

THE STATE OF TEXAS

COUNTY OF CAMERON

BE IT REMEMBERED on the 24th day of OCTOBER, 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

PEDRO "PETE" BENAVIDES  
COMMISSIONER, PRECINCT NO. 1

COMMISSIONER, PRECINCT NO. 2

COMMISSIONER, PRECINCT NO. 3

NATIVIDAD ATIVIE@ VALENCIA  
COMMISSIONER, PRECINCT NO. 4

Hilda V. Treviño Deputy  
COUNTY CLERK

ABSENT:

CARLOS H. CASCOS, C.P.A.  
JAMES R. MATZ

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The meeting was called to order by Judge Gilberto Hinojosa at 9:50 A.M. He then asked Mr. Bob Clark, Brownsville resident, for the invocation and led 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 October 20, 2000, at 10:11 A.M.:

At this time, Mr. Bob Driggers, South Texans for Good Government, presented a Resolution, adopted by the South Texans for Good Government, requesting a roll back of the 2000-2001 Tax Rate, due to the State Criminal Alien Assistance Program (SCAAP) funding to be awarded to the County.

Mr. Dagoberto Barrera, Brownsville resident, expressed his concerns as to the importance of voting and expressed his gratitude to the Court for allowing the public to voice their opinions.

Judge Hinojosa emphasized the importance of each residents' vote, but noted that there was only twenty percent (20%) voting in the Rio Grande Valley. He added that in reference to the Resolution by the South Texans for Good Government, the SCAAP funding had not yet been received and noted that the funds had not been budgeted in the Fiscal Year 2000-2001. Judge Hinojosa indicated that the County had been advised that the funds might not be available and added that in the previous years, the County was receiving approximately \$800,000.00 per year. He reported that the time period of the funds had not been determined and that a definite decision could not be made until the funds were received. Judge Hinojosa stated that the Tax Assessor-Collector had reported that it would cost approximately \$130,000.00 to refund the money to the taxpayers if the Tax Rate was decreased and added that it would create much confusion to the taxpayers, since the tax notices had been mailed out. Judge Hinojosa stated that the options were being examined for Fiscal Year 2001-2002.

At this time, Mr. Dick Sturgell, Harlingen resident, expressed concern as to whether the Court had addressed the signage and vendor issues at the Courthouse parking lot.

Judge Hinojosa stated that the residents had a First Amendment right to display the signs, but noted that he was uncertain as to whether or not the residents had the right to place the signs on County property during Election time.

Mr. Doug Wright, Commissioners' Court Legal Counsel, stated that the issue was complicated because it dealt with public property and the restrictions. He noted that over the years, the residents had utilized the area to express their opinions, but noted that there was concern as to safety and liability issues.

Judge Hinojosa expressed his support as to the residents' rights to display their political signs in front of the Courthouse since it was their constitutional right to express their opinions on public affairs, but noted that the safety issues should be examined. He stated that the matter be placed on the Agenda to hold a Public Hearing and that a decision be made as to the vendors in the parking lot. Judge Hinojosa stated that a security plan had been created, but was never implemented. He reported that the Sheriff and Constables would be involved in the Courthouse parking lot security and that golf carts to patrol the area had been discussed.

Mr. Remi Garza, Assistant County Administrator, reported that the Sheriff and the Constable Precinct No. 2 had agreed to provide personnel to patrol on a two week rotational basis and added that the Tax Assessor-Collector had been reviewing proposals for security cameras for the parking lot.

Mr. Barrera expressed his opposition as to the expenditure of golf carts, noting that it would cost the County additional funds to implement said project.

Judge Hinojosa reported that there had been complaints by the County employees and jurors who utilized the parking lot and added that there had been many incidents involving theft and assaults. He stated that the vendor issue could not be enforced without security at the parking lot and added that the project should be implemented.

At this time, Mr. Herb Ames, South Texans for Good Government, questioned the amount of funds received from property values and Mr. Yates responded that the amount was approximately \$750,000.00, noting that 3% was from new property growth and 4.35% was in reappraisals. He stated that a large portion of the SCAAP funds would be allocated to the County's Fund Balance, which was utilized for emergencies and added that there were many County roofs and buildings that needed repairs.

Judge Hinojosa stated that public hearings had been held and that the Court had highlighted each of the items associated with the tax rate increase.

Ms. JuaNita Brodecky, Rio Hondo resident, expressed her concerns as to the trucks with large political signs on the parking lot and suggested that a time parking limit should be implemented.

Commissioner Benavides noted that the purpose of the politicians placing signs in front of the Courthouse is to remind people to vote.

