

THE STATE OF TEXAS

COUNTY OF CAMERON

BE IT REMEMBERED on the 11th day of APRIL, 2000, there was conducted a REGULAR Public 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

COMMISSIONER, PRECINCT NO. 1

CARLOS H. CASCOS, C.P.A.  
COMMISSIONER, PRECINCT NO. 2

JAMES R. MATZ  
COMMISSIONER, PRECINCT NO. 3

NATIVIDAD ATIVIE@ VALENCIA  
COMMISSIONER, PRECINCT NO. 4

Hilda V. Treviño Deputy  
COUNTY CLERK

ABSENT:

PEDRO "PETE" BENAVIDES

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The meeting was called to order by Judge Gilberto Hinojosa at 9:40 A.M. He then asked Pastor Daniel Blanco, Templo La Hermosa, for the invocation and Commissioner Cascos to lead the Court and the 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 April 7, 2000, at 10:54 A.M.:

**(9) IN THE MATTER OF THE ROADS IN GREEN VALLEY FARMS SUBDIVISION (TABLED)**

At this time, Mr. Juan Bernal, County Engineer, stated that there were 4.5 miles of roads in the Green Valley Farms Subdivision with one hundred (100) feet of right-of-way which was dedicated for public use, but not accepted by the County. Mr. Bernal stated that there had been concerns from the United States Postal Office and the School District concerning the conditions of the roads which prevented the accessibility into the subdivision.

Judge Hinojosa questioned whether a cost estimate had been determined to work on the 4.5 miles of roads and Mr. Bernal responded that the cost to lift and pave the roads would be approximately \$80,000.00 per mile.

Mr. Bernal stated that acquisition of right-of-way was not necessary, but noted that the problem was that the roads were not County Roads.

Commissioner Cascos stated that the types of roads would need to be differentiated as to whether the roads were private roads, public roads which were dedicated by plat for the general public use or roads accepted by the County into the County Road System. He stated that the roads in the Green Valley Farms Subdivision were neither private nor private dedicated roads and noted that the roads were public roads. Commissioner Cascos stated that the County had a process as to the acceptance of new roads into the system and added that it was imperative to follow the proper procedures, in order to avoid arbitrary selection of roads into the County Road System.

Mr. Bernal stated that the subdivision would need to bring the roads up to County Standards and the County would then maintain the roads.

Judge Hinojosa suggested that the Special Assessment Policy should be utilized to bring the roads up to County Road Standards; whereas, twenty-five percent (25%) of the costs would be paid by the County and seventy-five percent (75%) paid by the property owners, paid over a period of four (4) years. He stated that if a property owner failed to pay their portion, a lien would be assessed on their property.

Commissioner Cascos stated that the lots might not be worth the Special Assessment amount the property owners would need to pay and added that there were other areas with the same problems with the need for ingress and egress to the areas. He stated that the existing County Policy required that the roads be brought up to County Standards before acceptance into the County Road System and added that if the policy was to be changed, the policy would need to be changed for all other areas in the County. Commissioner Cascos stated that some type of criteria should be developed, in order to prevent the matter from becoming arbitrary or political and added that there was a need in the Green Valley Farms Subdivision, but would violate the County Policy.

Commissioner Valencia expressed concern as to whether acceptance of the roads into the County System would jeopardize future State funding assistance.

Mr. Doug Wright, Commissioners= Court Legal Counsel, stated that acceptance of the roads into the County Road System would violate the County Policy and added that the Court required that the roads be brought up to County Standards with a sixty foot right-of-way and a hard surface. He explained that after one year, the roads were inspected by the County Engineer and presented to the Court, based on the conditions of the roads. Mr. Wright stated that once the roads were accepted into the County Road System, the County was obligated to maintain the roads.

Judge Hinojosa noted that the Green Valley Farms Subdivision was a legal subdivision and that the County had accepted the roads as they were, noting that the County should not have accepted the roads.

Mr. Frank Bejarano, Program Development and Management Director, explained that the developer of the Green Valley Farms Subdivision dedicated the streets to the Neighborhood Association which were platted, but were never presented to the County for acceptance of public roads. He clarified that the issue before the Court was whether to accept the private streets for public use for maintenance by the County.

