

THE STATE OF TEXAS

COUNTY OF CAMERON

BE IT REMEMBERED on the 19th day of DECEMBER, 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

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

JAMES R. MATZ
COMMISSIONER, PRECINCT NO. 3

NATIVIDAD ATIVIE@ VALENCIA
COMMISSIONER, PRECINCT NO. 4

Adrian Daza Deputy Clerk
COUNTY CLERK

ABSENT:

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The meeting was called to order by Judge Gilberto Hinojosa at 9:45 A.M. He then asked Mr. Bob Clark, Brownsville resident, 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 December 15, 2000, at 12:46 P.M.:

**(9) DISCUSSION ON THE DEVELOPMENT OF A
COMMUNITY TECHNOLOGY CENTER AT LA
ESPERANZA PARK**

At this time, Mr. Javier Mendez, Parks Systems Director, explained that he had discussed with Texas A & M University, the possibility of having a Technology Center, behind the Community Center at Cameron Park, and introduced several members of the Texas A & M University that provided the details.

Mr. Larry Rincones, Regional Director Texas A & M University, reported that a \$500,000.00 grant was received from the Department of Education to build nine (9) Community Technology Centers (CTC) along the border, and that with the involvement and partnership developed with the public sector in Cameron Park, the first Center would open in February.

At this time, Mr. Francisco Olivas, Cameron Park Resident, expressed the Community's appreciation to the Court for the support and cooperation in providing Cameron Park with the opportunity to enhance the education and technology for the youths and adults.

Ms. Dendea Balli, Technical Director, stated that of the nine (9) sites along the border, Cameron Park would be the first building to be constructed, and that the funding would provide for ten (10) Computers with Internet capabilities and the furniture. She stated that the floor plan, consisting of a two thousand (2,000) square foot facility, would include two (2) classrooms, offices for evaluation and assessments and a storage area. Ms. Balli stated that they had secured partners to provide the educational components, and services such as GED, ESL, Job Training, Computer Literacy Courses and Health Classes. She added that they developed partnerships with Home Depot, who donated \$10,000.00 of building materials, and Magic Valley Electric Water Company matched that amount; adding that they were short \$6,000.00. She noted that the Community was excited about being involved in raising the funds, in order to meet the goal and have this building operating by February 2001.

Mr. Rincones explained that the Community Technology Centers (CTC) managers would provide labor to build the frame building, but that the building would be on County Property; therefore, be owned by the County. He added that the center would provide services to the youth and adults, under the supervision of the current Center Director, and that the site would be open until 9:00 or 10:00 P.M., with the County responsible for the utilities and the maintenance costs.

Mr. Mark Yates, County Auditor, noted that there were details pending on the installations and maintenance of the computer systems and the costs to be incurred.

Ms. Balli explained that the costs of the Internet, with a fire wall, and the installation of the phone lines would be covered by the Grant and that the County would be responsible for the maintenance of the computers and the building.

She noted that the Grant was for three (3) years, and added the University System had grant writers that would continue to seek funding to continue the projects and upgrade the hardware.

Commissioner Cascos suggested that the Parks System Director prepare a budget from March through the end of the fiscal year concerning the utility and maintenance costs. He suggested that population mobility problems should be considered when planning the next Community Technology Centers (CTC), such as in Valle Escondido.

Commissioner Valencia questioned when it would be anticipated that other centers would be built and Mr. Rincones stated that they would continue to seek funding and to identify community partners in order to address the need in the northern part of the County.

Judge Hinojosa explained that the County was in the process of opening a Boys and Girls Club in Cameron Park and suggested that the efforts be coordinated with the Brownsville Boys and Girls Club Director. He expressed his concerns regarding the location and appearance of the building, the landscaping and the environment, and the need to enhance the services to be provided in the community. He suggested that the plans be developed and coordinated with the County Engineers as to the placements of the buildings and general landscaping.

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the discussion concerning the development of a Community Technology Center at La Esperanza Park was acknowledged.

(4) **ADOPTION OF RESOLUTION HONORING
SHERIFF OMAR LUCIO FOR HIS DEDICATED
SERVICE TO CAMERON COUNTY, TEXAS**

At this time, Judge Hinojosa presented a Resolution to Sheriff Omar Lucio and commended him for the improvements made in Cameron County and his many years of services in the law enforcement field.

Sheriff Omar Lucio expressed his appreciation to Commissioners= Court and added that the image and perception of the Sheriff-s Department was changed with the support of the Court and the Sheriff-s staff.

Commissioner Valencia moved that the Resolution honoring Sheriff Omar Lucio be adopted.

The motion was seconded by Commissioner Matz and carried unanimously.

The Resolution is as follows:

(5) **ADOPTION OF A RESOLUTION HONORING MR. GUS REYNA, JR., ON THE OCCASION OF EIGHTEEN (18) YEARS OF SERVICE TO THE CAMERON COUNTY SHERIFF-S OFFICE**

Judge Hinojosa presented Mr. Gus Reyna with a Resolution on the occasion of his eighteen (18) years of service with Cameron County.

