commissioner Benavides and carried unanimously, the Court met in Executive Session at 10:39 A.M. to discuss the following matters:

(33) **EXECUTIVE SESSION:**

- E. 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);
- K. Deliberate the appointment of Richard O. Burst as Commissioners' Court Interim Chief Legal Counsel; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.074.

Upon motion by Commissioner Wood, seconded by Commissioner Garza and carried unanimously, the Court reconvened into Regular Session at 10:52 P.M. to discuss the following matters:

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

- K. **Deliberate the appointment of Richard O. Burst as Commissioners' Court Interim Chief Legal Counsel.**

Commissioner Benavides moved that the appointment of Richard O. Burst as Commissioners' Court Interim Chief Legal Counsel be approved.

The motion was seconded by Commissioner Garza and carried unanimously.

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

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the Status Report by Mr. Frank Bejarano, PD&M Director, Mr. Frank Yturria, County Resident, and Mr. Robert Ruiz, Project Architect, was acknowledged

(3) **PRESENTATION BY LINEBARGER GOGGAN BLAIR
& SAMPSON LAW FIRM REGARDING DELINQUENT
PROPERTY TAX REPORT. (COMM. COURT)**

Mr. Enrique Pena, Linebarger, Goggan, Blair & Sampson Law Firm, presented and highlighted the Delinquent Property Tax Report, inclusive of all collection efforts.

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the Presentation by Linebarger, Goggan, Blair & Sampson Law Firm regarding Delinquent Property Tax Report was acknowledged.

The Report is as follows:

**(4) PRESENTATION AND DISCUSSION CONCERNING
UNFOUNDED COMPLAINTS REGARDING SOLID
WASTE DISPOSAL PRACTICES BY CAMERON
COUNTY PARKS PERSONNEL AT ISLA BLANCA
PARK BEACHES. (JM-PARK SYSTEM)**

Mr. Javier Mendez, Parks & Recreations Department Director, informed that the media has reported heavily on this issue; however, TCEQ has visited the area on two occasions and has found no violations. He explained that an individual has claimed that the Parks System was burying its trash and that no trash was found upon the site being dug, thus a clearance was obtained from TCEQ. Mr. Mendez stated that a report would be presented by TCEQ and that the same would be forwarded to the court upon receipt.

Commissioner Garza requested that the report be distributed to the media.

Commissioner Tamayo moved that the discussion concerning unfounded complaints regarding solid waste disposal practices by Cameron County Park's personnel at Isla Blanca Park Beaches be acknowledged.

The motion was seconded by Commissioner Benavides and carried unanimously.

ACTION ITEMS

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

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

The Documents are as follow:

(6) APPROVAL OF CLAIMS.

Commissioner Tamayo moved that the Claims be approved.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Claims are as follow:

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- (7) **APPROVAL OF MINUTES FOR:**
A. **MAY 24, 2005-REGULAR MEETING**
B. **MAY 31, 2005-REGULAR MEETING**

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the Minutes of the Regular Meetings held May 24 and 31, 2005 were approved.

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- (9) **IN THE MATTER REGARDING CONSIDERATION AND POSSIBLE ACTION REGARDING COMPENSATION FOR OVERTIME TO CERTAIN STAFF DURING HURRICANE EMILY. (OL-SHERIFF) (TABLED)**

Judge Hinojosa stated that the sheriff requested that employees who do not qualify for overtime pay be compensated for time worked during the hurricane. He explained that the exemption could not be done only for Sheriff Department employees, but rather compensate all employees. Judge Hinojosa questioned the total cost to pay overtime to exempt employees.

Mr. Xavier Villarreal, Budget Officer, responded that he would have to obtain information from the Auditor's Office in order to determine the total cost.

Commissioner Wood suggested that the Budget Officer contact the individual departments because they sometimes keep their comp time in-house.

Mr. Remi Garza, County Administrative Assistant, commented that perhaps the departments did not keep work log since the employees were exempt.

Commissioner Garza questioned the number of exempt employees within the Sheriff's Department.

Mr. Gus Reyna, Chief Deputy, responded that eight employees were listed as exempt, and explained that the total hours applies to employees that have not been compensated.

Judge Hinojosa reiterated the need to approve this for all employees or to not approve it at all and to know the total cost.

