

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 12<sup>th</sup> day of July 2005, there was conducted a REGULAR Meeting of the Honorable Commissioners' Court of Cameron County, Texas, at the Courthouse thereof, in the City of Brownsville, Texas, for the purpose of transacting any and all business that may lawfully be brought before the same.

THE COURT MET AT:

9:30 A.M.

PRESENT:

GILBERTO HINOJOSA  
COUNTY JUDGE

PEDRO "PETE" BENAVIDES  
COMMISSIONER PRECINCT NO. 1

JOHN WOOD  
COMMISSIONER PRECINCT NO. 2

DAVID A. GARZA  
COMMISSIONER, PRECINCT NO. 3

EDNA TAMAYO  
COMMISSIONER, PRECINCT NO. 4

JOE G. RIVERA  
COUNTY CLERK

Mary Robles Deputy Clerk

ABSENT:

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The meeting was called to order by Judge Hinojosa at 9:30 A.M. He 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 July 8, 2005, at 3:47 P.M.:

Judge Hinojosa commented that the rural trash collection program would help eliminate the problem of illegal dumping of refrigerators, tires, and any household appliance that serve as breeding grounds for mosquitoes that may carry the dengue virus.

**(1) PUBLIC COMMENTS**

Mrs. Silvia G. Suarez, San Pedro resident, expressed concern with the cost of solid waste collection services and the impact to low income families.

Mr. Francisco Sifuentes, County resident, urged the Court to recognize Brownsville Independent School District teachers and students. He expressed concern with a travel to Mexico because of dangerous situations and suggested that a waiver be signed to eliminate liability from taxpayers. Mr. Sifuentes recommended that allowed phone and vehicle use be revisited because county employees use these for personal use.

**The Forms are as follow:**

## **PRESENTATIONS**

**(3) PRESENTATION OF RESOLUTION HONORING THE MEMORY OF MS. RAMONA BARRERA AND FOR LIFETIME OF DEDICATED COMMUNITY SERVICE. (COMM. COURT)**

At this time, Judge Hinojosa read and presented the family of Mrs. Ramona Barrera a resolution honoring her memory and her lifetime dedication to community service. He stated that Mrs. Ramona Barrera and family established Little Miss Kickball in the valley.

Ms. Rita Barrera, County resident, thanked the Court for recognizing Mrs. Barrera and stated that her mother was a very important person to the community who made her realize that the most important thing she learned from her was that ordinary folks can do extraordinary things when they set their mind to it. She stated that her mother left a great legacy by establishing Little Miss Kickball in the valley without expecting the impact it would have on little girls in the valley. Mr. Barrera stated that her mother was not only a great mother and wife but also a great public servant.

Mr. David Barrera, County resident, stated that they have worked with Little Miss Kickball for 28 years and that "as long as baby girls are born everyday-- kickball is here to stay; we may all be gone, but kickball will go on and on."

Mr. Joe Barrera, County resident, commented that his mother left a footprint in Brownsville, Texas, that will continue forever. He requested that our soldiers be kept in our prayers.

Commissioner Wood commented that Mrs. Barrera always had a kind word and that her legacy of leaving kickball was outstanding. He stated that seeing the little girls lined up along the cemetery road during the funeral was very touching and showed the great appreciation for what the Barrera Family has done for Brownsville and girls of our communities; and for this he said "Thank You."

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**(2) PRESENTATION BY JOE SANTOPETRO ON THE LEVI'S BUILDING PROJECT AND ON THE VEHICLE MAINTENANCE PROJECT. (PS-DEPARTMENT OF TRANSPORTATION)**

**LEVI BUILDING**

Mr. Joe Santopetro, Project Architect, reported that the drawings for the Levi Building were complete and that they were in the process of incorporating county requirements for computer tying into the county system. He stated that requirements were received three weeks ago and later reviewed; finding them to be exorbitant in cost

because the request was that dedicated circuits be installed for each computer, requiring 732 dedicated circuits. Mr. Santopetro stated that in the past they have combined four computers to a circuit, leaving nothing in the circuit but computers, and that this was the industry's standard. He stated that the county was asked to look at this, and explained that adding 732 circuits would require eighteen additional panels to accommodate the individual circuits at a cost of about \$370,000.00 plus \$44,000.00 for cabling, totaling \$414,000.00. Mr. Santopetro suggested that they be allowed to combine four computers per circuit to eliminate some computer drops.

Judge Hinojosa asked how many drops Mr. Santopetro was proposing to eliminate and at what total savings.

Mr. Santopetro responded that the county could save approximately \$276,000.00 by merely combining four computers per circuit, decreasing the number of circuits needed and needing only five additional power panels instead of the eighteen, leaving the cabling cost the same.

Judge Hinojosa asked if departments have concerns with combining the circuits.

Mr. Pete Sepulveda, Department of Transportation Director, suggested that it be best to hear from Mr. Rudy Juarez, Computer Center Director.

Judge Hinojosa suggested that funds not be spent unnecessarily, and questioned if the proposed combination of circuits would create problems and/or address staff needs.

Mr. Rudy Juarez, Computer Center Director, commented that he welcomes any assistance from an electrical engineer for the project. He explained that the problem needing to be addressed was the power problems encountered within the courthouse because of the numerous power equipment used. Mr. Juarez stated that the requirements provided were the same provided for the Sheriff's Department and the Carrizalez-Rucker Detention Center where no electrical issues have been experienced and that the same requirements would be used at Dancy Building.

Judge Hinojosa asked if the specifications result in the \$414,000.00 cost estimate.

Mr. Juarez responded in the affirmative, and explained that the large building and the number of electrical requirements made the cost very expensive. He noted the need to keep in mind the type of equipment to be used in the future and the equipment used today which has a heavy burden on electrical requirements. Mr. Juarez stated that they were not electrical engineers but were presenting recommendation based on experience, and that although they too were for saving money, having to start experiencing electrical problems once everyone moves in would be very bad.