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the Resolution honoring Mr. Gus Reyna, Jr., for eighteen (18) years of service, was adopted.

At this time, Mr. Gus Reyna, Jr., Sheriff-s Department, expressed his gratitude to the Court and staff for the opportunity to be of service.

The Resolution is as follows:

(7) **ADOPTION OF A PROCLAMATION HONORING
MS. ROSALINDA MEDINA ON HER RETIREMENT
FROM THE TEXAS DEPARTMENT OF HUMAN
SERVICES**

At this time, Judge Hinojosa presented Ms. Rosalinda Medina with a Resolution on the occasion of her retirement from the Texas Department of Human Services.

Upon the motion by Commissioner Benavides, seconded by Commissioner Valencia and carried unanimously, the Proclamation honoring Ms. Rosalinda Medina on her retirement from the Texas Department of Human Service, was adopted.

At this time, Ms. Medina expressed her gratitude to the Court.

The Proclamation is as follows:

**(8) IN THE MATTER REGARDING DRAINAGE
CANALS, RESACA SYSTEM AND/OR WATER
ISSUES IN THE OLMITO AREA (TABLED)**

At this time, Commissioner Benavides explained that he had placed the Item on the Agenda because two (2) of his relatives had expressed problems concerning the water levels and the general conditions of the resaca in Olmito.

Mr. Carlos Rubenstein, Texas National Resources Conservation Commission, noted that there were one hundred and fifty-two properties (152) affected by the low water levels of the Lakeside Resaca, as well as the wildlife. He explained that the issues involved the utilization of water, the right of owners to store water, diverting water to the property owners along the resaca and the management of storm water that flowed through those resacas. Mr. Rubenstein explained that the solution would be to divert water from the Rio Grande River into the resaca. He highlighted the areas that were altered along the resaca that created the problems experienced by the residents.

Mr. Gary Bryant, Olmito resident and spokesperson for the community, presented the concerns and problems associated with the portion of the resaca that was altered which had resulted in low water levels since the Summer of 1999. He explained his attempts to have the matter resolved with the Cameron County Drainage District No. 1, and was told that a ditch was cut across the Kincannon Farm, based on a petition request signed by the residents, in order to resolve the problem of flooding but which resulted in water not being drained into the resaca.

Mr. Jim Holdar, District Engineer for Drainage District No.1, explained that they supplied water to the District, and due to the flooding in the early 1900's there was a need to make arrangements with the Kincannon Farm owner to take over the maintenance of the ditch that connected to the other ditches that led to the main resaca. He added that an overflow structure was placed to maintain the level of the resaca and to have the water drain into the ditch. He noted that improvements consisted mainly of cleaning the ditches to improve the drainage and that since then; there had been no problems with flood waters.

Judge Hinojosa noted that the problem was the result of storm water not being able to drain into the resaca.

Commissioner Benavides questioned what the solution would be to resolve the water issues; noting that the problem was not just the foul smells of the resaca, but that the property values would decrease.

Mr. Holdar suggested that the problem be solved by having the property owners unite and participate with the Kincannon Farm owner and to have the water that flowed in and out of the resaca metered, and that everyone paid their share for evaporation and that eventually would lead to the maintenance of water level in the resaca.

Judge Hinojosa questioned which entity had the ability to make changes in order for the storm water to flow into the resaca, and noted if the Drainage District had jurisdiction on the matter, then they needed to take care of the matter. He noted that the Court did not have the jurisdiction to determine water rights, but did appoint the members of the

Drainage District and encouraged the current Board to resolve the matter of allowing the storm water to flow into the area, before the new appointments reached the Court.

Mr. Holdar stated that District Drainage No. 1 did not have authority to furnish drain water and did not have the right of way, and the suggestion was made to have the owners allow for property easements.

Ms. Diana Byrant, Olmito Resident, expressed her concerns regarding the environment in the area, noting that they have migratory species and birding centers and that the natural habitats were being destroyed. She added that the resaca was not a ditch that someone dug twenty (20) years ago; rather it was a natural part of what used to be the Rio Grande River. She noted that they had contacted every entity involved, including the Drainage District, but have been ignored, and that the 158 properties owners, who paid taxes, wanted the resaca to be restored to the condition that it was less than two (2) years ago.

Judge Hinojosa suggested that the three parties involved meet to discuss the issues, noting that Commissioners Court involvement was limited and to reset the matter for January 16, 2001.

Commissioner Benavides suggested that the County Engineer participate in the meeting because some areas of Cameron County were not covered by the Drainage District and the County needed be involved.

Commissioner Cascos questioned whether the Kincannon Farm owner had been advised of the meeting, noting that the matter had been discussed about a year ago, but that based on legal counsel, he had declined to intercede, adding that the Court could not do anything regarding the farm owner-s willingness to cooperate.

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, this item was **TABLED** until January 16, 2001.



