THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 6th day of FEBRUARY, 2001, 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:

5:30 P.M.

PRESENT:

GILBERTO HINOJOSA
COUNTY JUDGE

PEDRO "PETE" BENAVIDES
COMMISSIONER, PRECINCT NO. 1

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

DAVID A. GARZA
COMMISSIONER, PRECINCT NO. 3

NATIVIDAD "TIVIE" VALENCIA
COMMISSIONER, PRECINCT NO. 4

Inelda T. Garcia Deputy
COUNTY CLERK

ABSENT:

DAVID A. GARZA

The meeting was called to order by Judge Gilberto Hinojosa at 5:47 P. M., and he led the Court and the audience in reciting the Pledge of Allegiance. Dr. Genovevo Yzaguirre, Iglesia Mision Divina, gave the invocation.

The Court considered the following matters as posted and filed for Record in the Office of the County Clerk on February 2, 2001, at 1:44 P.M.:

DISCUSSION ACTION ITEMS

(7) APPROVAL OF AN INTERLOCAL AGREEMENT BETWEEN CAMERON COUNTY, THE CITY OF BROWNSVILLE AND THE BROWNSVILLE NAVIGATION DISTRICT REGARDING THE WEST RAIL RELOCATION PROJECT

At this time, Mr. Pete Sepulveda, Bridge Systems Director, presented some amendments and comments to the Contract as proposed by the City of Brownsville and the Port of Brownsville. He noted that the changes were reviewed by legal counsel.

Commissioner Cascos questioned whether Item No. 5 stating "sharing the cost equally" referred to the out-of-pocket costs, and the reply was that it covered all the costs.

Upon motion by Commissioner Valencia, seconded by Commissioner Cascos and carried unanimously, the Interlocal Agreement between Cameron County, the City of Brownsville and the Brownsville Navigation District, regarding the West Rail Relocation Project was approved, subject to presentation of the final agreement at the next Meeting.

(8) AUTHORIZATION TO PARTICIPATE WITH THE RIO GRANDE VALLEY MOBILITY TASK FORCE ON THE 1-69 PROJECT

At this time, Mr. Bill Summers, Rio Grande Valley Mobility Task Force, explained that the request for the $1,000.00 was for the calendar year, and not an additional amount. He noted that the amount was less than the previous years because Cameron County had provided it's fair share. He explained that the in the early stages of the Task Force, the Rio Grande Valley was not included in the I-69 Project discussions, but through the combined efforts and resources, the Valley was now included and was the only one prepared to build the overpasses.

Commissioner Cascos moved that participation with the Rio Grande Valley Mobility Task Force on the 1-69 Project be approved.

The motion was seconded by Commissioner Valencia and carried unanimously.

(12) POSSIBLE ACTION REGARDING THE RESACA SYSTEM AND/OR WATER ISSUES IN THE OLMITO AREA

At this time, Mr. Juan Bernal, County Engineer/Public Works Director, explained that the residents had reached an agreement with the property owner, but the issue remained as to who would remove the three feet of dirt from the dam to allow for proper drainage.

Judge Hinojosa moved that the County Road and Bridge Department be authorized to remove the dirt to allow the flood waters to drain into that resaca, after an agreement had been executed with the property owner, in order to prevent any future flooding in that rural area and road ways that were the County's responsibility.

Commissioner Cascos requested a letter in writing from the Legal Department stating that it was proper to proceed with the matter.

Mr. Doug Wright, Chief Civil Council, noted that in order to proceed the Court had to establish a finding of fact that it was in the best interest of the County and the public to authorize the removal of the dirt from the private property, to allow for proper drainage and to prevent future flooding.

Judge Hinojosa clarified that his motion was that it was a public purpose to eliminate flooding in the Olmito area that was caused as the result of the inability of the waters to drain into areas, such as the resaca that was currently empty. He noted that "in order to achieve the public purpose and to avoid any future flooding in the area, it was in the best interest of the residents of the County in the Olmito area, to authorize the Public Work Department to take out the dirt; pursuant to the agreement with landowner." He stated that his motion was a "finding along with an authorization."