Mr. John Brodecky, Rio Hondo resident, suggested that disabled parking spaces should be designated at the front line of the Courthouse parking lot and noted that there was not a sufficient number of handicapped spaces available.

(1) **APPROVAL OF COUNTY CLAIMS**

Upon motion by Commissioner Valencia, seconded by Commissioner Benavides and carried unanimously, the County Claims were approved, as presented by the County Auditor, and Warrant No. 44127, payable to Benavides Driving School, in the amount of \$100.00, was **Tabled** for one week.

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

Commissioner Benavides moved that the 2001 Fiscal Year Budget Amendment No. 2001-02, be approved, as presented by the Budget Officer.

The motion was seconded by Commissioner Valencia and carried unanimously.

**The Budget Amendments are as follow:**

(3) **IN THE MATTER OF THE MINUTES OF  
OCTOBER 17, 2000, REGULAR MEETING  
(TABLED)**

Upon motion by Commissioner Valencia, seconded by Commissioner Benavides and carried unanimously, this Item was **Tabled** for one (1) week.

(4) **RE-APPOINTMENT OF FIRE MARSHALL FOR  
THE COUNTY OF CAMERON, AS MANDATED BY  
TEXAS CODES ANNOTATED SECTION 352.011**

Commissioner Valencia moved that Mr. Desi Najera, Emergency Management Coordinator, be re-appointed as the Fire Marshall for the County of Cameron, as mandated by Texas Codes Annotated Section 352.011 and that the Bond be set, in the amount of \$5,000.00.

The motion was seconded by Commissioner Benavides and carried unanimously.

(5) **APPROVAL TO RELEASE ONE (1) SECURITY FOR  
A TOTAL OF \$5,800,000.00, AT PAR, IN  
COLLATERAL, TO FIRST NATIONAL BANK**

Commissioner Benavides moved that one (1) Security for a total of \$5,800,000.00, at par, in collateral, be released to First National Bank.

The motion was seconded by Commissioner Valencia and carried unanimously.

(6) **ACTION IN LEASING A REGISTRATION AND  
TITLES WORKSTATION SYSTEM FROM THE  
TEXAS DEPARTMENT OF TRANSPORTATION**

At this time, Mr. Tony Yzaguirre, Jr., Tax Assessor-Collector, explained that the workstation was for the ongoing Auto Theft Prevention Task-Force Program and that the workstation was part of the equipment necessary for the additional Investigator who was recently hired.

Upon motion by Commissioner Benavides, seconded by Commissioner Valencia and carried unanimously, a Registration and Titles Workstation System was leased from the Texas Department of Transportation.

**The Agreement is as follows:**

**(7) APPROVAL TO RENEW HARDWARE/SOFTWARE SERVICE AGREEMENTS**

At this time, Mr. Mark Yates, County Auditor, explained that the County had a Hewlett Packard 948 with various software on it and that the Agreements were annual renewals for the software and hardware of the Judicial, Voter Registration and the Child Support Systems.

Upon motion by Commissioner Benavides, seconded by Commissioner Valencia and carried unanimously, the following Hardware/Software Service Agreements were renewed:

- a) Hewlett Packard, in the amount of \$19,200.00 - Hardware/Software;
- b) Vital Soft, in the amount of \$2,277.00 - Software;
- c) Vesoft, in the amount of \$700.00 - Software;
- d) Disc, in the amount of \$2,750.00 - Software;
- e) Bradmark, in the amount of \$1,900.00 - Software;
- f) Broughton International, in the amount of \$6,417.18 - Software; and
- g) Felcro, in the amount of \$600.00.

**The Agreements are as follow:**

**(8) AUTHORIZATION TO SOLICIT REQUEST FOR QUALIFICATIONS FOR THE RENOVATION OF THE CAMERON COUNTY HARLINGEN OFFICE**

At this time, Mr. Juan Bernal, County Engineer, stated that the Tax Assessor-Collector had requested that the repairs to the Tax Office adjacent to the Harlingen County Building be included in the renovation of the Harlingen Office.

Commissioner Valencia noted that the Tax Office was not on same lot as the Harlingen County Building and that the County should concentrate on the renovation of the Harlingen County Building for the time being.

Judge Hinojosa suggested that the Harlingen Tax Office should be deferred until a determination was made as to the financial position of the County to address both buildings.

Mr. Tony Yzaguirre, Jr., Tax Assessor-Collector, stated that in order to determine the costs, both buildings should be examined together and added that the only problem with the Tax Office Building was the drive-up window.

Judge Hinojosa stated that an Architect was not necessary for the Tax Office drive-up window and explained that the Harlingen County Building would be entirely renovated.

Mr. Mark Yates, County Auditor, recommended that an assessment of the Harlingen County Building should be determined prior to advertising the Request for Proposals and added that there were significant issues needed at the building.