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

At this time, Mr. Javier Villarreal, Budget Officer, explained that a reimbursement was received for the prosecution of federal drug cases, and that salary increases for the District Attorney's Office were requested, in the amount of sixty-thousand dollars for the County Attorney, Fund No. 100-4750.

Judge Hinojosa stated that the increases were discussed and that the balance of the reimbursement would be placed in reserves for the District Attorney's Office, with the caveat that if the County experienced a budget crisis, the money would be used.

Commissioner Cascos moved that the 2001 Fiscal Year Budget Amendment No. 2001-05, and the Salary Schedules for M & O Department, Fund No. 150-6210, and County Attorney , Fund No. 100-4750 be approved.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Budget Amendments and/ Salary Schedules are as follow:

(1) APPROVAL OF COUNTY CLAIMS

At this time, Mr. Mark Yates, County Auditor, presented the following additional late claims for approval:

Warrant No. 47977, in the amount of \$300.00 - Rick Canales for Court appointed attorney fees;

Warrant No. 47978, in the amount of \$150.00 - John L. Carrington for Court appointed attorney fees;

Warrant No. 47979, in the amount of 58,540.79 - Lomax Meyer Grant;

Warrant No. 47980, in the amount of 4,100.00 for Grant purposes;

Warrant No. 47981, in the amount of \$200.00 - Fred Kowalski for Court appointed attorney's fees;

Warrant No. 47982, in the amount of \$500.00 - Angela Nix for Court appointed attorney's fees;

Warrant No. 47983, in the amount of \$1,590.00 - James Odabashian for Ad Litem fees;

Warrant No. 47974, in the amount of \$400,000.00 - C.O.S. 1995 Capital Projects;

Warrant No. 47975, in the amount of \$3,000.00 - GE Credit Equipment; and

Warrant No. 47976 in the amount of \$3,220.50 - State Comptroller for time payment.

Commissioner Cascos noted that several months ago, the County Auditor was requested to provide names to the cell phone claims; however, there were some that were not listed. He noted that the burden should be on the person who had the phone, and if they exceeded their allocated budget amounts, the Auditor's Office should bill them and have them provide documentation as to whether the calls were County expense.

Upon motion by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, the County Claims were approved as presented by the County Auditor, inclusive of the following late claims:

Warrant No. 47977, in the amount of \$300.00;

Warrant No. 47978, in the amount of \$150.00;

Warrant No. 47979, in the amount of 58,540.79;

Warrant No. 47980, in the amount of 4,100.00;

Warrant No. 47981, in the amount of \$200.00;

Warrant No. 47982, in the amount of \$500.00;

Warrant No. 47983, in the amount of \$1,590.00;

Warrant No. 47974, in the amount of \$400,000.00;

Warrant No. 47975, in the amount of \$3,000.00; and

Warrant No. 47976 in the amount of \$3,220.50.



(3) **IN THE MATTER OF MINUTES OF DECEMBER 5,
2000, AND DECEMBER 12, 2000 (TABLED)**

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

(6) **ADOPTION OF A RESOLUTION HONORING MS.
CARLOTA CHAPA HOPKINS ON THE OCCASION
ON HER RETIREMENT FROM THE CAMERON
COUNTY DISTRICT CLERK-S OFFICE**

At this time, Judge Hinojosa presented the Resolution to Ms. Carlota Chapa Hopkins honoring her on the occasion of her retirement from the District Clerk-s Office.

Ms. Aurora De la Garza, District Clerk, expressed her gratitude to Ms. Hopkins, and introduced Mr. Eric Garza, as the new Criminal Supervisor for the Criminal Department.

Ms. Carlota Chapa Hopkins expressed her gratitude to the Court and to the District Clerk-s staff.

Commissioner Cascos moved that the Resolution honoring Ms. Carlota Chapa Hopkins on the occasion of her retirement from the Cameron County District Clerk-s Office, be adopted.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Resolution is as follows:

(10) ADOPTION OF A RESOLUTION AUTHORIZING THE JUVENILE PROBATION DEPARTMENT TO APPLY FOR A CONTINUATION JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT TO THE GOVERNOR-S OFFICE OF CRIMINAL JUSTICE GRANT

Commissioner Cascos moved that the Resolution be adopted, authorizing the Juvenile Probation Department to apply for a continuation Juvenile Accountability Incentive Block Grant to the Governor-s Office Criminal Justice Grant.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Resolution is as follows:

**(11) ACTION REGARDING CITY OF BROWNSVILLE-S
2001 HERITAGE SURVEY AND HERITAGE PLAN**

Commissioner Benavides moved that the City of Brownsville-s 2001 Heritage Survey and Heritage Plan, be approved.

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

AYE: Commissioners Benavides, Matz and Valencia.

NAY: None

ABSTAINED: Commissioner Cascos as to the property located at 647 E. St. Charles;
and Judge Hinojosa as to the properties located at 622 E. St. Charles and
504 E. St. Francis.