Commissioner Tamayo asked if the requirements have been implemented and if there was a track record.

Mr. Juarez responded that the requirements were implemented at the Carrizalez-Rucker and Sheriff's Department in Olmito and would be implemented at the Dancy Building, aside of being provided for Port Isabel and Harlingen Annexes. He added that no electrical issues have been experienced at these facilities.

Commissioner Tamayo questioned what percentage of damage found in buildings where the requirements are not in place.

Mr. Juarez replied that approximately 10% damage has been experienced within the courthouse.

Mr. Sepulveda suggested that major users of the facility meet to determine if other alternatives exist because of the large difference in cost, and that perhaps some work could be done internally through the Computer Center or the Building Maintenance Department.

Judge Hinojosa questioned the effects on the budget.

Mr. Sepulveda responded that the estimated cost would exceed the budget by approximately \$350,000.00.

Commissioner Wood expressed concern as to why someone was not on top of the infrastructure of the building in the initial planning phase for renovations.

Mr. Santopetro responded that about 5-6 months ago the possibilities of doing the work in-house was explored, but found to be impossible due to lack of sufficient staff to handle a project this size; therefore, the county decided to hire a consultant. He added that although necessary steps were taken a consultant was never hired and the county proceeded to visit with individual county departments to determine the needs, adding that this process took too much time.

Judge Hinojosa suggested that Mr. Sepulveda meet with Computer Center to scale down the cost and thereafter present a plan to the court.

Mr. Sepulveda indicated that a plan could be presented in about two weeks.

Commissioner Garza commented that including computer drops in plans for new buildings was standard.

Commissioner Wood questioned how plans could be ready if they do not include the computer drops.

Commissioner Garza asked if department heads provided Computer Center a listing of their computer needs and if any of those were incorporated in the drawings.

Mr. Juarez responded in the affirmative.

Mr. Santopetro responded that he instructed his electrical engineer to plan for four computers per circuit because they did not have the needed information, adding that they recently completed the plans of a 76,000 square feet building Montgomery County where one circuit was placed for every four computers. He explained that the

circuits would be solely for computers and that this is how they have done it for the past ten years without having any problems, yet they would follow any different requirements of the county.

Judge Hinojosa agreed that the county might be able to do what Mr. Santopetro was proposing if minor modifications were done to deal with specific departments that have bigger needs instead of going with the \$414,000.00 proposal.

Mr. Juarez stated that he would work with Mr. Santopetro, and added that were advised eight weeks ago that they would design this. He stated that the matter was up in the air all this time and that when they finally got direction they were left with one to two weeks to do the design.

Judge Hinojosa requested that the departments meet to determine the needs and that recommendations be presented in two weeks in order to bid out the project. He noted the need to complete the project as soon as possible in order to be able to obtain possible savings in rentals throughout the county.

Mr. Santopetro stated that the project could be bid out immediately if the county opts to do the work in-house.

Judge Hinojosa reiterated that the matter would be explored.

Mr. Santopetro stated that the Department of Health and Human Services requested parking sites with utility connections for trailers.

Mrs. Yvette Salinas, Department of Health and Human Services, stated that request was for motor vehicles used in the event a disaster.

Judge Hinojosa asked if the vehicles would be stationed at the Levi Building or if they would be moved to areas of need.

Mrs. Salinas responded that both scenarios could take place, and explained that they were looking to have the vehicles operational at the Levi Building, adding that possible funding was being identified.

Judge Hinojosa recommended that the parking sites be included in the design and built if and when funds were available.

#### **VEHICLE MAINTENANCE WAREHOUSE**

Mr. Santopetro reported that the electrical engineer would have his plans by next Tuesday and that the only remaining question was who would do the civil engineering. He explained that a quote received from a civil engineer to design the road, utilities, drainage and paving was found to be excessively high; therefore, the civil engineering work would be done in-house thus allowing completion of the project within three weeks.

Judge Hinojosa asked when bids could be requested for both projects.

Mr. Santopetro responded that bids could be requested immediately if the county does the IT work for the Levi Building.

Judge Hinojosa suggested that bidding of the project be placed on the agenda as soon as recommendations were prepared.

Mr. Sepulveda indicated that an item could be placed for next week in the event they were ready.

Mr. Santopetro responded that bids could be requested in about three weeks for the Vehicle Maintenance Building, and added that handicap accessibility plans for the Levi Building were submitted to State for review, returned and that a response was returned as standard practice.

Judge Hinojosa questioned the construction timeline being considered for both buildings.

Mr. Santopetro responded that construction of the Vehicle Maintenance Building should not take long, except for the area for heavy equipment due to the need to cut the existing slab and placement of concrete, totaling about five months. He stated that construction of the Levi Building should take a little less than a year.

Commissioner Garza questioned the phone system to be incorporated into the Levi Building, and if any other technology was being incorporated for the computer system other than the electrical outlets.

Mr. Santopetro responded that they were only including the junction box and a conduit in the ceiling and the county buys the phone system, which is installed by the vendor. He stated that they would install racks and hard wire throughout the facility.

Judge Hinojosa asked if the Building Maintenance Superintendent has the ability to start working on the offices.

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

Judge Hinojosa noted the need to develop a plan for the Vehicle Maintenance Warehouse to be vacated.

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the Presentation by Joe Santopetro on the Levi's Building and Vehicle Maintenance Projects was acknowledged.

**The Reports are as follow:**

## **ACTION ITEMS**

**(10) IN THE MATTER REGARDING CONSIDERATION AND AUTHORIZATION TO EXPAND THE EXISTING DISTRICT ATTORNEY'S OFFICE AT THE JUDICIAL BUILDING 1<sup>ST</sup> FLOOR. (MI-MAINTENANCE) (TABLED)**

Mr. David Gonzales, Executive First Assistant Attorney, requested expansion of the District Attorney's Office into the back end section of the Law Library in order to more suitably serve county crime victims.

