

THE STATE OF TEXAS

COUNTY OF CAMERON

**BE IT REMEMBERED** on the 23rd day of May, 2001, there was conducted a **SPECIAL 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**

**DAVID A. GARZA**  
**COMMISSIONER, PRECINCT NO. 3**

**NATIVIDAD "TIVIE" VALENCIA**  
**COMMISSIONER, PRECINCT NO. 4**

**Inelda T. Garcia** **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 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 May 18, 2001, at 12:17 P. M.

**( 28 ) ADOPTION OF A RESOLUTION FOR CHILDREN SET A GOOD EXAMPLE CONTEST FOR THE FOLLOWING: LANDRUM ELEMENTARY 2<sup>nd</sup> PLACE NATIONAL, HARLINGEN HIGH SCHOOL 2<sup>nd</sup> PLACE NATIONAL, AND RIO HONDO ELEMENTARY TOP TEN HONORS**

At this time, Judge Hinojosa recognized the students from Rio Hondo Independent School District Alternative Education Program for their ATop Ten National Honors® recently received.

Upon motion by Commissioner Valencia, seconded by Commissioner Garza and carried unanimously, the Resolutions for Children Set a Good Example Contest recognizing Rio Hondo Elementary Top Ten Honors, Landrum Elementary 2<sup>nd</sup> Place National, and Harlingen High School 2<sup>nd</sup> Place National, was adopted.

Commissioner Garza noted that Dr. Juan Villarreal, County resident, was National Chairman for said organization and responsible for the Project.

**The Resolutions are as follow:**

## **PRESENTATION ITEMS**

**(1) PRESENTATION BY MR. JAVIER MENDEZ, PARKS DIRECTOR, ON THE COUNTY'S PARTICIPATION IN THE DEVELOPMENT OF THE COASTAL IMPACT ASSISTANCE PLAN, IN TURN ALLOWING US TO SEEK STATE AND LOCAL APPROPRIATED FUNDS FROM THE COASTAL IMPACT ASSESSMENT PROGRAM**

At this time, Mr. Javier Mendez, Parks Systems Director, explained that the General Land Office had approached them regarding the availability of funds in the Coastal Impact Assessment Program (CIAP) for Fiscal Year 2001. The amount of funding would be \$26 million for the State and \$468,000 would be allocated to the County. He explained that the County would have to develop a Comprehensive CIAP Plan, identify the Projects and prepare a detailed Budget for each Project. He added that the criteria would be for protection of coastal resources, beach erosion, creation of wet lands, and public participation was required for the selection of projects. Mr. Mendez explained that plans were due July 1, 2001, to the General Land Office, and those in turned would go to the federal level by August 1, 2001. He stated that if the submitted plan did not meet the criteria, the money would be in escrow until a project was approved.

Judge Hinojosa explained that Projects identified for the County's \$468,000 allocation would be to submit applications for the following: a) to construct a facility for a Wild Life Center® at Boca Chica Beach and to establish a presence for the preservation of Boca Chica Beach; and b) to dredge the bay or the ship channel to create a waterway into Laguna Larga and create culverts on Highway 48 to pool water into the area to eliminate the dust bowl®, and create a shrimp estuary. He noted that it was a project that had been identified by the Texas Parks and Wild Life and would meet the criteria of the Act.

Mr. Mendez reported that several entities from South Padre Island and the Navigation District were interested in submitting applications for the available funding.

Upon motion by Commissioner Garza, seconded by Commissioner Valencia and carried unanimously, the Presentation by Mr. Javier Mendez, Parks System Director, on the County's participation in the development of the Coastal Impact Assistance Plan, and allowing County to seek State and local appropriated funds from the Coastal Impact Assessment Program, was acknowledged.