At this time, Commissioner Matz reported that the United States Postmaster had submitted a letter as to the impassible caliche roads in the Green Valley Farms Subdivision and the intent to withdraw delivery service. He stated that a second letter was received from the Los Fresnos Superintendent of Schools concerning the lack of accessibility for the school buses to pick up approximately three hundred students in the area during inclement weather. Commissioner Matz stated that there were six roads in the subdivision and reported that Cactus Road and Amigo Road were in very bad conditions. He stated that the residents paid a monthly fee to the Neighborhood Association for street lights and road maintenance and added that a grader owned by a resident had been utilized to spread the caliche, noting that the grader was no longer operational. Commissioner Matz stated that the long term basis would be the acceptance of the roads into the County System and that discussions had been held to address the individual roads for acceptance into the County System. He suggested that a short term solution would be to level and grade the roads and that the association was willing to buy the caliche with the available funds in the Neighborhood Association.

Mr. Wright noted that the roads were owned by the Neighborhood Association and dedicated for public purposes, which would create a problem.

Commissioner Matz clarified that the roads would be accepted for basic maintenance of the roads, with the understanding that there would not be improvements to the roads and that the Association would allocate the funds for the caliche.

Judge Hinojosa stated that the short term solution was not consistent with the County Policy, but added that there was a population of five hundred people in the subdivision, with over three hundred students. He stated that the students needed to attend school on a daily basis and added that roads which contained more residents should be addressed first.

Commissioner Valencia expressed his opposition to the matter and noted that Precinct No. 4 had the most miles in the County. He stated that there were many calls concerning the bad conditions of the roads in Precinct No. 4 and added that the County had deviated from the responsibility to the taxpayers in Precinct No. 4.

Mr. Bernal stated that the existing problems involved dirt and caliche roads and noted that the Road and Bridge Budget could not afford to address all the roads throughout the County.

Commissioner Cascos stated that there would be no costs to simply grade the roads and work on the bar ditches with the understanding that materials would not be placed. He questioned the cost to repair the roads with caliche and Mr. Bernal responded that it would cost \$50,000.00 per mile.

Judge Hinojosa stated that the County Judge-s Office and the Engineering Department would work together to propose an amendment to the policy on road acceptance in certain emergency situations, noting that school bus accessibility be considered an emergency situation. He stated that the Policy would be discretionary, in order to allow the County to make an exception in certain emergency situations, under certain conditions and commitments made by the Court. Judge Hinojosa stated that recommendations would be submitted to the Court for input and/or modifications.

Commissioner Cascos recommended that part of the Policy should involve the County Engineer-s recommendation and the ability to fund the projects, noting that some projects would be delayed or postponed due to exceptions made.

Judge Hinojosa stated that the policy should be made on a case by case basis and that the emergencies be declared by the Court.

At this time, Ms. Rosie de Lejia, Green Valley Farms Subdivision Precinct No. 3 resident, recognized the residents of Green Valley Farms which had attended the meeting and noted that the residents were working people. She stated that a documentary titled "Forgotten America" had been filmed which outlined the problems in the Colonias and added that it would be expensive for the residents in the Green Valley Farms Subdivision to participate in the Special Assessment Policy. Ms. de Lejia noted that Precinct No. 4 had received a grant for the Santa Rosa Colonias, noting that the project was a "done deal" and added that the Precinct No. 4 Colonia residents had not attended the meetings to express their support and interest.

Commissioner Valencia stated that he resented the comments made as to Precinct No. 4 Colonias and clarified that the Project was not a Adone deal.® He stated that the Court-s intent was to display fairness to all the residents in the County and added that the Commissioners represented the residents of the respective Precincts, noting that their presence was not necessary.

Judge Hinojosa stated that the efforts were being made to assist the Green Valley Farms Subdivision and added that there were also many other Colonias in the County that faced the same problems. He reiterated that a Policy would be created to allow the discretion at some instances, to repair the roads in emergency situations and added that the proposed policy would be presented to the Court for approval. Judge Hinojosa expressed his opposition as to the personal attacks by the public towards the Court and noted that much time and effort was spent annually to resolve the Colonia issues. He directed the Director of Management, the County Engineer, the Program Development and Management Director, and Legal Counsel to create a Policy to present to the Court in three (3) weeks and clarified that the policy would be based upon emergency situations.

At this time, Ms. JuaNita Brodecky, Rio Hondo resident, stated that Legal Counsel should determine the obligation of the County once the roads were accepted for maintenance work and expressed her concerns regarding the Unit Road System which had not been implemented.

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

**The Letters are as follow:**

**(8) AUTHORIZATION TO ENTER INTO CONTRACT BETWEEN CAMERON COUNTY AND TXDOT FOR THE CONSTRUCTION AND MAINTENANCE AGREEMENT FOR BRIDGE REPLACEMENT ON FIELD ROAD, ORANGE GROVE ROAD AND CANNON ROAD BRIDGE**

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, the Contract between Cameron County and the Texas Department of Transportation (TxDOT) for the Construction and Maintenance Agreement for Bridge Replacement on Field Road, Orange Grove Road and Cannon Road Bridge was approved.