Judge Hinojosa stated that completion of Dancy Building in about six months would result in much vacant office space that may be used by the District Attorney's Office. He stated that upon this taking place the District Attorney's concern for office space would be resolved and asked if the space needs were imminent or if these could be delayed about six or seven months, adding that upon delaying the matter no Fund 90 monies would have to be spent.

Mr. Gonzales stated that the Old Sheriff's Office would be best office space for the library because there would be security issues for their office in moving files and because judges have grown accustomed to quick responses from the District Attorney's Office, which could be jeopardized as staff moves further away from the courtrooms. He stated that the Sheriff's Department has been very good at providing needed office space.

Judge Hinojosa asked if a proposed design was available.

Commissioner Garza asked if Mr. Gonzales was proposing that the library be at the Old Sheriff's Department.

Mr. Gonzales responded in the affirmative and that their wish would be to eventually take over the entire library in order to stay near the courts.

Mr. Marcelino Ibarra, Building Maintenance Superintendent, stated that proposed the design was ready at a total cost of \$6,700.00, excluding furniture.

Mr. Roger Hughes, briefed as to what the Law Library is, funded by a filing fee, and was entrusted part of its management to a committee created by the County Bar Association. He stated that state statutes require that the Law Library be in a suitable place that is convenient and accessible to judges and litigants. Mr. Hughes requested time to address the matter to the Board and with the legal community.

Judge Hinojosa suggested that the matter be delayed until August 16, 2005, and that the District Attorney's Office and the Law Library discuss the matter. He requested that Mr. Hughes be cognizant that he (Judge Hinojosa) was lenient towards providing the much needed space to the District Attorney's Office, and suggested that perhaps

the Building Maintenance Superintendent could reconfigure space at the Law Library to make it more efficient.

Mr. Hughes reiterated the need to present the matter to the Board, and noted that at this point he was not for or against the matter because he has not reviewed the plans.

Commissioner Garza commented that he received calls from other attorneys expressing concerns with possible relocation of the Law Library.

Mr. Gonzalez suggested that the total traffic of the library be examined.

Mr. Remi Garza, County Administrative Assistant, stated that possible wireless connectivity for the Judicial Building was being explored to allow attorneys to do research.

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, this Item was **TABLED**, until August 16, 2005.

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**NOTE: JUDGE HINOJOSA LEFT THE COURTROOM AT THIS TIME.**

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

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

The motion was seconded by Commissioner Tamayo and carried unanimously.

**The documents are as follow:**

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

Mr. Remi Garza, County Administrative Assistant, informed that the company proposing the development of the landfill would hold a public hearing tonight at 7:00 P.M. as required by TCEQ at the TSTC Building in Harlingen, noting that staff would be in attendance to express the county's position and opposition of the same.

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the Report regarding the proposed development of the solid waste management facility in Cameron County was acknowledged.

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(6) **CONSIDERATION AND POSSIBLE ACTION ON THE STATUS OF SUPERVISION OF EMPLOYEES AT CAMERON PARK. (JM-PARKS)**

**NOTE: JUDGE HINOJOSA LEFT THE COURTROOM AT THIS TIME.**

Mr. Javier Mendez, Parks & Recreations Department Director, explained that action was previously delayed in order to get Commissioner Wood's comments.

Commissioner Tamayo asked if services would continue the same.

Mr. Mendez responded in the affirmative, and presented a report concerning the number of people serviced at the center, totaling an average of about 16.3 per day.

Commissioner Wood reported that he met with Mr. Mendez and the Department of Health and Human Services Director and that the center changed its operations to conform to those of the health department once the two positions. He added that this was causing problems with issues surfacing on the outside of the building that had not been observed in the past because employees addressed them promptly, and thus he requested that system go back to what it previously was.

Commissioner Tamayo questioned the duties done on outside the building.

Mr. Mendez responded that the duties range from watering the grass to making sure restrooms were clean.

Judge Hinojosa asked if this was okay with the Department of Health and Human Services Director.

Mrs. Yvette Salinas, Department of Health and Human Services, responded in the affirmative.

Commissioner Benavides moved that the relocation of two positions at the La Esperanza Park in Cameron Park to the Parks & Recreation Department from the Department of Health and Human Services be approved.

The motion was seconded by Commissioner Garza and carried unanimously.

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(7) **CONSIDERATION AND POSSIBLE APPROVAL TO  
TRANSFER SLOT NO. 01, FROM BUDGET 830662  
AND RECLASSIFY AND CREATE SLOT NO. 16, FOR  
BUDGET 830669 WITHIN THE CAMERON COUNTY  
PARKS AND RECREATION SALARY SCHEDULE.  
(JM-PARKS)**

Upon motion by Commissioner Garza, seconded by Commissioner Wood and carried unanimously, the transfer of Slot No. 01, from Budget 830662 and reclassification and creation of Slot No. 16, for Budget 830669 within the Cameron County Parks and Recreation Salary Schedule were approved.

**The Salary Schedules are as follow:**

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**(8) CONSIDERATION AND POSSIBLE ACTION TO  
CREATE THE DIVISION OF SOLID WASTE  
MANAGEMENT UNDER THE DEPARTMENT OF  
TRANSPORTATION. (GS-COUNTY JUDGE)**

Judge Hinojosa presented a memorandum explaining how the proposed department would be structured and noted the need to move on creation of the department because of issues on water supply corporations not wanting to do the billing for the county that have risen. Judge Hinojosa stated that the department could be a division under the Mr. Pete Sepulveda, Department of Transportation Director, inclusive of a customer service clerk.