**( 15 ) AUTHORIZATION TO HOLD A PUBLIC HEARING TO SOLICIT INPUT ON POSSIBLE PROJECTS, ELIGIBLE FOR STATE AND LOCAL COASTAL IMPACT ASSISTANCE PROGRAM (CIAP) FUNDS TO THE TEXAS GENERAL LAND OFFICE**

Upon motion by Commissioner Garza, seconded by Commissioner Valencia and carried unanimously, the Hearing, to solicit input on possible projects, eligible for State and Local Coastal Impact Assistance Program (CIAP) Fund to the Texas General Land Office, was opened for public comments.

At this time, Mr. Bob Cornelson, Director, Port Isabel Navigation District, introduced Mr. Frank Yturria, Brownsville resident and Mr. David Blankenship, Parks and Wildlife Department, and noted their support for the environmental restoration, enhancement and dust control project of the Bahia Grande, adding that the mayors of Port Isabel and Laguna Vista extended their support for said project. Mr. Cornelson requested that Cameron County submit the application and coordinate the project as a comprehensive environmental study for the benefit of the entire area. He noted that flooding Bahia Grande would eliminate most of the dust problem in the Port Isabel and Laguna Vista areas and benefit the fish and wild life in that surrounding area.

Mr. Doug Wright, Commissioners Court Counsel, noted that flooding an area could affect private property owners, and Mr. Cornelson noted that the private property owners supported the dust control.

Ms. Katherine Ball, South Padre Island City Planner, explained that the Town of South Padre Island was submitting an application for a beach cleaning machine as a possible project, that South Padre Island's Economic Development Counsel was seeking funding in the amount of \$400,000.00 for the wild birding center, and to expand and enhance the wetlands.

Judge Hinojosa suggested that Parks System Director, Planning Development and Management Director, Commissioners Court Counsel and Assistant Administrator meet, in order to determine the priority of projects and the costs for the application to be submitted to the State and report the following week.

Mr. Steve F. McLaughlin, South Texas Housing Development Corporation, South Padre Island, reviewed the funding procedures, and suggested that the County endorsed the projects presented that meet the criteria established in order to receive the funding allocations.

Sensing Hearing and no further comments, upon motion by Commissioner Garza, seconded by Commissioner Valencia and carried unanimously, the hearing was closed.



**( 16 ) POSSIBLE ACTION ON THE SELECTION OF ONE OR MORE PROJECTS TO SUBMIT FOR THE COASTAL IMPACT ASSISTANCE PROGRAM (CIAP) FUNDING TO TEXAS GENERAL LAND OFFICE**

Commissioner Garza moved that Mr. Javier Mendez, Parks Systems Director, Mr. Frank Bejarano, Program Development and Management Director, Mr. Doug Wright, Commissioners= Court Counsel and Mr. Remi Garza, Assistant Administrator, form the committee to review the project applications, and report the following week concerning the Coastal Impact Assistance Program (CIAP) funding to the Texas General Land Office.

The motion was seconded by Commissioner Valencia.

Commissioner Garza requested that Committee=s report include all on the project applications, whether the applications were being recommended or not.

Upon motion duly made by Commissioner Garza, seconded by Commissioner Valencia and carried unanimously, Mr. Javier Mendez, Parks Systems Director, Mr. Frank Bejarano, Program Development and Management Director, Mr. Doug Wright, Commissioners= Court Counsel and Mr. Remi Garza, Assistant Administrator, were appointed to serve on the committee to review the project applications, and report the following week concerning the Coastal Impact Assistance Program (CIAP) funding to the Texas General Land Office.

**( 25 ) AUTHORIZATION TO PLEDGE THE TOLL REVENUE COLLECTED MAY 28, 2001, AT THE VETERANS INTERNATIONAL BRIDGE TOWARDS THE CONSTRUCTION OF THE MONUMENT HONORING CONGRESSIONAL MEDAL OF HONOR RECIPIENT SGT. JOSE LOPEZ**

At this time, Mr. Pete Sepulveda, Bridge Systems Director, explained that the previous year the Court authorized that the revenues collected on Veterans Day be pledged for the construction of a monument in honor Sgt Jose Lopez and he requested authorization to pledge said revenues again. He explained that approximately \$9,600.00 were collected last year and were matched by an individual from the community, and the same match was pledged again. He anticipated that the amount of \$50,000.00 could be collected.