**The Contract is as follows:**

At this time, Judge Hinojosa translated and summarized in Spanish the Court's plan to resolve the matters in the Green Valley Farms Subdivision as referenced in Item No. 8.

**(10) POSSIBLE ACTION REGARDING WATER AND SEWER SYSTEM FOR CAMERON COUNTY JAIL SITE AT FM/511 AND OLD ALICE ROAD**

At this time, Mr. Juan Mejia, Olmito Water Supply Corporation, expressed his opposition as to the Olmito Water Supply Corporation providing the Items No. 3 and No. 8, referenced in the letter dated April 6, 2000, from Noe Garza Engineers, Incorporated, and stated that it was the developers responsibility to run said lines.

Judge Hinojosa stated that an agreement had been made on said issues and added that it was his understanding that the utility provider would pay for the water and sewer lines up to the property line and the developer would pay for the lines from the property line to the facility. He stated that the plan submitted by Mr. Noe Garza, Noe Garza Engineers, Incorporated, reflected that in order to adequately provide water and sewer to the facility, a line would need to be looped around the property line to provide sufficient pressure to provide water into the facility in the case of a fire. Judge Hinojosa stated that the loop would be placed outside the property line which meant that the utility provider would have to pay for the line up to the property line and added that the Olmito Water Supply Corporation was informed that the County would not pay for the line.

Mr. Mejia explained that the Landmark Organization had recommended the placement of the water tower and lift station, noting that Landmark would hook up to the water tower and lift station, reiterating that it was the responsibility of the developer to pay for the lines around the perimeter of the property.

Mr. Mark Yates, County Auditor, stated that the Olmito Water Supply Corporation had agreed to provide a certain amount of water pressure, which was fifty-five pounds per square inch in ecstatic rate. He stated that Landmark had noted that the amount of pressure was not sufficient for fire suppression and added that the Olmito Water Supply Corporation had agreed to pay the extra costs for the pump. Mr. Yates clarified that the Olmito Water Supply Corporation had an existing looping system which ran from FM/511 to Old Alice Road, but noted that the Corporation had promised to provide the adequate water pressure, noting that their design should be modified to provide the pressure committed by the Corporation.

Mr. James Elium, Olmito Water Supply Corporation, clarified that the water pressure was not based on the number of lines and added that the additional lines would provide water distribution which changed the convenience of service.

Judge Hinojosa stated that based on the Engineer's recommendation, the only way to provide water service to facility, was to place the loop around the property and that there was no other option and added that the deal had been made that the Olmito Water Supply Corporation would provide the lines up to the property line. He clarified that the County had not agreed to pay for any lines other than the lines in the proposal, which reflected lines from the property line, into the property.

Commissioner Cascos recommended that the Olmito Water Supply Corporation should take the necessary steps to supply the adequate amount of pressure.

Upon motion by Commissioner Valencia, seconded by Commissioner Cascos and carried unanimously, the Water and Sewer System Plan for the Cameron County Jail site at FM/511 and Old Alice Road, presented by Mr. Noe Garza, Noe Garza Engineers, Incorporated, was accepted.

**The Letter is as follows:**



(5) **PRESENTATION OF DELINQUENT TAX REPORT FROM THE LAW FIRM OF LINEBARGER, HEARD, GOGGAN, BLAIR, GRAHAM, PEÑA AND SAMPSON, ON THE COLLECTION OF AD VALOREM TAXES**

At this time, Mr. Mark Yates, County Auditor, briefly highlighted the Distribution of Tax Collections Report from October 1999 through September 2000.

Mr. Tony Yzaguirre, Jr., Tax Assessor-Collector, stated that the Tax Office would be working with the law firm and that three hundred and eighty letters would be sent out to the delinquent tax accounts for 1999 which were delinquent the amount of \$2,000.00 and over, in order to meet the nine-five percent (95%) goal.

Judge Hinojosa suggested that the delinquent accounts which were below \$2,000.00, should also be addressed and added that the lower amounts were more likely to be paid by the residents.

Ms. Lucy Canales, Attorney at Law, highlighted the Cameron County Delinquent Tax Collections Report and added that the law firm would hire an individual to perform personal visits to the individuals owing \$1,000 to \$1,500.