Mrs. Sylvia Suarez, County resident, stated that this was the first time they have seen the guidelines for the waste collection services, and expressed concern with much anticipated confusion with the additional cost burden to county residents and no notice of services to be implemented, and requested that Red River Services Corporation discuss concerns with the people during a town meeting.

Commissioner Wood stated that newsletters were printed yesterday and that Red River Services Corporation had a phone number available to address any concerns.

Judge Hinojosa clarified that the county held a number of public hearings and discussed the matter during Commissioners Court numerous times throughout the past two years, noting that much input was obtained from the public, which has shown mostly to be in favor of the trash/waste/ brush collection services. He stated that the county did not try to sneak the provision of services, but rather it even tried offered to do a referendum to have county constituents decide, yet the Attorney General indicated it could not be done. Judge Hinojosa clarified that contrary to Mrs. Suarez' indication that no notice was given, the county has gone out of its way to let the public know about the program, adding that the major response from the public was that the service was wanted. He stated that the newsletter being done by Red River Services Corporation was time closely to when services would commence, and that Red River Services Corporation indicated that they would work with the people to ensure that the system works for the people in the community according to individual needs. Judge Hinojosa emphasized that the waste collection services would alleviate tremendous problems with illegal dumping obstructs water flow in drainage ditches resulting in flooding, and stated that the county will developed the best solution to the problem that needs to be resolved. He explained that the county tried to bid with one company in order to decrease the cost of services and that upon new contracts being done between Red River Services Corporation and other entities the cost to county residents would decrease in accordance with the contract.

Mrs. Suarez stated that during a meeting on Thursday the Military Water Supply told county residents that their water services would be cut off if the bill for waste collection services was not paid. She noted the need to meet with Red River Services Corporation to address different issues, and to address concerns of the public.

Commissioner Garza moved that this Item be **TABLED**.

The motion was seconded by Commissioner Tamayo.

Mr. Luis Almazan, County resident, stated that Valle Escondido residents were not dirty people because they do not throw trash in rural areas and that the drainage issue in Valle Escondido was due to wrong drainage lines that have been addressed.

Judge Hinojosa clarified that the main drainage ditch in the area of Valle Escondido had large trash blocking the water flow and that he was not saying that Valle Escondido residents were dirty people.

Mr. Almazan questioned how long the term of the contract would be.

Commissioner Garza responded that the contract was for five years.

Judge Hinojosa highlighted the services to be provided. He cautioned that Red River Services Corporation be attentive of peoples concerns.

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

Judge Hinojosa noted the need to address the issue of billing since the East Water Supply Corporations may not do it

Mr. David L. Cooper, Red River Services Corporation, reported that eighteen days remain until provision of services to rural residents begins and that they were working to deliver carts to each house because the addresses provided by the water supply corporations were not accurate. He added that the billing agreements between the county and the water supply corporations should have been in place prior to approval of the contract with Red River Services Corporation. Mr. Cooper suggested that possible delays be discussed promptly.

Judge Hinojosa explained that decision by East Rio Hondo Water Supply to not do the billing was contrary to what was anticipated and thus it was reason to regroup to determine how the matter would be addressed.

Mr. Cooper asked which water supply corporation have approved and signed the billing agreements.

Mrs. Dylbia L. Jeffries, Contract Attorney, responded that La Feria Water Supply, El Jardin Water Supply, Harlingen Water Works, North Alamo Water Supply, and PUB have approved the agreements, that Laguna Madre Water Supply, San Benito Water Supply and Olmito Water Supply would approve the agreements, and that Military Water Supply and East Rio Hondo Olmito Water Supply would consider the agreement.

Mr. Cooper stated that problems would be encountered if ten different water supply corporations do the billing for one contract, and that the only way to resolve the problem was to place the garbage collection bills on the Ad Valorem Taxes.

Judge Hinojosa expressed opposition to doing this because 85% of rural residents live in cities that do garbage collection already pay taxes for these services.

Mrs. Jeffries stated that every water supply corporation was working differently but all would make all efforts to work with the public rather than disconnect services.

Judge Hinojosa noted the need to create this department in order to address billing issues.

Commissioner Tamayo moved that the tabling of this item be rescinded.

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

AYE: Commissioners Benavides, Wood, Tamayo and Judge Hinojosa

NAY: Commissioner Garza

Commissioner Tamayo moved that the creation of the Division of Solid Waste Management under the Department of Transportation be approved as recommended, with the understanding that changes could be made next week as needed.

Commissioner Wood asked if a final notice was received from East Rio Hondo Water Supply stipulating that they would not do the billing for the county.

Commissioner Tamayo responded that the board was very emphatic about not taking part.

Commissioner Wood stated that their decision creates another burden on the county and suggested that this be looked at when addressing other issues throughout the year.

Upon motion duly made by Commissioner Tamayo that the creation of the Division of Solid Waste Management under the Department of Transportation be approved as recommended, with the understanding that changes could be made next week if needed.

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

AYE: Commissioners Benavides, Wood, Tamayo and Judge Hinojosa

NAY: Commissioner Garza

Commissioner Garza expressed concern with the source of funding and asked the Budget Officer if a funding source was allocated.

Mr. Remi Garza, County Administrative Assistant, explained that the Budget Officer would present a budget and salary schedules next week and that the positions would be posted for ten days pursuant to county policy.

He added that revenue generated by the \$0.85 administrative fee per account to be billed to about 20,000 accounts would be the source of funding for the position.

Commissioner Wood commented that an additional \$34,000.00 of set up monies would be available if East Rio Hondo Water Supply does not do the billing for the county, in addition to monthly fees of \$6,800.00.

Commissioner Garza asked if Red River Services Corporation offers billing services and if obtaining this service would be easier.

Mr. Garza responded that Red River Services Corporation does the billing three months in advance.

Commissioner Garza questioned what the salary for the division director was based upon.

Mr. Jared Hockema, Emergency Management Assistant Director, responded that the \$52,000.00 salary was based upon the salary of most department heads throughout the county, as was the salary of the secretarial position.