Judge Hinojosa explained that Sgt Jose Lopez, Brownsville native, served during World War II, and that when they landed in Normandy Beach he single handily killed over 100 German soldiers, and saved many U S Soldiers. He noted that Sgt Lopez was about eighty years of age. He added that the suggestion was made that the monument include the names of persons that received Medals of Honor from Cameron County.

Commissioner Cascos moved that the toll revenue collected May 28, 2001, at the Veterans International Bridge be pledged towards the construction of the monument honoring Congressional Medal of Honor recipient Sgt. Jose Lopez.

The motion was seconded by Commissioner Valencia and carried unanimously.

( 2 ) **POSSIBLE ACTION REGARDING THE CAMERON COUNTY FUEL SYSTEM**

At this time, Mr. Mark Yates, County Auditor, explained that County's fuel sites were in need of renovations and requested approval for tank testing of all four sites, in order to continue delivery of fuels. He reviewed the conditions of some of the sites, and noted that the fuel site at the new jail would have to be considered.

Commissioner Garza moved that County Auditor proceed with the study of the Cameron County Fuel System.

The motion was seconded by Commissioner Valencia.

There was some discussion concerning the persons responsible for the maintenance of the fuel sites and the fuel tanks and the County Auditor recommended that a professional maintenance agreement be obtained for the tank maintenance, in order to comply with TNRCC requirements.

Upon motion duly made by Commissioner Garza, seconded by Commissioner Valencia and carried unanimously, the County Auditor was authorized to proceed with the study of the Cameron County Fuel System.

**ACTION ITEMS**

**JUDGE HINOJOSA LEFT THE MEETING**

( 3 ) **BUDGET AMENDMENTS AND/OR SALARY SCHEDULES**

Upon motion by Commissioner Valencia, seconded by Commissioner Garza and carried unanimously, the Fiscal Year 2001 Budget Amendment No. 2001-24 and the Salary Schedule for Judicial Court House Security, Fund No. 140-4350, were approved.

**The Budget Amendment and Salary Schedule are as follows:**

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( 4 ) **POSSIBLE ACTION REGARDING THE CAMERON COUNTY INDIGENT HEALTH CARE PAYMENT PROGRAM**

At this time, Mr. Mark Yates, County Auditor, reported that the County received an additional amount of \$160,000.00, and noted that another allocation would occur later in the month, from funds that were not utilized by other Counties.

**JUDGE HINOJOSA RETURNED TO THE MEETING:**

Commissioner Valencia moved that the report concerning the Cameron County Indigent Health Care Payment Program be acknowledged.

The motion was seconded by Commissioner Cascos and carried unanimously.

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( 5 ) **POSSIBLE ACTION REGARDING MODIFICATIONS, ADDITIONS AND/OR DELETIONS AT THE CAMERON COUNTY DETENTION FACILITY AND SHERIFF-S DEPARTMENT AND ISSUES RELATED THERETO**

Mr. Randy Hass, Landmark Organization, reviewed the Project Schedule and reported that the Sheriff-s Office was near completion, and the parking lot was being finished.

Mr. Juan Bernal, Public Works Director/ County Engineer, reported that the road leading to the facility would be completed by the end of June and suggested that a tour be scheduled to view the facility.

Upon motion by Commissioner Valencia, seconded by Commissioner Garza and carried unanimously, the status report concerning the modifications, additions, and/or deletions at the Cameron County Detention Facility and Sheriff-s Department and issues related thereto was acknowledged.

**The Report is as follows:**

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(6) **POSSIBLE ACTION REGARDING CAMERON COUNTY AND CITIES CHALLENGING CENSUS 2000 COUNTS AND ISSUES RELATED THERETO**

Judge Hinojosa reported that according to the attorney, he had been contacted by the attorney for the federal government but that an answer had not been filed yet.

Commissioner Valencia moved that the status report concerning the Cameron County and Cities challenging Census 2000 counts and issues related thereto be acknowledged.