Commissioner Benavides noted that it was an environmental and health issue.

Mr. Wright noted that there had been testimony that the County road ways were flooded in 1997, and that the removal of the dirt from the dam would prevent flooding.

Upon motion duly made by Judge Hinojosa that the Public Works Department be authorized to remove the dirt to allow the flood waters to drain into that resaca, after an agreement had been executed with the property owner, in order to prevent any future flooding in the rural area and road ways that were the County's responsibility.

The motion was seconded by Commissioner Benavides and carried unanimously.

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

Commissioner Cascos moved that the 2001 Fiscal Year Budget Amendment No. 2001-09, and the Salary Schedules for the Sheriff's Department, Fund No. 100-5600; and County Jail/Detention Centers, Fund No. 100-5120, be approved.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Budget Amendments and Salary Schedules are as follow:

(2) APPROVAL OF COUNTY CLAIMS

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

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

AYE: Commissioners Benavides, Cascos and Valencia,

NAY: None

ABSTAIN: Judge Hinojosa as to Warrant No. 50392, in the amount of $ 151.66.

The Affidavit follows:

(3) APPROVAL OF MINUTES OF DECEMBER 19, 2000, JANUARY 9, 2001, JANUARY 16, 2001, AND JANUARY 23, 2001

Upon motion by Commissioner Valencia, seconded by Commissioner Cascos and carried unanimously, the Minutes of the Regular Meetings held December 19, 2000, at 9:30 A.M., January 9, 2001, January 16, 2001, and January 23, 2001, at 5:30 P.M., were approved, with the corrections as noted.

(4) CONSIDERATION AND APPROVAL OF THE BID SPECS FOR THE COUNTY/BANK DEPOSITORY CONTRACT

Commissioner Valencia moved that the Bid Specs for the County/Bank Depository Contract be approved.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Bid Specs are as follow:

(5) IN THE MATTER TO SET $150.00 CELL PHONE ALLOWANCE FOR ELECTED OFFICIALS THAT CURRENTLY HAVE A 1500 MINUTE PLAN AND A $75 ALLOWANCE FOR THOSE WHO HAVE A 500 MINUTE PLAN (TABLED)

(10) IN THE MATTER OF THE PROPOSED GUIDELINES FOR THE CAMERON COUNTY COMPENSATION AND CLASSIFICATION SYSTEM STUDY (TABLED)

(11) IN THE MATTER OF A JOB EVALUATION COMMITTEE FOR THE PROPOSED CAMERON COUNTY COMPENSATION AND CLASSIFICATION SYSTEM STUDY (TABLED)

Upon motion by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, these Items were **TABLED.**

(9) APPOINTMENT OF DEPUTY CONSTABLE(S) IN COMPLIANCE WITH THE STATE OF TEXAS CIVIL STATUE 86.011 AND 86.012

Upon motion by Commissioner Valencia, seconded by Commissioner Benavides and carried unanimously, the appointment of Mr. Eusebio Alvarado, Deputy Constable for Precinct No. 4, was approved, in compliance with the State of Texas Civil Statue 86.011 and 86.012, noting the need in the Precinct, said appointment to coincide with the fiscal year.

(6) AUTHORIZATION TO ALLOW THE TWO DEPUTY CONSTABLES TO UTILIZE AT THEIR OWN COST, A POOLING OF CELL PHONE MINUTES ALREADY PROVIDED TO THE CONSTABLE PRECINCT NO. 5

Commissioner Valencia moved that the two (2) Deputy Constables be authorized to utilize, at their own cost, a Pooling of Cell Phone Minutes already provided to the Constable Precinct No. 5.

The motion was seconded by Commissioner Benavides and carried unanimously.