Judge Hinojosa suggested that the Director Position be advertised as “up to \$52,000.00.”

Mr. Cooper asked if delivery of carts should continue based on the issues to be resolved.

Judge Hinojosa responded that the county delayed implementation of services due to lack of equipment for Red River Services Corporation; therefore, Red River Services Corporation must now work with the county in dealing with this unanticipated problem. He instructed that delivery proceed for all areas where billing is in place.

**The Report is as follows:**

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(9) **CONSIDERATION AND APPROVAL OF  
AMENDMENT NO. 1 TO THE ADVANCE FUNDING  
AGREEMENT FOR THE WEST RAIL PROJECT. (PS-  
DEPT OF TRANSPORTATION)**

Mr. Pete Sepulveda, Department of Transportation Director, indicated that the amendment covers the \$1.75 million federal funding and was 100% match needing no match.

Upon motion by Commissioner Garza, seconded by Commissioner Wood and carried unanimously, Amendment No. 1 to the Advance Funding Agreement for the West Rail Project was approved.

**The Amendment is as follows:**

(11) **CONSIDERATION AND ADOPTION OF A RESOLUTION IN OPPOSITION TO THE PROPOSED LEGISLATION ALTERING THE COMPOSITION OF THE RIO GRANDE REGIONAL WATER AUTHORITY. (COMM.CT.)**

**NOTE: COMMISSIONER TAMAYO LEFT THE MEETING AT THIS TIME.**

Judge Hinojosa noted the need to work together to address serious water issues because of possible negative impacts to the county, and advised that adoption of this resolution was important in the event that the proposed legislation was considered during a Special Session.

Commissioner Benavides moved that the Resolution opposing to the proposed legislation altering the composition of the Rio Grande Regional Water Authority be adopted.

The motion was seconded by Commissioner Wood and carried unanimously.

**The Resolution is as follows:**

(12) **CONSIDERATION AND POSSIBLE ADOPTION OF LIMITATIONS ON OUTDOOR BURNING IN CAMERON COUNTY.(TH-EMERGENCY MANAGEMENT)**

Mr. Jared Hockema, Emergency Management Division Assistant Director, stated that the State Fire Marshall requested that limitations on outdoor burning be adopted by Cameron County. He added that outdoor burning would be allowed upon a permit being obtained, adding that this process was to keep our community safe from wildfires. Mr. Hockema explained that the permits could be requested at the Emergency Management Division and that it would issue permits.

Commissioner Garza asked what the limitations were.

Mr. Hockema explained the limitations to be that once Cameron County makes a finding that a dangerous drought condition exists outdoor burning is prohibited with exception of agriculture burning as set by law, noting that a fee would not be assessed. He noted that the system has been effective in the past and that the program could last only throughout drought conditions. Mr. Hockema clarified that county resident would need only obtain a permit from the county and not from TCEQ during drought conditions.

Commissioner Benavides moved that the limitations on outdoor burning in Cameron County be adopted.

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

AYE: Commissioners Benavides, Wood, Tamayo and Judge Hinojosa

NAY: Commissioner Garza

**The limitations are as follow:**

(13) **CONSIDERATION AND POSSIBLE APPROVAL TO PURCHASE  
NUMERIC PAGERS AND SERVICE FOR CAMERON COUNTY  
CONSTABLES. (GH-COUNTY JUDGE)**

Judge Hinojosa informed that county constables and sheriff deputies were on a rotation system to transport mental patients and that after meeting with them it was concluded that a pager was needed per constable department for purposes of receiving calls.

Commissioner Garza asked if the service was to be provided 24/7.

Mr. Jared Hockema, Emergency Management Assistant Director, responded that an arrangement was being worked with the hospitals to allow transportation of mental patient to take place only during the day. He stated that the total cost was \$50.00 per month and that funds had been identified.

Sheriff Omar Lucio stated that he would eliminate use of some pagers and offered to provide about six to ten pagers.

Upon motion by Commissioner Benavides, seconded by Commissioner Wood and carried unanimously, the purchase of numeric pagers and service for Cameron County Constables was approved.

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

Mr. Pete Sepulveda, Department of Transportation Director, informed that the second page of the agreement added the following language: "at the end of the forth five year term the county shall have the right to re-bid the concession property and concessionaire shall have the first right of refusal based on the highest bid received." He indicated that the language was added in order to make the contract consistent with the agreement in place at the Veterans Bridge. Mr. Sepulveda explained that the language protects the investment of the concessionaire and that the concessionaire might not match the highest bid.

Mrs. Dylbia L. Jeffries, Contract Attorney, stated that the language was included in agreements for big concessionaire.

Commissioner Garza expressed opposition towards the language because it was unfair competition.

Commissioner Benavides moved that the Agreement between Cameron County and Brady's Duty Free for the Los Indios Duty Free Store be approved.

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

AYE: Commissioners Benavides, Wood, Tamayo and Judge Hinojosa

NAY: Commissioner Garza

**The Agreement is as follows:**

## CONSENT ITEMS

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

DISCUSSION CONCERNING CONSENT AND TRAVEL ITEMS:

- ITEM NO. 35-D: Sheriff Lucio indicated that one employee would attend the training and that most expenses would be paid by the Consulate, except for travel cost. He noted that Lieutenant Hilda Trevino would attend the training.
- ITEM NO. 29: Dylbia L. Jeffries, Contract Attorney, informed that requested changes were not done by Time Warner Cable.
- ITEM NO. 18: Commissioner Garza questioned the total amount being considered. Mr. Jared Hockema, Emergency Management Assistant Director, responded the total to be about \$2,200.00.
- ITEM NO. 21: Judge Hinojosa asked if July 31, 2005, be set as the cut-off date. Commissioner Garza expressed concern with the date change. Judge Hinojosa suggested that needed purchases be presented before the court.
- ITEM NO. 28: Commissioner Wood asked if the computers were new. Mr. Pedro Hinojosa, Department of Health and Human Services, indicated that these computers were fairly new and would be placed at the Learning Centers.
- ITEM NO. 33: Mr. Javier Mendez, Parks & Recreations Department Director, requested direction as to the formation of the Evaluation Committee. Judge Hinojosa proposed that the committee be form of Mr. Javier Mendez, Parks & Recreations Department Director, Mr. Mike Forbes, Purchasing Agent, and Mr. Xavier Villarreal, Budget Officer.