The motion was seconded by Commissioner Garza.

At this time, Ms. JuaNita Brodecky, Rio Hondo resident, questioned whether the litigation affected redistricting in the County and the State, Judge Hinojosa responded that the litigation affected the funding and not redistricting.

Upon motion duly made by Commissioner Valencia, seconded by Commissioner Garza and carried unanimously, the status report concerning the Cameron County and Cities challenging Census 2000 Counts and issues related thereto was acknowledged.

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(7) **ACKNOWLEDGE CANCELLATION OF POST-DISASTER RECOVERY HAZARDOUS REMOVAL PRE-POSITIONED CONTRACT WITH J&W ENGINEERING, LTD**

Commissioner Cascos moved that the cancellation of the Post Disaster Recovery Hazardous Removal Pre-position Contract with J&W Engineering, LTD, be acknowledged.

The motion was seconded by Commissioner Garza and carried unanimously.

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(8) **AUTHORIZATION TO REASSIGN AND NEGOTIATE THE PREPOSITIONED HAZARDOUS MATERIALS REMOVAL CONTRACT**

Commissioner Cascos moved that the Pre- positioned Hazardous Materials Removal Contract be reassigned and negotiated.

The motion was seconded by Commissioner Garza and carried unanimously,

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**( 9 ) APPROVAL TO PURCHASE TWO PHONES AND ONE FAX MACHINE FOR THE TEXAS DEPARTMENT OF PUBLIC SAFETY EMERGENCY OPERATING CENTER IN MCALLEN, TEXAS, FOR CAMERON COUNTY USE DURING A DISASTER**

Upon motion by Commissioner Valencia, seconded by Commissioner Garza and carried unanimously, the purchase of two (2) phones and one (1) fax machine for the Texas Department of Public Safety Emergency Operating Center in McAllen, Texas, for Cameron County use during a disaster, were approved.

**( 10 ) APPROVAL OF THE LEASE OF OFFICE SPACE AGREEMENT BETWEEN JOSE ALFREDO JIMENEZ, CONSTABLE, PRECINCT. 7, LANDLORD AND CAMERON COUNTY, TENANT**

**( 11 ) APPROVAL OF THE LEASE OF OFFICE SPACE AGREEMENT BETWEEN PABLO GONZALEZ, LANDLORD, AND CAMERON COUNTY, TENANT**

At this time, Mr. Doug Wright, Commissioners=Court Legal Counsel, noted that the lease amount for the Lease Agreement for Item No. 11 had increased by \$22.50, effective May 1, 2001.

Commissioner Cascos moved that the Lease of Office Space Agreements between Jose Alfredo Jimenez, Constable Precinct No. 7, Landlord, and Cameron County; and Pablo Gonzalez, Landlord, and Cameron County, tenant be approved, subject to meeting ADA requirements.

The motion was seconded by Commissioner Garza and carried unanimously.

**The Agreements are as follow:**

**[REDACTED]**

( 12 ) **IN THE MATTER TO AWARD THE BANK  
DEPOSITORY CONTRACT/CAMERON COUNTY-  
BID NO. 1222 (TABLED)**

Judge Hinojosa noted: A We got all the list of rankings, I think, the only question I had Eddie, I know you ranked them, last year we had a committee to review it, to review your rankings and then the committee made the recommendations based on those rankings, can't we do that again, just to.®

Mr. Eddie Gonzalez, County Treasurer - AOver the past four years, that is exactly, over the past four years, we have done this twice before, and that is the concept that was approved.®

Judge Hinojosa - ACan't we do that again and appoint the same committee, whoever the committee was, I don't remember.®

Commissioner Cascos - AWe have a couple of problems. One, we have a time issue, and if I read the stuff right, we have a May 31<sup>st</sup>.®

Mr. Gonzalez - AThe law states that the Depository Ashall® be awarded in May.®

Commissioner Garza - AThe issue of committee was brought up two (2) weeks ago.®

Mr. Gonzalez - ANo, it was brought back up, if I may, the bids specs were approved the later part of or the early part of February, and when they were approved, it was requested that the committee be set up at that point in time. You all did not feel that it was appropriate, at that point in time.®