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

(10) **CONSIDERATION AND ACTION TO CREATE TWO
(2) CLERICAL POSITIONS FOR THE CAMERON
COUNTY SHERIFF'S DEPARTMENT AND
DETENTION CENTERS (OL-SHERIFF)**

Mr. Gus Reyna, Chief Deputy, reported that the two positions to be assigned to the detention center were to be funded from the Commissary.

Commissioner Tamayo moved that the creation of two (2) clerical positions for the Cameron County Detention Centers be authorized, subject to availability of funds.

The motion was seconded by Commissioner Benavides and carried unanimously.

Mr. Mark Yates, County Auditor, explained that the sheriff must transfer the funds to General Fund from the Commissary.

The Salary Schedule is as follows:

(11) **CONSIDERATION AND POSSIBLE ACTION REGARDING THE DEFERRAL OF HEALTH INSURANCE PREMIUM CONTRIBUTIONS TO THE EMPLOYEE BENEFITS FUND. (COMM. COURT)**

Mr. Remi Garza, County Administrative Assistant, proposed that the court not transfer the premium contributions into the Employee Benefit Funds for the next three pay periods, as was done previously to make-up loss revenue from the federal inmates, and that said funds remain within the General Fund. He added that the funds could be moved if the reserves of the Employee Benefit Fund appear to be depleting as a result of numerous claims.

Judge Hinojosa asked what could be done with the savings.

Mr. Garza suggested that the funds be moved into the General Fund Reserves upon not being used at the end of the year. He clarified that the amount would total about \$600,000.00 from General Funds.

Commissioner Garza suggested that an actuary study be done if action of this sort would be considered.

Judge Hinojosa stated that an actuary study was not done last time that Employee Benefit Fund monies were used.

Commissioner Garza stated that the last use of Employee Benefit Fund monies was a “disaster mode” situation.

Commissioner Tamayo moved that the deferral of Health Insurance Premium Contributions to the Employee Benefits Fund be approved for the remaining pay periods within the fiscal year.

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

AYE: Commissioners Benavides, Wood, Tamayo and Judge Hinojosa

NAY: Commissioner Garza

Judge Hinojosa clarified that the understanding was that the money generated from the proposal would ultimately go into General Fund Reserves to deal issues raised in the past as a result of the loss of federal inmates.

Commissioner Garza commented that the county’s history of paying back loans from other funds has not been very good in the last five years.

Judge Hinojosa clarified that funds were not being borrowed.

Mr. Mark Yates, County Auditor, questioned the rate being transferred or if the entire payment was being deferred.

Judge Hinojosa clarified that the decision was just for three pay periods, that the contribution would go back to normal thereafter and that any further action would be decided at that time.

Mr. Garza suggested that the matter be placed on the agenda at the end of the fiscal year.

At this time there was a question regarding the total number of pay periods left.

Mr. Yates expressed concern with the Insurance Committee having not met to discuss the matter.

Judge Hinojosa stated that deferring payment for the three remaining pay periods will not affect the Health Insurance Fund based on the available information.

Mr. Yates noted the need for the Employee Benefit Fund to match the three month run off as rates increase. He stated that there were other ways to replenish the General Fund Reserve and that it would be nice for the Health Insurance Committee to meet to discuss the matter.

Commissioner Wood requested a list of option for the court to do this.

(12) CONSIDERATION AND ACTION TO CREATE A CLERICAL POSITION FOR THE CRIMINAL HEARING OFFICERS AND PURCHASE OF NECESSARY EQUIPMENT. (COMM. COURT)

Mr. Remi Garza, County Administrative Assistant, informed of the need to provide a clerk position at the jail to assist the Hearing Officer and that the job description had been drafted based on that of the Justices of the Peace clerk position.

Judge Hinojosa stated his understanding to be that said position had been created and asked where it was.

Mr. Garza responded that the position was created and was now under the District Clerk's Office. He explained that the position was created as a District Clerk's position and placed at the jail to serve the overall system. Mr. Garza added that the individual in the District Clerk's position was working with the District Attorney's Office to establish case numbers for complaints filed base on information. He stated that there has been a bottle neck in the District Clerk's Office because of the new way of placing charges on individuals, which were not getting the information they needed, and thus the District Clerk and the District Attorney decided that the position would serve in this capacity to ensure that the information is processed. Mr. Garza stated that having the two distinct positions was necessary and that the Hearing Officer would be the supervisor of the position.