Mr. Juan Peña, Attorney at Law, highlighted the steps to be taken, in order to reach the County's goal in collecting from the delinquent tax accounts, but suggested that the smaller accounts should be left uncollected, in order for the penalties and interests to increase for collection in the following year.

Mr. Mark Yates, County Auditor, stated that the ninety-five percent (95%) of the collections had been budgeted and reported that the County was \$80,000.00 above the previous years target concerning the delinquencies.

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Presentation of Delinquent Tax Report from the Law Firm of Linebarger, Heard, Goggan, Blair, Graham, Peña and Sampson, on the collection of Ad Valorem Taxes was acknowledged.

**The Report is as follows:**

**(1) APPROVAL OF COUNTY CLAIMS**

Commissioner Valencia moved that the County Claims be approved, as presented by the County Auditor.

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

**AYE:** Commissioners Cascos, Matz and Valencia

**NAY:** None

**ABSTAINED:** Judge Hinojosa, as to Warrant No. 31549, payable to Laguna Madre Water District.

**The Affidavit is as follows:**

(2) **APPROVAL OF THE BUDGET AMENDMENTS  
AND/OR SALARY SCHEDULES**

Commissioner Valencia moved that the 2000 Fiscal Year Budget Amendment No. 2000-23, be approved.

The motion was seconded by Commissioner Cascos and carried unanimously.

**The Budget Amendments are as follow:**

**(3) IN THE MATTER OF THE MINUTES OF MARCH  
21, 2000 (TABLED)**

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

**(4) ACKNOWLEDGMENT OF THE REQUIRED  
MANDATORY COUNTY AND DISTRICT CLERKS=  
ASSOCIATION OF TEXAS CONTINUING  
EDUCATION FOR 1999 COMPLETED BY JOE G.  
RIVERA, COUNTY CLERK**

Commissioner Cascos moved that the required mandatory County and District Clerks= Association of Texas Continuing Education for 1999 completed by Mr. Joe G. Rivera, County Clerk, be acknowledged.

The motion was seconded by Commissioner Matz and carried unanimously.

**The Certificate is as follows:**

**(6) APPROVAL TO SELL USED EMERGENCY EQUIPMENT TO RIO HONDO INDEPENDENT SCHOOL DISTRICT**

Commissioner Cascos moved that the used emergency equipment be sold to the Rio Hondo Independent School District.

The motion was seconded by Commissioner Matz and carried unanimously.

**(7) APPROVAL FOR RESERVE DEPUTIES AND BOND RENEWALS FOR JUAN MARTINEZ RODRIGUEZ, PRECINCT NO. 7, JOHN JAMES STETAR, JR. PRECINCT NO. 1, JOHN EDWARD LINDSEY, PRECINCT NO. 1, AND CRISTOBAL LOPEZ, PRECINCT NO. 4**

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the following Reserve Deputies and Bond Renewals were approved:

Mr. Juan Martinez Rodriguez, Precinct No. 7,

Mr. John James Stetar, Jr., Precinct No. 1,

Mr. John Edward Lindsey, Precinct No. 1, and

Mr. Cristobal Lopez, Precinct No. 4.

**The Bonds are as follow:**



## CONSENT AGENDA ITEMS

**THE FOLLOWING ITEMS WERE RECOMMENDED FOR ACONSENT® AND WERE EITHER RECOMMENDED BY THE DEPARTMENT HEAD, WITHIN BUDGET OR AWARDED TO THE LOW BIDDER:**

At this time, Ms. JuaNita Brodecky, Rio Hondo resident, expressed her opposition to the high number of County employees traveling and the amount of funds expended for travel.

Commissioner Matz expressed concern as to the travel for the County Drug Enforcement Task-Force and Mr. Frank Martinez, District Attorney's Office, responded that the training of the Agents were requirements, which were funded through the Federal Grant funds.

Ms. Yvette Salinas, Health Administrator, explained that there was a high number of travel in the Health Department due to the Licenses required in the different sections of the Health Department and added that many of the computer related training were solely provided through the training sessions held in different areas.