Commissioner Matz noted that the taxes foregone by the County were in the amount of \$8,882.00.

The Report is as follows:

(12) ACTION REGARDING CAMERON COUNTY'S INVOLVEMENT IN THE WEST RAIL RELOCATION PROJECT

Commissioner Valencia moved that the Cameron County's involvement in the West Rail Relocation Project be approved, and that the County wide plan for Rail Road Relocation for the urban areas, be initiated.

The motion was seconded by Commissioner Cascos.

Commissioner Cascos noted that at the recent Metropolitan Planning Organization (MPO) meeting, the Port of Brownsville expressed concerns regarding their involvement, and suggested that the dialogues be continued. He explained that Commissioner Julius Collins, Navigation District, was concerned regarding the four million dollars spent by the Port, and that unless there were some concessions made by Union Pacific and Cameron County, he would not be willing to support it. He noted that it appeared that Congressman Solomon Ortiz's Office were not aware of the Proposal.

Judge Hinojosa responded that the matter was discussed with Congressman Ortiz's Office in Washington and were sent a copy of the plan.

Mr. John Hudson, JWH & Associates, noted that the issue of concern for the Port of Brownsville was their negotiation of tariffs with Union Pacific.

Judge Hinojosa stated that the Port's Commercial Truck Traffic Project was still in place and that the quid pro quo was that the County supported that project. He explained that the support of the Port for the West Rail Project was the most viable, but that there was nothing that precluded the Port from building a rail bridge across their bridge. He added that the Port needed to build their bridge, in order to take care of the tariff issue, but it was suggested that if the matter was resolved with West Rail Project, then they would proceed with the commercial traffic bridge. He stated that if there was a problem now, the County needed to know and that would change everything.

Commissioner Cascos explained that the Port had invested four (4) million dollars on their project and they wanted assurances that certain concessions were made. He noted the importance of communicating with all the entities, including the State Senator and State Representatives. He added that Commissioners Matz and Valencia had expressed concern regarding the northern end of the County and there were valid concerns, and that the County should make sure that the geographic and logistical part of the plan are well defined.

Judge Hinojosa explained that the Port supported the Project to the extent that it did not adversely affect their Project. He noted that the Port understood that the Relocation Project was proceeding, and that the chances of the Port realizing their rail project were not good. He stressed that the issue was how to resolve the rail problems that currently existed, and the Relocation was the best alternative.

Judge Hinojosa stated the Port of Brownsville could build their bridge project to serve the need to have a direct access point to Mexico, but that it was going to take a long time with the costs involved and the environmental issues facing Mexico. He added that the most viable project was the West Rail Relocation Project , and if the Port of Brownsville had a change of heart, he wanted to know as soon as possible, because that changed things. He stated that he made a commitment with respect to the northern rail issues to expand the planning process that included the whole County, noting that the costs associated with the expanded planning process had to be born by all the entities involved, with local agreements executed at the proper time.

Commissioner Matz reported that Harlingen - San Benito MPO met on December 14, 2000, and that six (6) mayors were present, and that in addition to Harlingen and San Benito, the County had the City of Combes, which had experienced many fatalities at the Rancho Viejo and Olmito, crossings and presented the following pamphlet summarizing costs and newspaper articles:

He noted his support for the project and the need to formalize the Project and present it to the different communities because it was an enormous problem that affected the entire County, and needed to be addressed.

Judge Hinojosa suggested that Mr. Hudson meet with the Cities of Harlingen and San Benito to determine their needs and goals and to include assessment and engineering plans.

Commissioner Cascos suggested that the discussions should include immediate as well as three to five year plans, and whether annexations were contemplated because that would impact the rail lines.

Upon motion duly made by Commissioner Valencia, seconded by Commissioner Cascos and carried unanimously, approval was given to have the County go forward with the West Rail Relocation Plan, and to initiate a County wide plan for railroad relocation of the urban areas.

At this time, Mr. Dagoberto Barrera, Brownsville resident, suggested that the new Commissioner for Precinct No. 3 should be part of the planning process and involved, in order for him to be orientated as to the projects and the budget, and Commissioner Matz responded that he would be providing the information and files to aid in the transition.



(17) POSSIBLE ACTION REGARDING INSTALLATION OF A PROPOSED STORM SEWER LINE ALONG TEXAS DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY (FM/802) TO DRAIN THE MARQUEZ GARDENS SUBDIVISION

Mr. Juan Bernal, County Engineer/Public Works Director, explained that a private developer needed to install a storm sewer line as part of the development of the Marquez Subdivision, but the easement was part of the Texas Department of Transportation's (TxDot) right-of-way, and TxDot did not engage with private individuals, only government entities. He noted that he had contacted County Legal Counsel for an opinion because the County Engineering Department had not experienced a situation like this in the past.

Commissioner Cascos expressed his concerns from an accounting stand point, as to who was going to deal with the property owners, the money to be in escrow, and why the County should be involved.