Judge Hinojosa stated that the needs of the Harlingen County Building had been discussed with Commissioner Precinct No. 4, the Constable and the Justices of the Peace in the area.

Mr. Yates recommended that the requests be formalized into a document to be consistent when sending them out to the vendors submitting the Request for Proposals.

Judge Hinojosa stated that the scope of services needed by the County would be negotiated once the Architect was hired and added that the Tax Office was a separate issue which did not require as much work as the Harlingen County Building. He stated that the Tax Office would be examined to determine the amount of work needed and added that the Contract could be amended if Architectural Services were necessary.

Commissioner Valencia moved that the solicitation of Request for Qualifications for the renovation of the Cameron County Harlingen Office be approved, said funding to be allocated from the Capital Projects Fund.

The motion was seconded by Commissioner Benavides and carried unanimously.



(9) **AUTHORIZATION TO APPROVE A JOINT USE AGREEMENT FOR THE OPERATION AND MAINTENANCE OF A DRAINAGE DITCH AT LAGUNA VISTA AND HIGHWAY 100**

At this time, Mr. Juan Bernal, County Engineer, stated that the Agreement consisted of the Texas Department of Transportation (TxDOT) operating and maintaining a drainage ditch at Laguna Vista and Highway 100.

Judge Hinojosa clarified that the Agreement was in lieu of the transfer of title to TxDOT and reported that once the ditch was fixed by the County, TxDOT had agreed to take title of the property and assume the obligation of maintaining the ditch. He added that Mr. Amadeo Saenz, TxDOT, and the Mayor of Laguna Vista had expressed concern as to transfer of the title, due to a reversionary clause in the original title that would prevent title from being transferred other than going back to the original land owners. Judge Hinojosa explained that in order to avoid any problems, they had requested that the title remain as it was and that TxDOT would simply agree to maintain the ditch, through the Joint Use Agreement. Judge Hinojosa recommended that the Joint Use Agreement be approved and noted that TxDOT had continuously participated and cooperated with the County.

Commissioner Benavides moved that the Joint Use Agreement for the operation and maintenance of a drainage ditch at Laguna Vista and Highway 100 be approved.

The motion was seconded by Commissioner Valencia and carried unanimously.

**The Agreement is as follows:**



# CONSENT AGENDA ITEM

**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 as to the high number of employees traveling and suggested that the County should hire qualified individuals to eliminate the excessive training.

Judge Hinojosa stated that the County had many qualified employees, but noted that certain training was required to continue developing the information needed to perform their jobs.

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

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

- a) Health Department employee to attend the AContinuous Quality Improvement Meeting® in McAllen, Texas, on October 24-26, 2000;
- b) Two (2) Juvenile Probation employees to attend the AFifth Annual Balancing Education and Juvenile Justice Conference® in Mesquite, Texas, on November 7-10, 2000;
- c) Juvenile Probation Program Specialist to attend the ATexas Juvenile Probation Commission Title IV-E Basic Training® in Austin, Texas, on November 13-15, 2000;
- d) Assistant County Auditor to attend the AGeneral Services Commission Statewide Internet-Based Electronic Procurement System Orientation Seminar® in San Antonio, Texas, on October 30, 2000;
- e) Juvenile Probation employee to attend the ATri-Agency Meeting® in Harlingen, Texas, on October 5, 2000;
- f) District Attorney First Assistant to attend the ASouth Texas High Intensity Drug Trafficking Areas (HIDTA) Initiative Evaluation Committee Meeting® in San Antonio, Texas, on October 26, 2000;
- g) Two (2) Program Development and Management employees to attend the ACriminal Justice Division Grants Management Training® in Weslaco, Texas, on October 19, 2000;
- h) Unidos Podemos and employee to attend the AYouth Enterprise Training/Edge University® on October 31, 2000, through November 2, 2000, and the A18<sup>th</sup> Annual Entrepreneurship Education Forum® on November 3-4, 2000, in Chicago, Illinois;
- I) Public Works Foreman to view asphalt crack equipment in San Antonio, Texas, on October 30, 2000;
- j) County Drug Enforcement Task-Force Commander, Field Supervisor and Administrative Assistant to attend the ATexas Narcotics Control Program Grant Management Workshop® in Lakeway, Texas, on October 29-31, 2000;

- k) Assistant District Attorney to attend the Asset Forfeiture Workshop in Laredo, Texas, on October 25, 2000;
- l) Two (2) Sheriff's Department Officers to attend the Gender and Leadership Issues Training in McAllen, Texas, on October 17, 2000;
- m) Three (3) Sheriff's Officers to attend the CLEOSE Class at the University of Texas at Brownsville in Brownsville, Texas, on September 22, 2000;
- n) Unified Narcotics Intelligence Task-Force (UNIT) Director to attend the High Intensity Drug Trafficking Areas (HIDTA) 2000 Conference in Washington, D.C., on December 2-7, 2000;
- o) Two (2) County Speed Program employees to attend the Project Save and Shattered Dreams in San Antonio, Texas, on November 6-8, 2000; and
- p) Three (3) District Attorney Support Staff to attend the 2000 TDCAA Key Personnel Seminar in Corpus Christi, Texas, on November 1-3, 2000.