Judge Hinojosa expressed concern with the position being moved to the District Clerk's Office to deal with the system of filing cases when it was created to assist the Justices of the Peace, adding that he would have like to have known. He asked why another slot was needed when the same number of cases was being processed.

Mr. Garza explained that the District Attorney's Office was moving towards remapping the process and that the filing of information was merely one step in that. He added that previously the District Clerk's Office only

dealt with indictments on certain days of the week and the employees had other duties on other days; however, the workload was increasing because the information was being processed on a daily basis.

Commissioner Garza questioned why resources could not be allocated from existing staff.

Mr. Garza stated that the change was based a calendar of events although the number of cases may have remained the same. He stated that at the time the Justices of the Peace attended Carrizalez-Rucker Detention Center, they brought their staff and got assistance from the Sheriff's Department. Mr. Garza added that the clerk position went to the District Clerk's Office upon Judge Torres leaving because otherwise it would not have been fully utilized today.

Judge Hinojosa expressed support for the process being implemented by the District Attorney's Office because it ultimately provides monetary savings to the county; however, he noted the need to understand how this works in terms of the extra expenses being incurred. He clarified that only two Hearing Officers would be funded contrary to what a newspaper article reads. Judge Hinojosa questioned the reason for the loss of the slot to the District Clerk's Office. He stated that the court would approve the District Clerk slot today because the slot for the Hearing Officer was previously approved and requested that someone explain the reason for the position being needed within the District Clerk's Office, adding that the court would move forward on the matter upon being satisfied. Judge Hinojosa explained that in his opinion this position has already been approved and should be returned upon the Hearing Officers being appointed. He added that the Court must hear if there is problem the information in the District Clerk and if a slot is need for this. Judge Hinojosa suggested that the District Clerk Position be transferred to the Criminal Hearing Officer Court Clerk slot at the \$17,500.00 salary and that the District Clerk address the court if she wants the position to process the information.

Commissioner Garza asked where the position was being funded from and for what.

Mr. Xavier Villarreal, Budget Officer, responded that the budget for the permanent position was set at \$17,500.00 through the end of the fiscal year and explained that a position was included within the budget for the same dollar amount since the Hearing Officer Positions were created.

Judge Hinojosa suggested that the individual hired in the District Clerk's Office assume this position to handle these duties.

Upon motion by Commissioner Garza, seconded by Commissioner Benavides and carried unanimously, the transferring of the Criminal Hearing Officer Clerk Position back to Carrizalez-Rucker Detention Center from the District Clerk's Office was authorized at a salary of \$17,500.00.

Judge Hinojosa clarified that the District Clerk must address the court upon she having a need for a position to process the information.

Mr. Garza informed that the sheriff took back the computer being used by the clerk previously.

Judge Hinojosa asked why the computer was taken, and requested that it be provided for the clerk until the equipment list is considered.

Mr. Gus Reyna, Chief Deputy, agreed.

(13) **DISCUSSION AND POSSIBLE ACTION REGARDING
THE FISCAL YEAR 2005-2006 BUDGET. (XV-
BUDGET OFFICER)**

Mr. Xavier Villarreal, Budget Officer, reported that everything was balanced within all funds except the General Fund and the Parks & Recreations Budget, adding that money was available for the 4% salary increase to county employees. He explained that there were two issues within the Parks & Recreations Department: first being the lack of funding for the 4% salary increase, totaling \$65,000.00, and the second being the need for approximately \$100,000.00 for continuation of the Learning Center Funded through the Meadows Grant Program plus a required match.

Judge Hinojosa commented that he suggested increasing the rental rates to pay for this and asked if a formula had been developed.

Mr. Javier Mendez, Parks & Recreations Department Director, presented two options for increasing the rental rates by either 10% or 15% based on actual numbers from last year.

Judge Hinojosa suggested that an 8% rate increase could be considered since it would generate sufficient revenue to funds the needs. He asked when the rates for the RV rentals were last increased.

Mr. Villarreal stated that the option pertain merely to the rental rates for the RVs.

Commissioner Garza asked if the proposals have been reviewed by the Park Advisory Board and suggested that this be done.

Mr. Mendez responded negatively. He explained that the fees have not been increased in the past three years, and that RV Parking is provided at county parks at half the cost.

Judge Hinojosa suggested that the Park Advisory Board be consulted on the possibility of increasing fees by 10% or 15% and that Mr. Mendez present recommendation.

Commissioner Garza asked if Mr. Mendez was requesting a new position.