Ms. Dylbia Jefferies, County Legal Counsel, stated that the matter was discussed and their recommendation was that it was not the proper thing for the County to be involved, because the County would not be able to control the liability of the construction of the sewer system, replacement of the sewer system at a later date, costs greater than those estimated, and the precedents involved with the County entering into easements on behalf of private individuals.

Mr. Ariel Chavez, Chavez Automated Design, explained that the Preliminary Plan was submitted to the County for approval in mid March, and that they had proceeded with the final plans and preconstruction conferences until a letter was received from the Engineering Department on August 2000.

Mr. Chavez explained the lengthy process that had taken place, complying with all the requirements, including discussions with the property owner, and that after a three month delay, the property owner had declined their offer; therefore, the need to contact the County. He added that PUB took care of water and sewer improvements, but not the drainage improvements for the County.

Mr. Chavez explained that the initial offer to the property owner was based on the recommendation of the City Engineer, because they were dealing with the City Engineer; however since it was a County Subdivision, and TxDot did not engage with private individuals, they had to approach the County Engineer. He added that for the County to take over, the plans had to adhere to County standards, and inspected by the County. He noted that the plans were stalled, and while they did not want to create problems for the County, they needed the assistance to meet TxDot requirements, and were willing to pay the County permit fee.

Commissioner Cascos noted that the money suggested was to be used to offset future relocation costs, if necessary, and if those relocation costs did not occur in the prescribed period of time, the money would be reverted. He noted the management problems concerning the accrued interest and dealing with the property owners.

Mr. Mark Yates, County Auditor, suggested that a Neighborhood Association be organized, and that although the County did not have the mechanism in place, to assess the property owners an improvement fee and have the developer deposit an annual amount to the County which would create a reserve for the maintenance and preservation functions.

Commissioner Cascos noted that it would be a one time deposit, but the question was who was going to monitor the accounting later on. He added that the concern was that Legal and Engineering Department were recommending against the project, and once the County set a precedent, the County would have the same thing with the property owner or developer that did not want to pay an adjacent property owner because it was cheaper to approach the County, instead of the property owner.

Mr. Chavez noted that fifty-two (52) new homes were going to be built within a short time frame which would have a positive impact on the County's budget, and that the other issue was that in every other subdivision, even if there was a State issue, the County maintained the storm sewers.

Mr. Bernal clarified that the County worked on County Roads, and not on State Highway right-of-ways.

There was some discussion regarding the amount of money already spent by the developers, the possible escrow problems, the federal funding that was jeopardized by the delays, and the suggestion was made that the matter be tabled in order to research whether the County should be involved.

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

(13) **SELECTION OF ARCHITECTURAL FIRM FOR THE RENOVATIONS AND ADDITIONS TO THE MAIN ANNEX BUILDING IN HARLINGEN, TEXAS, CAMERON COUNTY**

Mr. Juan Bernal, County Engineer/Public Works Director, explained that the bids received were reviewed and that the Committee was recommending the Firm of GIGNAC and Associates, for the renovation of the Harlingen Annex Building.

Commissioner Benavides moved that the recommendation to award the contract to GIGNAC and Associates for the renovations and additions to the Main Annex Building in Harlingen be accepted.

Commissioner Cascos noted that he had previously suggested that the high and low recommendations be deleted because of the large disparity in the evaluations, in order to reach a medium or an average.

Mr. Doug C Wright, County Legal Counsel, noted that an Advisory Committee made recommendations and the Court had the discretion to accept or reject the recommendations. He added that if rigid rules were established, the Court

would have to approve the recommendations without fault, and that was not the way that recommendations have been handled it in the past.

Mr. Remi Garza, Assistant County Administrator, noted that the concerns raised by Commissioner Cascos were discussed in the Committee Meeting, and had been an on-going dilemma that had been discussed with the Purchasing Agent because scores could be intentionally drawn.

Upon motion by Commissioner Benavides, seconded by Commissioner Cascos and carried unanimously, the Architectural Firm of GIGNAC and Associates for the renovations and additions to the main annex building in Harlingen, Texas, Cameron County, was approved.

(14) **APPOINTMENT OF MS. HERMINIA MENDOZA,
TO THE CAMERON COUNTY HOUSING
AUTHORITY BOARD OF COMMISSIONERS**

Commissioner Matz moved to appoint Ms. Herminia Mendoza to serve on the Cameron County Housing Authority Board of Commissioners.

The motion was seconded by Commissioner Valencia and carried unanimously.