Commissioner Garza moved that the "Travel and Consent Items" be approved, inclusive of changes and excluding Items Nos. 14, 24 and 31.

The motion was seconded by Commissioner Benavides and carried unanimously.

- (14) IN THE MATTER REGARDING APPROVAL OF CLAIMS (ACTION TAKEN SEPARATELY).**
- (15) ADOPTION OF A RESOLUTION HONORING ANTONIO "TONY" TORRES ON THE OCCASION OF THE SUCCESSFUL CONCLUSION OF HIS TENURE AS A TEMPORARY JUSTICE OF THE PEACE, AND FOR HIS OUTSTANDING RECORD OF PUBLIC SERVICE DURING TWENTY YEARS AS AN ELECTED OFFICIAL.(COMM.CT.)**  
**The Resolution follows:**
- (16) AUTHORIZATION TO RENEW THE FEDERAL EQUITABLE SHARING AGREEMENT BETWEEN CAMERON COUNTY, THE DISTRICT ATTORNEY'S OFFICE AND THE U.S. DEPARTMENT OF THE TREASURY FOR THE SHARING OF ASSET FORFEITURE REVENUES FROM FEDERAL PROSECUTIONS (AV-DA)**  
**The Agreement follows:**

- (17) APPROVAL OF THE FOLLOWING INTERLOCAL AGREEMENTS WITH WATER COMPANIES TO PROVIDE BILLING SERVICES FOR THE COLLECTION OF SOLID WASTE:
- A. OLMITO WATER SUPPLY CORPORATION
  - B. MILITARY HIGHWAY WATER SUPPLY CORPORATION
  - C. BROWNSVILLE PUBLIC UTILITIES BOARD
- The Agreements follow:
- (18) APPROVAL TO SUBMIT A BUDGET AMENDMENT TO THE STATE OF TEXAS TRANSFERRING REMAINING FUNDS WITHIN THE COUNTY JUDGE'S 2003 LOCAL LAW ENFORCEMENT BLOCK GRANT ALLOCATION TO THE POLICE SUPPLIES/EQUIPMENT LINE ITEM.(TH-EMERGENCY MANAGEMENT)
- (19) ACTION FOR THE APPOINTMENT OF MICHAEL E. TREJO FOR RESERVE DEPUTY CONSTABLE FOR PCT. #4 IN COMPLIANCE WITH THE FINDING THAT IT IS NECESSARY TO APPOINT THE RESERVE DEPUTY IN ORDER TO PROPERLY HANDLE THE BUSINESS OF THE CONSTABLE'S OFFICE THAT ORIGINATES IN THE CONSTABLE'S PRECINCT AND THAT THE APPOINTMENT IS VALID ONLY THROUGH THE END OF THE FISCAL YEAR IN WHICH THE APPOINTMENT IS MADE OR THE CURRENT TERM OF THE ELECTED CONSTABLE WHICH EVER ENDS SOONER. (RL-CONSTABLE)
- (20) ACKNOWLEDGMENT OF RECEIPT OF PERFORMANCE BOND AND PAYMENT OF \$60,000 AS REQUIRED IN THE SOLID WASTE COLLECTION SERVICES AGREEMENT BETWEEN RED RIVER CORPORATION OF TEXAS AND CAMERON COUNTY SECTION 10. PERFORMANCE BOND AND SECTION 21.12 PAYMENT OF CERTAIN COSTS.(GS-COUNTY JUDGE)
- The Bonds follows:
- (21) APPROVAL TO ESTABLISH PURCHASE ORDER CUT-OFF DATE ON AUGUST 31, 2005 OR ALTERNATE DATE AS DETERMINED BY COMMISSIONERS' COURT FOR THE FISCAL YEAR WITH THE EXCEPTION OF EMERGENCIES AS APPROVED BY THE COUNTY AUDITOR. (MY-AUDITOR)
- (22) CONSIDERATION AND APPROVAL OF TIME EXTENSION FOR SEWER FACILITIES (SEPTIC SYSTEMS) AT BISHOP HAVEN 17 SUBDIVISION REPLAT, PCT. 3.(PS-DEPT. OF TRANSPORTATION)
- (23) APPROVAL OF TIME FOR PROVIDING SEWER FACILITIES (SEPTIC SYSTEMS) AT VISTA DEL MONTE SUBDIVISION, PCT. 4.(PS- DEPT OF TRANSPORTATION)
- (24) IN THE MATTER REGARDING APPROVAL OF AMENDED AGREEMENT BETWEEN CAMERON COUNTY AND BRADY'S DUTY FREE FOR THE LOS INDIOS DUTY FREE STORE.(PS-DEPT OF TRANSPORTATION) (ACTION TAKEN SEPARATELY)
- (25) CONSIDERATION AND APPROVAL OF TIME EXTENSION FOR SEWER FACILITIES (SEPTIC SYSTEMS) AT RESACA DE CARRICITOS SUBDIVISION PHASE II, PCT. 3.(PS-DEPT. OF TRANSPORTATION)
- (26) APPROVAL FOR THE CAMERON COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES TO SUBMIT A GRANT RENEWAL APPLICATION WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES FOR MATERNAL AND CHILD HEALTH CARE SERVICES FOR TITLE V ELIGIBLE CLIENTS.(YS-HEALTH)
- The Application follows:
- (27) APPROVAL FOR THE CAMERON COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES TO SUBMIT A GRANT RENEWAL APPLICATION WITH THE TEXAS DEPARTMENT OF HEALTH SERVICES INFECTIOUS DISEASE