Commissioner Cascos - AHow long ago was that?®

Mr. Gonzalez - AThat was February, the first week in February. After that, the bids had to be in and opened April 9<sup>th</sup>. We had five (5) Banks submit: Bank of America, First National Bank, IBC, Lone Star Bank and Wells Fargo Bank. There is some language in our bids specs, that those prices must be held for sixty (60) days and we are in the sixty (60) day threshold. The other item is, we are holding Cashiers Checks, good faith deposit from each and every bank that submitted a bid for \$162,200.00.®

Judge Hinojosa - AWe can decide this on Tuesday, can't we. The Committee has time to meet to review the applications, review the rankings and then give their recommendations, and we'll be within the limits on everything. Right?®

Mr. Gonzalez - AI won't be here.®

Judge Hinojosa - ABut you will be here, you will be able to meet with the Committee between now and next Tuesday and vote on a recommendation, no?®

Mr. Gonzalez - ANo sir. I'll be out this afternoon.®

Mr. Gonzalez - AWhat I sent you out on May 4<sup>th</sup> is basically the same thing I sent you out on May 10<sup>th</sup>, they were on draft form. What you have before you now is really, basically the same thing, with two (2) changes, only because we had one of the banks, if I may refer to it as Bank AC@, under Item 3T - authorized check pay. They inadvertently, according to their memo, stated that they ABank C@ really don't provide that service, and they needed to drop that, so for the record, that really needs to be changed from Ano charge@ to Anot available@, Nellie, please. And the other Item, on Item B 4, right underneath that where I rated it, where I scored it, that really should be Bank AD@, as in David. Outside of that, that is really the same package that you've had.@"

Judge Hinojosa - ALet me get something straight. The committee was not appointed because all we were requested was to appoint a committee at the time that we issued the request for proposals. There were no proposals to be considered. How is it that we can just get a proposal, get a ranking, and then say, you have to appoint a committee today, but I am not going to be here next week. That's not the way it works.@"

Commissioner Cascos - AI don't think that's what happened.@"

Judge Hinojosa - AI got this for the first time this week or last week and we put it on the Agenda the first chance we got. I mean, nobody has given us any time from that day. @"

Commissioner Cascos - AI don't think that's right.@"

Mr. Gonzalez - AWith all due respect, Judge, I'd made the recommendations that the committee be appointed in keeping with the process that was used over the two prior processes over the past four (4) years.@"

Judge Hinojosa - AWhen was the committee requested?@"

Mr. Gonzalez - AWhen I submitted, when we submitted that the bids specs to be approved.@"

Judge Hinojosa - AThat's right, that's back before we got the proposals.@"

Mr. Gonzalez - ABut normally the protocol that has been followed, and the process, the mechanism is already in place, so when the bids come in, the committee is already set up.@"

Judge Hinojosa - AAll you had to do is when the bids came in, come to us to have the committee appointed.@"

Mr. Mark Yates, County Auditor - AI understand that the Committee member appointed were the County Clerks.@"

Mr. Gonzalez - AThe prior committee members were a representative from the Court, a representative from Mark's Office, rather Mark, Doug and yours truly.@"

Mr. Yates - AAll of those members have been consulted every step of the way, in fact we have been there together with Doug Wright.@"

Judge Hinojosa - AThen why doesn't that committee meet and give us a recommendation?@

Mr. Yates - AI endorse the Treasurer's recommendation.@

Commissioner Cascos - ADo you?@

Mr. Wright - AYes.@

Commissioner Cascos - ATony, do you?@

Judge Hinojosa - AThe committee already met?@

Mr. Wright - ANo.@

Judge Hinojosa - AAnd then the committee is ready to.@

Commissioner Garza - AMay I, I have a suggestion. It seems that all the committee people are sitting right in this room, so why don't we table it for a little while later, and have them go meet and vote.@