- (15) **APPROVAL OF BONDS FOR THE FOLLOWING ELECTED AND APPOINTED OFFICIALS: PEDRO BENAVIDES, COMMISSIONER PRECINCT NO. 1; DAVID A. GARZA, COMMISSIONER PRECINCT NO. 3; TONY YZAGUIRRE, TAX ASSESSOR-COLLECTOR; YOLANDA DE LEON, COUNTY ATTORNEY; CONRADO M. CANTU, SHERIFF; ANTONIO ATONY@ TORRES, JUSTICE OF THE PEACE, PRECINCT NO. 2 PLACE 1; OSCAR DEL A FUENTE, JUSTICE OF THE PEACE PRECINCT NO. 3 PLACE 1; SALLIE GONZALEZ, JUSTICE OF THE PEACE, PRECINCT NO. 5 PLACE 1; ARTURO SALAS SR., JUSTICE OF THE PEACE, PRECINCT NO. 7 PLACE 1; MIKE BARBERENA, CONSTABLE PRECINCT NO. 1; ABEL PEREZ, CONSTABLE PRECINCT NO. 2; FRANK ROBLES, JR., CONSTABLE PRECINCT NO. 3; ROBERT LOPEZ, CONSTABLE PRECINCT NO. 4; GUADALUPE GONZALES, CONSTABLE PRECINCT NO. 5; JUAN MENDOZA, JR., CONSTABLE PRECINCT NO. 6; AND JOSE ALFREDO JIMENEZ, CONSTABLE, PRECINCT NO. 7**

At this time, Mr. Doug Wright, Commissioners= Court Legal Counsel, noted that Bonds were submitted for all Elected Officials, with the exception of Commissioners Precinct No. 1 and Precinct No. 3, and suggested that they be approved by the Court, subject to legal.

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the following Elected Officials Bonds was approved, subject to legal review:

Pedro Benavides, Commissioner Precinct No. 1;
David A. Garza, Commissioner Precinct No. 3;
Tony Yzaguirre, Tax Assessor-Collector;
Yolanda De Leon, County Attorney;
Conrado M. Cantu, Sheriff;
Antonio ATony@ Torres, Justice of the Peace, Precinct No. 2 Place 1;
Oscar De la Fuente, Justice of the Peace Precinct No. 3 Place 1;
Sallie Gonzalez, Justice of the Peace, Precinct No. 5 Place 1;
Arturo Salas Sr., Justice of the Peace, Precinct No. 7 Place 1;
Mike Barberena, Constable Precinct No. 1;
Abel Perez, Constable Precinct No. 2;
Frank Robles, Jr., Constable Precinct No. 3;
Robert Lopez, Constable Precinct No. 4;
Guadalupe Gonzales, Constable Precinct No. 5;
Juan Mendoza, Jr., Constable Precinct No. 6; and
Jose Alfredo Jimenez, Constable, Precinct No. 7.

The Bonds are as follows:

(16) AUTHORIZATION TO ACCEPT PLUMOSA DRIVE, LAS PALMAS CIRCLE WEST, LAS PALMAS CIRCLE SOUTH, LAS PALMAS CIRCLE NORTH AND LAS PALMAS DRIVE, LOCATED IN VILLA LAS PALMAS SUBDIVISION, PRECINCT NO. 3, INTO THE COUNTY ROAD SYSTEM

Commissioner Valencia moved that the following roads located in Villa Las Palmas Subdivision, Precinct No. 3, be accepted into the County Road System: Plumosa Drive, Las Palmas Circle West, Las Palmas Circle South, Las Palmas Circle North and Las Palmas Drive.

The motion was seconded by Commissioner Matz and carried unanimously.

(18) AUTHORIZATION TO RECLASSIFY POSITIONS WITHIN THE PUBLIC WORKS DEPARTMENT

At this time, Juan Bernal, County Engineer/Public Works Director, presented an upgrade of classifications and salary increases for the Public Works Department.

Commissioner Cascos noted that the salary recommended for the Safety Coordinator position was an increase and not a reclassification; and questioned the eight percent (8%) raise when he just received an increase in October. He noted that an increase was recommended because he was doing a good job, and that would open the door for every Department Official to request increases because employees were doing good jobs. He stated that he did not have a problem with the reclassifications.

Mr. Mark Yates, County Auditor, noted that the Salary Matrix System was important because it would set a base for the reclassifications.

Commissioner Cascos moved that the reclassification of positions within the Public Works Department be approved, with the exception of the Safety Coordinator.

The motion was seconded by Commissioner Valencia and carried unanimously.

AYE: Commissioners Cascos, Matz, and Valencia

NAY: Commissioner Benavides.

(19) APPROVAL OF CHANGE ORDER FOR THE DANCY BUILDING

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the Change Order for the Dancy Building, was approved.

(21) APPROVAL OF CONTRACT BETWEEN CAMERON COUNTY AND TEXAS DEPARTMENT OF HEALTH TUBERCULOSIS ELIMINATION DIVISION TO PROVIDE TUBERCULOSIS SERVICES WITHIN CAMERON COUNTY

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the Contract between Cameron County and the Texas Department of Health Tuberculosis Elimination Division, to provide Tuberculosis Services within Cameron County, was approved.