Mr. Mendez responded that he was looking for more part-time employees and added that capital improvements were not included in the budget.

Judge Hinojosa reiterated his suggestion that Mr. Mendez present recommendations.

Mr. Villarreal reported that funding for acquisition of land for parks was not included within the budget nor was a dollar amount to consider.

Judge Hinojosa stated that a 15% fee increase would total about \$200,000.00 that could supply funds for the 4% salary increase and could be used to address other issues, noting that at the very least both the increase and the continuance of the learning centers could be accomplished.

Commissioner Garza asked what type of occupancy takes place at Isla Blanca Park, Andy Bowie Park and Thomae Park percentage wise.

Mr. Mendez responded that the Isla Blanca operates at 60% capacity, Andy Bowie at 40% and Thomae Park at 60% most of the year. He added that during the months of July, August, January and February the parks operate at 100% capacity.

Mr. Villarreal reported that he was still reviewing the individual budgets and was trying to find other sources to accomplish the 4% salary increase.

Judge Hinojosa commented that Commissioner Garza had suggested that departments could cut their budget to avoid having to increase the tolls for the salary increases.

Mr. Villarreal responded that a memo was sent out to the departments and was now awaiting response.

Judge Hinojosa indicated that action on the toll increase could be delayed until department determine if their budgets could be cut and if so then the total amount needed for the salary increases could decrease.

Commissioner Garza questioned the location of the \$1.5 million from the \$2.9 million the county had at the beginning of the budgetary process.

Mr. Villarreal explained that earlier in the process he provided the court a list of revenues and that \$1 million in revenues were lost when the process began, adding that some has been adjusted. He added that there have also been additional increases in various departments, totaling \$1.2 million, and thus the increase was absorbed by operation because of revenue loss and additional expenditures, such as the increases in fuel cost, insurance for the new facilities, utilities. Mr. Villarreal stated that the additional revenues were recognized and explained an issue to be the average population to be certified by the County Auditor.

Commissioner Garza asked the number the auditor was willing to certify.

Mr. Villarreal responded that said number was 300.

Mr. Mark Yates, County Auditor, stated that said number was a big caveat and that he was certifying revenues next week in an agenda item. He stated that there was an issue of removing inmates from Carrizalez-Rucker Detention Center for renovations which would greatly impact revenues and added that the sheriff has a plan already in place. He clarified that the total number of inmates he was presently certifying was 300. Mr. Yates questioned how the renovation process of Carrizalez-Rucker Detention Center would be undertaken with regards to supplementing the revenue for housing federal inmates.

Judge Hinojosa explained that renovations would take place and that the part of the settlement with Landmark and the settlements being negotiated with the sub-contractors include some of losses of revenue to be incurred during the renovations.

Mr. Yates noted the need to see a plan concerning the relocation of inmates during the renovation process.

Judge Hinojosa suggested that a meeting be held amongst his office, the attorney representing the county and the auditor to inform him on the matter.

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the discussion regarding the Fiscal Year 2005-2006 Budget was acknowledged.

The Report is as follows:

(19) CONSIDERATION AND AUTHORIZATION TO UPGRADE HEAVY EQUIPMENT MECHANIC POSITIONS WITHIN THE PUBLIC WORKS BUDGET. (PS-DEPT. OF TRANSPORTATION)

Mr. Pete Sepulveda, Department of Transportation Director, informed that this item impacts two positions, Slot No. 14 and Slot No. 64 on the salary schedules presented. He explained that the two positions pertain to Heavy Equipment Mechanic Position which decreased cost in repairs by about 25% and that both positions were supposed to get a salary increase upon getting favorable evaluation, yet this did not occur. Mr. Sepulveda informed that one position was set at \$20,500.00 and the other at \$21,000.00 and that both employees were doing a good job. He recommended that both positions be increased to \$23,000.00, noting that funds were available from within the Public Works Budget.

Commissioner Garza moved that the upgrade of \$23,000.00 for the Heavy Equipment Mechanic Positions within the Public Works Budget be approved.

The motion was seconded by Commissioner Wood.

Judge Hinojosa noted the need to review the structure of the department because the number two person was earning the salary of a mechanic.

Mr. Sepulveda agreed and indicated that he would review the structure and would meet with the individual foreman.

Upon motion by Commissioner Garza that the upgrade of \$23,000.00 for the Heavy Equipment Mechanic Positions within the Public Works Budget be approved.