**INTERVENTION AND CONTROL BRANCH FOR FEDERAL FUNDING FOR THE TUBERCULOSIS (TB) ELIMINATION PROGRAM.(YS-HEALTH)**

**The Application follows:**

- (28) **APPROVAL OF SIX (6) LAPTOPS TO BE DONATED TO THE CAMERON COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES FAMILY LEARNING CENTERS FROM THE BUREAU OF ALCOHOL, TOBACCO AND FIREARMS DEPARTMENT.(YS-HEALTH)**

- (29) **AUTHORIZATION TO EXECUTE A RESIDENTIAL BULK SERVICES AGREEMENT BETWEEN THE CAMERON COUNTY (PARK SYSTEM) AND THE TEXAS CABLE PARTNERS, L.P., D/B/A TIME WARNER CABLE.(JM-PARKS)**

**The Agreement follows:**

- (30) **AUTHORIZATION TO EXECUTE A LICENSE AGREEMENT BETWEEN CAMERON COUNTY (PARKS AND RECREATION) AND JESUS HERNANDEZ, PRESIDENT FOR THE “RIO-MAR COUNTRY TRAIL RIDERS” EVENT.(JM-PARKS)**

**The Agreement follows:**

- (31) **IN THE MATTER REGARDING APPROVAL OF THE ASSIGNMENT OF CONCESSION AGREEMENT TO TRANSFER OWNERS OF DOLPHIN COVE OYSTER BAR CONCESSION LEASE FROM JAMES R. CAMP TO CLIFTON A. McMILLON. (JM-PARKS) (ACTION TAKEN SEPARATELY)**

- (32) **AUTHORIZATION TO SUBMIT AN APPLICATION FOR BEACH CLEANING AND MAINTENANCE ASSISTANCE WITH THE TEXAS GENERAL LAND OFFICE FOR STATE FINANCIAL ASSISTANCE FOR FISCAL YEAR 2005-2006.(JM-PARKS)**

**The Application follows:**

- (33) **AUTHORIZATION TO OPEN THE FOLLOWING RFP/RFQ FOR:**  
A. **ADOLPH THOMAE PARK SHORELINE RESTORATION PROJECT – RFQ NO. 050601.**

- (34) **CONSIDERATION AND AUTHORIZATION FOR PRELIMINARY AND FINAL APPROVAL FOR: (PS-DEPT. OF TRANSPORTATION)**

- A. **PRECINCT NO. 2- C & C RANCH ESTATES SUBDIVISION – BEING 10.00 ACRES CONSISTING OF ALL OF LOT NINE (9), BLOCK TEN (10), BARREDA GARDENS NO. 2 CAMERON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 8, PAGE 20 OF THE MAP RECORDS OF CAMERON COUNTY, TEXAS.**

## **TRAVEL ITEMS**

- (35) **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 Director of Department of Transportation, to attend the “Meetings with the Alliance for I-69 and the Texas Department of Transportation Aviation Division,” in Austin, Texas, June 29-30, 2005;

- B. PD&M CD Coordinator to attend the “Lower Rio Grande Valley Development Council Professional Advisory Review Panel meeting”, in Mercedes, Texas, July 13, 2005;

- C. Election Administrator, County Clerk and staff (3), to attend “The Twenty Third Annual Election Law Seminar for Voter Registration/Elections Administrators,” in Austin, Texas, August 23-26, 2005;

- D. Sheriff's Department employee to attend "El Instituto Nacional para La Educacion de Adultos," in Patzcuaro, Mexico, July 24-30, 2005;
  - E. Unit Director to attend the "Quarterly Intelligence Meeting," in Corpus Christi, Texas, September 13-15, 2005;
  - F. Unit Director, to attend the "South Texas HIDTA Executive Committee Meeting," in San Antonio, Texas, July 18-20, 2005;
  - G. Sheriff's Department employee to attend the "Sheriff' Association of Texas 127<sup>th</sup> Annual Training Conference," in Houston, Texas, July 16-20, 2005.
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- (15) **ADOPTION OF A RESOLUTION HONORING ANTONIO “TONY” TORRES ON THE OCCASION OF THE SUCCESSFUL CONCLUSION OF HIS TENURE AS A TEMPORARY JUSTICE OF THE PEACE, AND FOR HIS OUTSTANDING RECORD OF PUBLIC SERVICE DURING TWENTY YEARS AS AN ELECTED OFFICIAL.(COMM.CT.)**  
**The Resolution follows:**

- (16) **AUTHORIZATION TO RENEW THE FEDERAL EQUITABLE SHARING AGREEMENT BETWEEN CAMERON COUNTY, THE DISTRICT ATTORNEY'S OFFICE AND THE U.S. DEPARTMENT OF THE TREASURY FOR THE SHARING OF ASSET FORFEITURE REVENUES FROM FEDERAL PROSECUTIONS (AV-DA)**  
**The Agreement follows:**

- (17) **APPROVAL OF THE FOLLOWING INTERLOCAL AGREEMENTS WITH WATER COMPANIES TO PROVIDE BILLING SERVICES FOR THE COLLECTION OF SOLID WASTE:**
- A. OLMITO WATER SUPPLY CORPORATION**
  - B. MILITARY HIGHWAY WATER SUPPLY CORPORATION**
  - C. BROWNSVILLE PUBLIC UTILITIES BOARD**