(13) ADOPTION OF A RESOLUTION SUPPORTING THE TROPICAL TEXAS CENTER FOR MENTAL HEALTH AND MENTAL RETARDATION FUNDING REQUEST FOR $265 MILLION IN INCREASES TO COMMUNITY MENTAL HEALTH AND MENTAL RETARDATION SERVICES FOR 2002 AND 2003

Upon motion by Commissioner Benavides, seconded by Commissioner Valencia and carried unanimously, the Resolution supporting the Tropical Texas Center for Mental Health and Mental Retardation Funding request for $265 million in increases to Community Mental Health and Mental Retardation services for 2002 and 2003, was approved.

The Resolution is as follows:

CONSENT AGENDA ITEMS

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

Upon motion by Commissioner Valencia, seconded by Commissioner Benavides and carried unanimously, the "Consent" Items were approved as follow:

(14) ADOPTION OF A RESOLUTION HONORING BROTHER ALBERT PHILLIPP ON HIS 50TH ANNIVERSARY OF RELIGIOUS SERVICE AND FOR HIS DEDICATED SERVICE TO THE COMMUNITIES OF CAMERON COUNTYS

(15) ACTION DESIGNATING THE INTERNATIONAL BRIDGE SYSTEM DIRECTOR AS CAMERON COUNTY'S REPRESENTATIVE ON THE SOUTH TEXAS CUSTOMS MANAGEMENT CENTER DIRECTOR'S ADVISORY COMMITTEE;

(16) AUTHORIZATION FOR THE ALPINE TOWER COMPANY TO MOVE HEAVY EQUIPMENT ON SOUTH PADRE ISLAND BEACH;

(17) ACCEPTANCE OF CARDINAL COURT, LOCATED IN PEDERSON BROTHERS NO. 4 SUBDIVISION, PRECINCT NO. 4, INTO THE COUNTY ROAD SYSTEM;

(18) ACCEPTANCE OF LAGO VIEJO DRIVE, LOCATED IN IGLESIA VIEJO SECTION III SUBDIVISION, PRECINCT NO. 4, INTO THE COUNTY ROAD SYSTEM; AND

(19) AUTHORIZATION FOR FINAL APPROVAL :

a) Precinct No. 4 - Altas Palmas Estates Subdivision - being a Resubdivision of 19.75 acres of land comprised of 10.15 acres out of Block No. 31 and 9.6 acres out of Block No. 30, Stuart Place Subdivision, Survey 139 and 298; and

b) Precinct No. 4 - Lobitas Subdivision - being 6.54 acres of land comprised of 2.71 acres out of Block No. 1, 2.28 acres out of Block No. 3, E. E. Evans Subdivision.

TRAVEL ITEMS

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

a) Four (4) County Extension Agents to attend the "Better Living for Texans Quarterly Meeting" in Laredo, Texas, on February 7, 2001;

b) International Bridge System Director to attend the "Meeting with Officials of the Secretaria De Comunicaciones Y Transportes Y Relaciones Exteriores Inter-Agency Meeting" to discuss the West Rail Relocation Project Meeting in Mexico City, Mexico, on January 30-31, 2001;

c) Three (3) Sheriff's Department employees to attend the "Phase I Hostage Negotiations and Crisis Intervention Training Seminar" in South Padre Island, Texas, on February 14-16, 2001;

d) Unit Director and Agent to attend the "HIDTA Intelligence Director Meeting" in San Diego, California, on March 5-8, 2001;

e) District Attorney employee to attend the "Texas Border Prosecutors Meeting" in San Antonio, Texas, on January 31, 2001;

f) 197th District Court employee to attend the "14th Annual Juvenile Law Conference" in Austin, Texas, on January 13-16, 2001;

g) Constable Precinct No. 6 to attend the "Newly Elected/Appointed Constable Seminar/Civil Process Conference" in Austin, Texas, on February 11-16, 2001;

h) Assistant District Attorney to attend the "14th Annual Juvenile Law Conference" in Austin, Texas, on February 13-16, 2001;