The motion was seconded by Commissioner Wood and carried unanimously.

NOTE: JUDGE HINOJOSA LEFT THE MEETING AT THIS TIME.

(15) CONSIDERATION AND POSSIBLE APPROVAL OF CONSTRUCTION IMPROVEMENTS TO THE CAMERON COUNTY ANIMAL SHELTER. (YS-HEALTH)

Upon motion by Commissioner Garza, seconded by Commissioner Wood and carried unanimously, the Department of Health and Human Services and the Maintenance Department was authorized to get cost estimates for improvements to the Cameron County Animal Shelter, that being the addition of four kennels.

(16) **IN THE MATTER REGARDING CONSIDERATION AND POSSIBLE ACTION REGARDING INCREASE ON TOLL RATES AT CAMERON COUNTY INTERNATIONAL BRIDGES AND RENTAL RATES AT CAMERON COUNTY PARKS DEPARTMENT. (COMM. COURT) (TABLED)**

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

(17) **CONSIDERATION AND POSSIBLE ACTION TO SOLICIT REQUEST FOR PROPOSALS FOR THE CONTRACTING OF MANAGEMENT OF THE CAMERON COUNTY INDIGENT HEALTHCARE PROGRAM. (COMM. COURT)**

Mr. Mark Yates, County Auditor, requested authorization to solicit an RFP for a twelve month plan to have a twelve month program with regards to local and state resource because otherwise the county will run out of services unless services are scaled back. He stated that anyone submitting proposals must comply with guidelines for the county to achieve matching state funds.

Commissioner Garza commented that this was an attempt to achieve \$250,000.00 savings for administrative cost presently incurred by the county.

Mrs. Yvette Salinas, Department of Health and Human Services, clarified that the soliciting of proposals does not bind the county instead it allows for the county to get more information for other options available.

Mr. Yates indicated that they would like to set the appropriation of the Indigent Program at \$112,000.00 to cover September 1st thru September 30th to learn of any options available.

Commissioner Tamayo solicitation of Request for Proposals for the contracting of management of the Cameron County Indigent Healthcare Program was authorized.

The motion was seconded by Commissioner Garza and carried unanimously.

The RFP is as follows:

(18) **CONSIDERATION AND POSSIBLE AUTHORIZATION TO SOLICIT REQUEST FOR PROPOSALS (RFP) FOR THE OPERATION OF THE INFIRMARY SERVICES FOR THE CAMERON COUNTY DETENTION FACILITY. (YS-HEALTH)**

Mrs. Yvette Salinas, Department of Health and Human Services, presented and highlighted a Report regarding the operations of the Infirmary. She requested authorization to get additional proposals aside from that received from UTMB.

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, Mrs. Yvette Salinas, Department of Health and Human Services was authorized to work with Legal Counsel, the County Sheriff to develop a Request for Proposals (RFP) for the operation of the Infirmary Services for the Cameron County Detention Facility.

The Report is as follows:

(20) CONSIDERATION AND AUTHORIZATION TO HOLD A PUBLIC HEARING FOR THE PURPOSE TO DISCONTINUE AND ABANDON A PORTION OF AN UNNAMED ROAD, BETWEEN BLOCKS 99, 100, 101 AND 102, OF WILSON TRACT SUBDIVISION, RECORDED IN VOLUME 9, PAGE 28 OF THE MAP RECORDS AND SAID ROAD BEING LOCATED IN PRECINCT NO. 4. (PS-DEPT. OF TRANSPORTATION)

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the Public Hearing for the purpose to discontinue and abandon a portion of an unnamed road, between Blocks 99, 100, 101 and 102, of Wilson Tract Subdivision, recorded in Volume 9, Page 28 of the Map Records and said road being located in Precinct No. 4 was opened for public comment.

Mr. Pete Sepulveda, Department of Transportation Director, reported that the county process was followed and that the petition was part of the back-up information.

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the Public Hearing for the purpose to discontinue and abandon a portion of an unnamed road, between Blocks 99, 100, 101 and 102, of Wilson Tract Subdivision, recorded in Volume 9, Page 28 of the Map Records and said road being located in Precinct No. 4 was closed

(21) CONSIDERATION AND AUTHORIZATION TO ADOPT AN ORDER TO DISCONTINUE AND ABANDON A PORTION OF AN UNNAMED ROAD, BETWEEN BLOCKS 99, 100, 101 AND 102, OF WILSON TRACT SUBDIVISION, RECORDED IN VOLUME 9, PAGE 28 OF THE MAP RECORDS AND SAID ROAD BEING LOCATED IN PRECINCT NO. 4. (PS-DEPT. OF TRANSPORTATION)

Commissioner Tamayo moved that the Order to discontinue and abandon a portion of an unnamed road, between Blocks 99, 100, 101 and 102, of Wilson Tract Subdivision, recorded in Volume 9, Page 28 of the Map Records and said road being located in Precinct No. 4 be adopted.