**The Agreements follow:**

- (20) ACKNOWLEDGMENT OF RECEIPT OF PERFORMANCE BOND AND PAYMENT OF \$60,000 AS REQUIRED IN THE SOLID WASTE COLLECTION SERVICES AGREEMENT BETWEEN RED RIVER CORPORATION OF TEXAS AND CAMERON COUNTY SECTION 10. PERFORMANCE BOND AND SECTION 21.12 PAYMENT OF CERTAIN COSTS.(GS-COUNTY JUDGE)**  
**The Bonds follows:**

- (26) APPROVAL FOR THE CAMERON COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES TO SUBMIT A GRANT RENEWAL APPLICATION WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES FOR MATERNAL AND CHILD HEALTH CARE SERVICES FOR TITLE V ELIGIBLE CLIENTS.(YS-HEALTH)  
The Application follows:**

- (27) **APPROVAL FOR THE CAMERON COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES TO SUBMIT A GRANT RENEWAL APPLICATION WITH THE TEXAS DEPARTMENT OF HEALTH SERVICES INFECTIOUS DISEASE INTERVENTION AND CONTROL BRANCH FOR FEDERAL FUNDING FOR THE TUBERCULOSIS (TB) ELIMINATION PROGRAM.(YS-HEALTH)**  
**The Application follows:**

- (29) AUTHORIZATION TO EXECUTE A RESIDENTIAL BULK SERVICES AGREEMENT BETWEEN THE CAMERON COUNTY (PARK SYSTEM) AND THE TEXAS CABLE PARTNERS, L.P., D/B/A TIME WARNER CABLE.(JM-PARKS)  
The Agreement follows:**

- (30) AUTHORIZATION TO EXECUTE A LICENSE AGREEMENT BETWEEN CAMERON COUNTY (PARKS AND RECREATION) AND JESUS HERNANDEZ, PRESIDENT FOR THE “RIO-MAR COUNTRY TRAIL RIDERS” EVENT.(JM-PARKS)  
The Agreement follows:**

- (32) AUTHORIZATION TO SUBMIT AN APPLICATION FOR BEACH CLEANING AND MAINTENANCE ASSISTANCE WITH THE TEXAS GENERAL LAND OFFICE FOR STATE FINANCIAL ASSISTANCE FOR FISCAL YEAR 2005-2006.(JM-PARKS)  
The Application follows:**

**(14) APPROVAL OF CLAIMS.**

Commissioner Garza moved that the Claims be approved.

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

AYE: Commissioners Benavides, Wood, Garza and Tamayo

NAY: None

ABSTAIN: Judge Hinojosa as to Warrant No. 00141073, payable to Laguna Madre Water District, in the amount of \$192.21.

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

## EXECUTIVE SESSION

Upon motion by Commissioner Garza, seconded by Commissioner Benavides and carried unanimously, the Court met in Executive Session at 12:21 P.M. to discuss the following matters:

**(36) 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. Deliberation regarding Real Property concerning the Health Services District use of County Property at the FM 511 County Site; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.072;
- C. Deliberation regarding Real Property concerning acquisition of Parcel 127 for Primera Road Project in the Primera, Pct. 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 155 for Primera Road Project in the Primera, Pct. 4 area; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.072; and
- E. Deliberation regarding Real Property located at Isla Blanca County Park, concerning the possible assignment to the Dolphin Cove Oyster Bar-Concession Lease; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.072.

Upon motion by Commissioner Garza, seconded by Commissioner Wood and carried unanimously, the Court reconvened into Regular Session at 12:40 P.M. to discuss the following matters:

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

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

**NOTE: COMMISSIONER BENAVIDES STEPPED OUT AT THIS TIME.**

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

The motion was seconded by Commissioner Garza and carried unanimously.

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- B. **Deliberation regarding Real Property concerning the Health Services District use of County Property at the FM 511 County Site.**

Upon motion by Commissioner Garza, seconded by Commissioner Wood and carried unanimously, the Status Report by Mr. Pete Sepulveda, Department of Transportation Director, was acknowledged

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**C. Deliberation regarding Real Property concerning acquisition of Parcel 127 for Primera Road Project in the Primera, Pct. 4 area.**

Commissioner Wood moved that the acquisition of Parcel 127 for Primera Road Project in the Primera, Precinct No. 4, area be authorized at a cost of \$766.00.

The motion was seconded by Commissioner Garza and carried unanimously.

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**NOTE: COMMISSIONER BENAVIDES RETURNED AT THIS TIME.**

**D. Deliberation regarding Real Property concerning acquisition of Parcel 155 for Primera Road Project in the Primera, Pct. 4 area.**

Upon motion by Commissioner Wood, seconded by Commissioner Garza and carried unanimously, the acquisition of Parcel 155 for Primera Road Project in the Primera, Precinct 4 area was authorized at the sum of \$3,637.00.

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**E. Deliberation regarding Real Property located at Isla Blanca County Park, concerning the possible assignment to the Dolphin Cove Oyster Bar-Concession Lease.**

Commissioner Garza moved that the assignment to the Dolphin Cove Oyster Bar be approved, subject to the legal amendment.

The motion was seconded by Commissioner Wood and carried unanimously.

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**(31) APPROVAL OF THE ASSIGNMENT OF CONCESSION AGREEMENT TO TRANSFER OWNERS OF DOLPHIN COVE OYSTER BAR CONCESSION LEASE FROM JAMES R. CAMP TO CLIFTON A. McMILLON. (JM-PARKS)**

Upon motion by Commissioner Wood, seconded by Commissioner Garza and carried unanimously, the assignment of Concession Agreement to transfer owners of Dolphin Cove Oyster Bar Concession Lease from James R. Camp to Clifton A. McMillon was approved.

**The Assignment is as follows:**

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There being no further business to come before the Court, upon motion by Commissioner Benavides, seconded by Commissioner Wood and carried unanimously, the meeting was **ADJOURNED** at 12:43 P.M.

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**APPROVED** this **8th** day of **November 2005**.

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

**ATTEST:**

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