I) Chief Juvenile Probation Officer to attend "To Testify in the Senate Finance Committee on Salary and Turnover in the Juvenile Justice System" in Austin, Texas, on January 24-25, 2001:

j) Juvenile Probation Officer to attend the "Juvenile Offender Reduction Initiative Training" in McAllen, Texas, on January 11-12, 2001;

k) Elections Administrator to attend "Research Scanning Technology for Archiving of Voting Records" in Waco, Texas, on January 24-25, 2001;

l) Chief Juvenile Probation Officer and employee to attend the "Fiscal Year 2001 Weed and Seed Application Kit Workshop" in Washington, D C., on February 27, 2001 - March 1, 2001;

m) Assistant County Administrator to attend the "Legislative Meetings" in Austin, Texas, on February 12-16, 2001; and

n) Sheriff and Chief Deputy to attend the "Sheriff Association Meeting and Jail Standards Meeting" in Austin, Texas, on February 6-8, 2001.

The Resolution follows:

EXECUTIVE SESSION

(21) EXECUTIVE SESSION

Upon motion by Commissioner Benavides, seconded by Commissioner Valencia and carried unanimously, the Court met in Executive Session at 6:27 P.M. to discuss the following matters:

a) Deliberation regarding the Real Property concerning the possible Concession of Cameron County Land to Yakov Hazzizah for an Open Air Dance Festival; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;

b) Deliberation regarding the Real Property concerning the possible Concession of Cameron County Property to on Eagles Wings, LLC; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;

c) Deliberation regarding the Real Property concerning the possible donation to Cameron County of Lots No. 8, No. 9 and No. 19 of Padre Isabel Estates, Abstract No. 2, Block No. 69, in Cameron County; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;

d) Deliberation regarding the Real Property concerning the Collateral Assignment of Concession Agreements in connection with SPI Waterpark, LTD; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072; and

e) Deliberation regarding the Real Property concerning the possible Attornment/Non-Disturbance Agreement regarding Concession Agreements between Cameron County, Texas, and the Chase Manhattan Bank and South Padre Island Waterpark, LTD; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072.

Upon motion by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, the Court reconvened in Regular Session at 6:42 P.M.

(22) ACTION RELATIVE TO EXECUTIVE SESSION

a) In the matter of deliberation regarding the possible Concession of Cameron County Land to Yakov Hazzizah for an Open Air Dance Festival. (DENIED)

Upon motion by Commissioner Valencia, seconded by Commissioner Cascos and carried unanimously, the possible Concession of Cameron County Land to Yakov Hazzizah for an Open Air Dance Festival, was **DENIED**.

b) In the matter of deliberation regarding the possible Concession of Cameron County Property to on Eagles Wings, LLC. (DENIED)

Commissioner Cascos moved that the Real Property concerning the possible Concession of Cameron County Property to on Eagles Wings, LLC be **DENIED.**

The motion was seconded by Commissioner Valencia and carried unanimously.

c) Deliberation regarding the Real Property concerning the possible donation to Cameron County of Lots No. 8, No. 9 and No. 19 of Padre Isabel Estates, Abstract. No. 2, Block No. 69, in Cameron County.

Upon motion by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, the Real Property donation to Cameron County of Lots No. 8, No. 9 and No. 19 of Padre Isabel Estates. Abstract No. 2, Block No. 69, in Cameron County, was accepted.

d) Deliberation regarding the Real Property concerning the Collateral Assignment of Concession Agreements in connection with SPI Waterpark, LTD; and

e) Deliberation regarding the Real Property concerning the possible Attornment/Non-Disturbance Agreement regarding Concession Agreements between Cameron County, Texas, and the Chase Manhattan Bank and South Padre Island Waterpark, LTD.

Commissioner Benavides moved to authorize the negotiation of the Collateral Assignment of Concession Agreements, and the Attornment/Non-Disturbance Agreement between Cameron County, Texas, and the Chase Manhattan Bank and South Padre Island Waterpark, LTD, subject to legal review.

The motion was seconded by Commissioner Valencia and carried unanimously.

There being no further business to come before the Court, upon motion by Commissioner Valencia, seconded by Commissioner Cascos and carried unanimously, the meeting was **ADJOURNED** at **6:45** P. M.

APPROVED this **20th** day of **February**, **2001**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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