Upon motion by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, the AConsent® Agenda Items were approved as follow:

**(14) TRAVEL AND/OR TRAVEL EXPENSES FOR THE FOLLOWING, SUBJECT TO FUNDS IN THEIR BUDGET AND ALL APPLICABLE COUNTY POLICIES:**

- a) Two (2) Parks System employees to attend a AGrant Writing Workshop® in Seguin, Texas, on May 10-12, 2000;
- b) Two (2) Health Department employees to attend the A42<sup>nd</sup> County Auditors-Institute® in Austin, Texas, on May 16-19, 2000;
- c) Health Department employee to attend the ATuberculosis Control in the 21<sup>st</sup> Century® in south Padre Island, Texas, on April 14, 2000;
- d) Ten (10) County Extension Agents to attend the ADistrict Training for Income Generation Volunteers® in Weslaco, Texas, on April 4, 2000;
- e) County Extension Agent to attend and participate in the A2000 South District -H Fashion Show® in Kingsville, Texas, on April 29, 2000;
- f) County Extension Agent to attend a ASeminar on Understanding Anger Diagnosis Treatment and Prevention® in McAllen, Texas, on April 24, 2000;
- g) Five (5) County Extension and Americorps Members to attend an AAmericorps Member Training Seminar® in Starr County, Falcon State Park, on March 31, 2000, through April 1, 2000;
- h) Eight (8) Sheriff's Department employees to attend the ATexas Jail Association Annual Spring Conference® in Austin, Texas, on May 22-25, 2000;
- I) Health Department employee to attend the ATexas Tuberculosis Program Managers Course® in San Antonio, Texas, on May 15-18, 2000;

- j) Three (3) Health Department employees to attend the ATuberculosis in the 21<sup>st</sup> Century Seminar® in South Padre Island, Texas, on April 13-14, 2000;
- k) County Drug Enforcement Task-Force Agent to attend and receive ATraining on the Mini-Buster Contraband Detector® in Phoenix, Arizona, on May 10-11, 2000;
- l) Ten (10) County Drug Enforcement Task-Force Staff to attend the AAnnual Texas Narcotics Control Program Training Conference® in Austin, Texas, on June 18-22, 2000;
- m) Juvenile Department LVN to attend the ATuberculosis Control in the 21<sup>st</sup> Century Conference® in South Padre Island, Texas, on April 13-14, 2000;
- n) International Bridge Systems Director to attend the ACanada, Mexico and the United States: Strengthening Our Borders for Free Trade Conference® in Washington, D.C., on May 6-9, 2000';
- o) Constable Precinct No. 4 and Deputy to attend the ACivil Process School® in San Antonio, Texas, on April 16-19, 2000;
- p) County Drug Enforcement Agent to attend the ATNCP Basic Photographic Skills Course® in Marble Falls, Texas, on April 16-19, 2000;
- q) County Drug Enforcement Agent to attend the ATNCP Investigative and Surveillance Technology Basic Course® in Austin, Texas, on May 7-12, 2000;
- r) County Drug Enforcement Agent to attend the ATNCP Investigative and Surveillance Technology Training® in Austin, Texas, on May 3-5, 2000;
- s) Constable Precinct No. 6 and Deputy to attend the ACivil Process School® in San Antonio, Texas, on April 16-19, 2000;
- t) Four (4) Public Works Building Inspectors to attend a ASeminar on Electrical and Plumbing Code Updates® in South Padre Island, Texas, on April 29, 2000;
- u) Building Maintenance Director and employee to attend the ANational Hurricane Conference® in New Orleans, Louisiana, on April 16-22, 2000; and
- v) Commissioner Precinct No. 4 to attend the ANational Hurricane Conference® in New Orleans, Louisiana, on April 17-22, 2000.



**(15) OPEN AND AWARD BIDS**

- a) **PICK-UP TRUCKS (IN STOCK FOR IMMEDIATE DELIVERY) - PARKS SYSTEM**

**(16) OPEN BIDS FOR 3.826 ACRES OF LAND, LOCATED AT ISLA BLANCA PARK**

**(17) OPEN BIDS FOR WOMEN, INFANTS AND CHILDREN (WIC) PROGRAM OFFICE SPACE**

**(18) OPEN REQUEST FOR QUALIFICATIONS AND APPROVAL OF THE FOLLOWING EVALUATION COMMITTEE:**

**MS. YVETTE SALINAS, HEALTH ADMINISTRATOR,  
 MS. MARIA SAN PEDRO, DIRECTOR OF NURSES,  
 DR. VICTOR GONZALEZ, HEALTH AUTHORITY,  
 MS. DYLBIA JEFFERIES-VEGA, LEGAL COUNSEL,  
 MR. MARK YATES, COUNTY AUDITOR, AND  
 MR. MIKE FORBES, PURCHASING AGENT.**



a) **PHARMACIST CONSULTANT SERVICES - REQUEST FOR PROPOSAL NO. 1605-000301**

There being no further business to come before the Court, upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the meeting was **ADJOURNED** at **11:40 A.M.**

**APPROVED** this **16<sup>th</sup>** day of **May, 2000**.

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

**ATTEST:**

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