The Contract is as follows:

(20) APPROVAL OF AN AMENDMENT TO THE CONTRACT BETWEEN CAMERON COUNTY AND TEXAS DEPARTMENT OF HEALTH TO PROVIDE WOMAN, INFANT, AND CHILDREN (WIC) PROGRAM SERVICES

Commissioners Matz moved that the Amendment to the Contract between Cameron County and Texas Department of Health to provide Woman, Infant, and Children (WIC) Program Services, be approved.

The motion was seconded by Commissioner Valencia and carried unanimously.

The Contract is as follows:

(22) AUTHORIZATION TO ADVERTISE FOR REQUEST FOR QUALIFICATIONS FOR FOREIGN TRADE ZONE CONSULTING SERVICES

Commissioner Matz moved that the Request for Qualification for the Foreign Trade Zone Consulting Services be approved.

The motion was seconded by Commissioner Valencia and carried unanimously.

(23) AUTHORIZATION TO EXPAND COMPUTER CENTER MOBILE PHONE SUBSCRIPTION BY CONVERTING .25 PER MINUTE RATE PLAN TO 1500 MINUTE POOL PLAN AND ADDING ONE PHONE TO NEW POOL PLAN

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the expansion of the Computer Center Mobile Phone Subscription was approved, converting the .25 per Minute Rate Plan to 1500 Minute Pool Plan and adding one phone to the New Pool Plan.

(24) AUTHORIZATION TO UTILIZE THE TEXAS COOPERATIVE PURCHASING NETWORK-REGION IV INTER-LOCAL AGREEMENT TO PURCHASE 34 COMPUTERS AND SIX (6) LAPTOPS FROM U.S. TECH

Commissioner Matz moved that the utilization of the Texas Cooperative Purchasing Network-Region IV Inter-Local Agreement to purchase thirty-four (34) Computers and six (6) Laptops from U.S. Tech, be approved.

The motion was seconded by Commissioner Cascos and carried unanimously.

(25) AUTHORIZATION FOR PLANNING DEVELOPMENT AND MANAGEMENT DEPARTMENT TO SUBMIT AN APPLICATION FOR FUNDING TO THE UNITED STATES DEPARTMENT OF AGRICULTURE COMMUNITY FACILITIES ASSISTANCE PROGRAM FOR THE CONSTRUCTION OF A FIRE/LAW ENFORCEMENT SUBSTATION NEAR ARROYO CITY

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Planning Development and Management Department be authorized to submit an Application for Funding to the United States Department of Agriculture Community Facilities Assistance Program for the construction of a Fire/Law Enforcement Substation near Arroyo City.

(26) AUTHORIZATION TO HOLD PUBLIC HEARING REGARDING THE UNITED STATES DEPARTMENT OF AGRICULTURE COMMUNITY FACILITIES ASSISTANCE PROGRAM, FOR THE CONSTRUCTION OF A FIRE/LAW ENFORCEMENT SUBSTATION NEAR ARROYO CITY, AT GABBY-S RESTAURANT ON THE ARROYO, ARROYO CITY, ON DECEMBER 29, 2000 AT 6:00 P.M.

Commissioner Matz moved that a Public Hearing be held at Gabby-s Restaurant on the Arroyo, Arroyo City, on December 29, 2000 at 6:00 P.M., regarding the United States Department of Agriculture Community Facilities Assistance Program, for the construction of a Fire/Law Enforcement Substation near Arroyo City,

The motion was seconded by Commissioner Valencia and carried unanimously.

(27) AUTHORIZATION TO AMEND EXISTING CONTRACT WITH DCW ARCHITECTS TO INCLUDE DESIGN SERVICES FOR A FIRE/LAW ENFORCEMENT SUBSTATION NEAR ARROYO CITY

Upon motion by Commissioner Valencia, seconded by Commissioner Benavides and carried unanimously, the Amendment to the existing Contract with DCW Architects, to include design services for a Fire/Law Enforcement Substation near Arroyo City, was approved.

The Contract is as follows:

**(28) APPROVAL OF CONTRACT NO. 582-1-37793
BETWEEN CAMERON COUNTY AND TEXAS
NATURAL RESOURCE CONSERVATION
COMMISSION REGARDING AN
ADMINISTRATIVE RELIEF GRANT**

Commissioner Cascos moved that Contract No. 528-1-37793 between Cameron County and Texas Natural Resource Conservation Commission regarding an Administrative Relief Grant, be approved.

The motion was seconded by Commissioner Matz and carried unanimously.

The Contract 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:

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

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

At this time, Remi Garza, Assistant County Administrator noted that Item No. 29 (b) should read: Juvenile Department instead of Health Department.