The motion was seconded by Commissioner Garza and carried unanimously.

The Order is as follows:

(23) **CONSIDERATION AND APPROVAL OF CHANGE ORDER NUMBERS 3 AND 4 FOR THE CAMERON PARK BORDER COLONIA ACCESS PROGRAM PROJECT. (PS-DEPT. OF TRANSPORTATION)**

NOTE: COMMISSIONER GARZA STEPPED OUT AT THIS TIME.

Upon motion by Commissioner Tamayo, seconded by Commissioner Wood and carried unanimously, the Change Order Numbers 3 and 4 for the Cameron Park Border Colonia Access Program Project were approved.

The Change Orders are as follow:

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

NOTE: COMMISSIONER GARZA STEPPED OUT AT THIS TIME.

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

The motion was seconded by Commissioner Wood and carried unanimously.

- (24) APPROVAL OF BUSINESS WEB BANKING EMPLOYEE FORMS WITH FIRST NATIONAL BANK TO ALLOW THE DESIGNATED INDIVIDUALS OF THE COUNTY ADULT PROBATION OFFICE (CAMERON-WILLACY COUNTIES COMMUNITY SUPERVISION AND CORRECTIONS DEPARTMENT) TO PERFORM THE "AUTHORIZED FUNCTIONS." (EG-TREASURER)
- (25) POSSIBLE APPROVAL OF LEASE WITH THE CITY OF PORT ISABEL FOR OFFICE SPACE FOR THE CAMERON COUNTY HISTORICAL COMMISSION AT THE MUSEUM AT PORT ISABEL. (DJV-LEGAL)
- (26) APPROVAL OF A RENEWAL LEASE CONTRACT BETWEEN CAMERON COUNTY AND ASIM ZAMIR, M.D. TO RENT SPACE FOR WIC PROGRAM SERVICES. (YS-HEALTH)
- (27) AUTHORIZATION TO OPEN THE FOLLOWING BIDS/RFP'S /RFQ FOR: (MF-PURCHASING)
 - A. WATER DISTRIBUTION MATERIALS – BID #050801
 - B. PORT ISABEL ANNEX CONSTRUCTION – BID #050802
- (28) APPROVAL OF MOBILE PHONE AND SERVICE FOR THE SOLID WASTE DIVISION. (PS-DEPT. OF TRANSPORTATION)
- (29) APPROVAL TO ALLOW ROBINSON, DUFFY AND BARNARD APPRAISERS TO DO APPRAISAL REPORTS FOR THE PRIMERA ROAD PROJECT. (PS-DEPT. OF TRANSPORTATION)
- (30) APPROVAL TO ALLOW ROBINSON, DUFFY AND BARNARD APPRAISERS TO DO APPRAISAL REPORTS FOR BRIDGE REPLACEMENT PROJECTS IN CAMERON COUNTY. (PS-DEPT. OF TRANSPORTATION)
- (31) AUTHORIZATION TO ALLOW SOUTHERN TEXAS TITLE COMPANY TO DO TITLE COMMITMENTS AND TITLE POLICIES FOR BRIDGE REPLACEMENT PROJECTS IN CAMERON COUNTY. (PS-DEPT. OF TRANSPORTATION)