**(11) FINAL APPROVAL**

**a) Precinct No. 3**

**North Lantana Subdivision, Unit II - being a resubdivision of 34.572 acres of Lot No. 17, Block No. 2, North Lantana Subdivision.**

**(12) PRELIMINARY APPROVAL**

**a) Precinct No. 2**

**Puerta Del Cielo Subdivision - being 42.946 acres of land comprising 7.646 acres of Lot No. 28, 20 acres of Lot No. 29, the North 8.24 acres of Lot No. 30, and the North 6.26 acres of Lot No. 31 and 0.80 acres of Lot No. 32, all in Block No. 15;**

**b) Precinct No. 3**

**Lazy Palms Subdivision - a 103.476 acre tract of land, more or less, being a 3.999 acres out of Block No. 10 and all of Block No. 11, out of Cunningham Subdivision and the Southwest one quarter (SW 1/4) of Block No. 1, the East one half (E 2) of Block No. 1, all of Block No. 2, and the West one half (W 2) of Block No. 3, F.Z. Bishop Subdivision; and**

**c) Precinct No. 4**

**Velas Subdivision - being a resubdivision of a 2.26 acre tract of land out of Saldivar Subdivision.**

**(13) OPEN BIDS AND/OR PROPOSALS**

**a) ADULT PROBATION OFFICE CONSTRUCTION BID - SAN BENITO, TEXAS**

**The Bids received and opened are as follow:**

**(14) EXECUTIVE SESSION**

Upon motion by Commissioner Benavides, seconded by Commissioner Valencia and carried unanimously, the

Court met in Executive Session at 10:30 A.M. to discuss the following matters:

- a) Confer with County Counsel concerning the case styled Edward Alcala vs. Alex Perez, et. al., Civil Action No. B-96-203, in the United States District Court - Brownsville, for discussion and authorization of settlement and plaintiff's attorney's fees; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A)(B);
- b) Deliberation regarding the Real Property concerning the possible lease and developing of Cameron County Airport Property; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072; and
- c) Confer with County Counsel concerning the case styled Ricardo Perez, Jr. vs. Juan Mendoza, Jr., et. al., Civil Action No. B-00-161, in the United States District Court - Brownsville, for discussion and authorization to provide legal representation; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A).

Upon motion by Commissioner Valencia, seconded by Commissioner Benavides and carried unanimously, the

Court reconvened in Regular Session at 10:50 A.M.

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

- a) **Confer with County Counsel concerning the case styled Edward Alcala vs. Alex Perez, et. al., Civil Action No. B-96-203, in the United States District Court - Brownsville, for discussion and authorization of settlement and plaintiff's attorney's fees.**

Upon motion by Commissioner Benavides, seconded by Commissioner Valencia and carried unanimously, County Counsel was directed to negotiate the settlement as per the range discussed in Executive Session for the case styled Edward Alcala vs. Alex Perez, et. al., Civil Action No. B-96-203, in the United States District Court - Brownsville.

- b) **Deliberation regarding the Real Property concerning the possible lease and developing of Cameron County Airport property.**

Commissioner Benavides moved that the Status Report by County Counsel be acknowledged regarding the possible lease and developing of Cameron County Airport property.

The motion was seconded by Commissioner Valencia and carried unanimously.

- c) **Confer with County Counsel concerning the case styled Ricardo Perez, Jr., vs. Juan Mendoza, Jr., et. al., Civil Action B-00-161, in the United States District Court - Brownsville, for discussion and authorization to provide legal representation.**

Upon motion by Commissioner Benavides, seconded by Commissioner Cascos and carried unanimously, the Status Report by County Counsel was acknowledged regarding the case styled Ricardo Perez, Jr., vs. Juan Mendoza, Jr., et. al., Civil Action B-00-161, in the United States District Court - Brownsville.

There being no further business to come before the Court, upon motion by Commissioner Benavides, seconded by Commissioner Valencia and carried unanimously, the meeting was **ADJOURNED** at **10:52** A.M.

**APPROVED** this **31<sup>st</sup>** day of **October, 2000**.

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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.**