- a) County Planning and Inspection Employees to attend the ATexas Natural Resource Conservation Commission Course on Backflow Prevention® in Brownsville, Texas, on January 5,6,12 and 13, 2001;
- b) Health Department LVN to attend the AConference and Retreat on School Health® in Harlingen, Texas, on January 12, 2000;
- c) Eleven (11) Juvenile Probation Employees to attend the AHarlingen District Parole-s Gangs in the Valley Meet® in South Padre Island, Texas, on December 6, 2000;
- d) Assistant Chief Juvenile Probation and Employee to attend the ALower Rio Grande Development Training® in Weslaco, Texas, on December 14, 2000;
- e) Assistant Chief Juvenile Probation Officer to attend the ATexas Juvenile Probation Commission Meeting on Juvenile Justice Alternative Education Program® in Austin, Texas, on December 7-8, 2000; and
- f) Program Development and Management Employee to attend the ALower Rio Grande Valley Development Council Professional Advisory Review Plan® in Weslaco, Texas, on December 12, 2000.

(30) AUTHORIZATION FOR PRELIMINARY APPROVAL:

- a) **Precinct No. 3 - Merett Subdivision - being a resubdivision of 1.12 acres of land, comprised of all of Lot No. 23, Block No. 2 of the XX Farms Subdivision; and**
- b) **Precinct No. 4 - West Paloma Subdivision - A 28.736 acre tract of land, more or less, out of Block No. 12, Subdivision No. 1 of Hicks Reserve.**

(31) AUTHORIZATION FOR FINAL APPROVAL:

- (1) **Precinct No. 4 - Iglesia Vieja Section 4 Subdivision - being a 34.695 acre tract of land, more or less, same being Lots No. 5 and No. 6, Iglesia Vieja Subdivision, Section No. 3, and 33.315 acres out of Block No. 23, Rancho De Santa Maria Subdivision; and**
- (2) **Precinct No. 3 - North Lozano Subdivision - A 40.0 acre tract of land, more or less, being all of Block No. 249, San Benito Irrigation Company.**

(32) AUTHORIZATION TO OPEN BIDS/PROPOSALS FOR THE FOLLOWING:

- a) **Food: Meats - Quarterly Bid No. 2170**
- b) **Patrol Cars (13), Pick-Up Trucks (2), and Cargo Van (1)**

The bids follow:

At this time, Commissioner Cascos noted that it would be the last meeting for Commissioner Matz , and thanked him for his years of public service and wished him well.

(33) EXECUTIVE SESSION

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the Court met in Executive Session at 12:56 A.M. to discuss the following matters:

- a) Confer with County Counsel on the case styled Ruben Pena vs. Jose A. Jimenez, et al., Civil Action No. B-99-084, in the United States District Court for the Southern District of Texas, Brownsville Division, for discussion; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A);
- b) Confer with County Counsel on the case styled Dennis Zamarron and Joe Rubio, Jr. vs. City of Harlingen, Texas, and County of Cameron, Civil Action No. B-00-178, in the United States District Court of the Southern District of Texas, Brownsville Division, for discussion and authorization to provide legal representation; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 51.071(1)(A);
- c) Evaluation of Cameron County Engineer/Public Works Director; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.0074; and
- d) Evaluation of Cameron County Parks System Director; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.074.

Upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, the Court reconvened in Regular Session at 1:30 P.M.

(34) ACTION RELATIVE TO EXECUTIVE SESSION

- a) **Confer with County Counsel on the case styled Ruben Pena vs. Jose Jimenez, et al., Civil Action No. B-99-084, in the United States District Court for the Southern District of Texas, Brownsville Division.**

Upon motion by Commissioner Benavides, seconded by Commissioner Matz and carried unanimously, the Status Report by County Counsel was acknowledged regarding the case styled Ruben Pena vs. Jose Jimenez, et al., Civil Action No. B-99-084, in the United States District Court for the Southern District of Texas, Brownsville Division.

- b) **Confer with County Counsel on the case styled Dennis Zamarron and Joe Rubio, Jr. vs. City of Harlingen, Texas, and County of Cameron, Civil Action No. B-00-178, in the United States District Court of the Southern District of Texas, Brownsville Division, for discussion and authorization to provide legal representation.**

Commissioner Matz moved that Cameron County Counsel, with personal jurisdiction, represent Cameron County regarding the case styled Dennis Zamarron and Joe Rubio, Jr. vs. City of Harlingen, Texas, and County of Cameron, Civil Action No. B-00-178, in the United States District Court of the Southern District of Texas, Brownsville Division.

The motion was seconded by Commissioner Benavides and carried unanimously.

- c) **Evaluation of Cameron County Engineer/Public Works Director.**

Commissioner Matz moved that the favorable evaluation of Mr. Juan Bernal, Cameron County Engineer/Public Works Director, be acknowledged and that the salary be increased to eighty-six thousand dollars.

The motion was seconded by Commissioner Benavides and carried unanimously.

- d) **Evaluation of Cameron County Parks System Director.**

Commissioner Benavides moved that the favorable evaluation of Mr. Javier Mendez, County Parks System Director, be acknowledged and that the compensation be increased to fifty thousand dollars per year.

The motion was seconded by Commissioner Valencia and carried unanimously.

There being no further business to come before the Court, upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, the meeting was **ADJOURNED** at **1:36** P.M.

APPROVED this 16th day of **January, 2001**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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