TRAVEL ITEMS

(32) 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. Assistant Auditors (2) to attend a “Mandatory Financial Training Conference” in South Padre Island, Texas, September 26-29, 2005;
 - B. 107th District Court Administrator and Coordinator, 103rd District Court Administrator and Coordinator, 197th District Court Employees (3), 404th District Court Administrator and Coordinator, 138th District Employee and 357th District Court Administrator and Coordinator to attend the “Texas Association for Court Administration Education Conference” in Dallas, Texas, October 11-24, 2005;
 - C. County Extension Agents (4) to attend the “Program Planning Coordination Conference” in Aquilares, Texas, September 26-28, 2005;
 - D. CD Coordinator to attend the “U.S. Department of Housing and Urban Development Congressional Briefing” in McAllen, Texas, September 13, 2005;
 - E. Department of Transportation Surveyor to attend the “Course – State Plane Coordinates & Defensive Retracement” in Harlingen, Texas September 17, 2005;
 - F. Department of Transportation Assistant Staff Engineer to attend the “Access Management, Design & Location Course” in Austin, Texas, September 13-15, 2005;
 - G. Juvenile Public Defender to attend the “Nuts and Bolts Juvenile Law Conference” in Austin, Texas, August 22-23, 2005;
 - H. Department of Health and Human Services Breastfeeding Peer Counselor and Breastfeeding Peer, to attend a “ Clinical Lactation Practicum in Breastfeeding” in Austin, Texas, September 20-23, 2005;
 - I. WIC Director to attend the “TALWD Annual Meeting” in Houston, Texas, October 2-5, 2005.
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EXECUTIVE SESSION

Upon motion by Commissioner Tamayo, seconded by Commissioner Wood and carried unanimously, the Court met in Executive Session at 12:19 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, approval of settlement agreement; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.071(A) (B) & (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 52, 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. Deliberation regarding Real Property concerning acquisition of Parcel 133, 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;
- F. Confer with Commissioners' Court Legal Counsel concerning the case styled County of Cameron 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. Deliberation regarding Real Property concerning possible improvements and addition to the Sea Ranch Restaurant at Isla Blanca Park; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.072;
- H. Deliberation regarding Real Property concerning the possible Request for Proposals for County Park Property located in Andy Bowie Park; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.072;
- I. Confer with Commissioners' Court Legal Counsel concerning the proposed solid waste management facility site east of Los Fresnos Proposed by Consolidated Waste Industries, Inc.; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.071 (1)(A) & (2);
- J. Confer with Commissioners' Court Legal Counsel concerning the case styled 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, discussion of case status and Legal Representation Tony Yzaguirre, individually; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.071 (1)(A)&(2).

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the Court reconvened into Regular Session at 1:27 P.M. to discuss the following matters:

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

- A. In the matter regarding confer with Commissioners' Court Legal Counsel concerning the case styled Cameron County versus. Faulkner, USA formerly known as Landmark, approval of settlement agreement. (TABLED)**

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

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- B. Confer with Commissioners' Court Legal Counsel concerning issues regarding the Cameron County Detention Centers and the Cameron County Sheriff's Administration Building.**

Commissioner Tamayo moved that the Status Report be acknowledged.

The motion was seconded by Commissioner Wood and carried unanimously.

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- C. Deliberation regarding Real Property concerning acquisition of Parcel 52, for Primera Road Project in the Primera, Precinct No. 4 area.**

Upon motion by Commissioner Wood, seconded by Commissioner Tamayo and carried unanimously, the purchase of Parcel 52, in the amount of \$1,068.00, for Primera Road Project in the Primera, Precinct No. 4 area was approved.

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- D. Deliberation regarding Real Property concerning acquisition of Parcel 133, for Primera Road Project in the Primera, Precinct No. 4 area.**

Commissioner Tamayo moved that the purchase of Parcel 133, in the amount of \$863.00, for Primera Road Project in the Primera, Precinct No. 4 area be approved.

The motion was seconded by Commissioner Wood and carried unanimously.

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

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

G. In the matter regarding deliberation regarding Real Property concerning possible improvements and addition to the Sea Ranch Restaurant at Isla Blanca Park. (TABLED)

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

H. Deliberation regarding Real Property concerning the possible Request for Proposals for County Park Property located in Andy Bowie Park.

Commissioner Garza moved that the RFP for county park property located in Andy Bowie Park be approved.

The motion was seconded by Commissioner Tamayo and carried unanimously.

I. Confer with Commissioners' Court Legal Counsel concerning the proposed solid waste management facility site east of Los Fresnos Proposed by Consolidated Waste Industries, Inc.

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the extension of the contract between Mr. Paul Gosselick, Attorney at Law, and Cameron County was authorized.

J. Confer with Commissioners' Court Legal Counsel concerning the case styled 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, discussion of case status and legal representation Tony Yzaguirre, individually.

Commissioner Garza moved that the Status Report be acknowledged.

The motion was seconded by Commissioner Tamayo and carried unanimously.

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 1:34 P.M.

APPROVED this 6th day of **December 2005**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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