Judge Hinojosa - AHave them meet and tell us your recommendation. Had you had a chance to look at it, Tony?@

Mr. Tony Yzaguirre, Tax Assessor-Collector- I was on the committee last time, not this time.@

Judge Hinojosa - AThere is no reason to change the committee.@

Commissioner Cascos - AHow many on the committee - four?@

Judge Hinojosa - AI remember Pete was on that committee, too.@

Mr. Gonzalez - AAgain, the last committee that met, for the last depository, that was two (2) years ago, it was Commissioner Pete, Doug, Mark, and I, were there, that was it. Four (4) years ago, Tony may have been there, but the last time he wasn't.@

Judge Hinojosa - ABut he is not here.@

Mr. Gonzalez - AWell, but it was any member - you chose the member for the committee from the Court.@

Commissioner Cascos - AI think you have one, two, three, four.@

Mr. Arturo Farias, Lone Star Bank - AWe're all here to answer any questions. We know the specs. First National Bank and I'm here and basically we have the best bids. Why can't we just go up here and discuss them and you all make the decision. I mean, there is a lot of work to be done, and, I think, time is of the essence.@

Judge Hinojosa - ABut the way we usually handle it, is that we allow staff to recommend to us who the bank depository should be, based upon criteria. And then, when they make that recommendation, we uniformly accept that recommendation, that I remember. And all I want is a recommendation. All I have before me is one, the proposal that has been reviewed by the Treasurer, and I understand what you are saying. But there is a question of reviewing and deliberation and then making a recommendation. I mean, you know, we were told when this thing was submitted with

specifications to appoint a committee; we said well, no, when we get the proposals, we'll get the committee appointed. No one ever came back to us, that I remember, unless I was not here when you did it; and said we've gotten the proposals, appoint the committee, let us review it, and make the recommendation. I have never gotten that request to my office that I know of. I talked to Remi about it, he is not here today, and Remi said he had never, and I said why don't we just go ahead and appoint a committee. Now I am being told we have to have it right now, and we can't do it, and I'm not going to be here. I mean, I don't like to do business that way.®

Mr. Gonzalez - APlease, with all due respect, I was in touch with your Administrative Assistant.®

Judge Hinojosa - ARight.®

Mr. Gonzalez - ALast month. Before I left for College Station, which was on the 17<sup>th</sup>, a week after these. I said, hey, these things are pending. I took it, I did my own scoring. I came back, I submitted a memo to your office. There were no comments on it, except here attached is a spread sheet, a comparative, for your review.®

Judge Hinojosa - AI don't know what you told Remi, and he is not here to respond. I did not receive a formal request from your office for appointment of a committee. Is that right? Did you?®

Mr. Gonzalez - AA formal request?®

Judge Hinojosa - AI mean, the Agenda request that you fill out.®

Mr. Gonzalez - AI did it at the Meeting of February when the specs were approved.®

Judge Hinojosa - AAnd I already told you, I said to come back when the specs came in.®

Mr. Gonzalez - AI don't remember that when the specs came in, as I recall.®

Commissioner Garza - AThe only thing I request is that you do not fax me again. Because I have received this fax from you about four (4) times. I called your Office, and I said, why do I have to receive the same thing over and over, and you said, because it is not on the Agenda. And I said put it on the Agenda, and I said, if you need to, I'll put it on the Agenda. Move the Item forward, whatever we need to do. You know, let's get it going.®

Commissioner Cascos - AI don't have any problem. You've got; you can put Tony on there, if you want. You've got four (4) people. I don't think anyone from the Court should be on this Committee, number one. Number two, Judge, I think, you kind of have said several months ago, that you really couldn't even participate in this because there was a conflict, so let the committee go off, let them go off somewhere and go over these things again.®

Judge Hinojosa - ABut you can't participate either, because you have a conflict, too. Let's get that clear.®

Commissioner Cascos - AWhat is my conflict?®

Judge Hinojosa - AYou own stock in one of the banks.®

Commissioner Cascos - ABut I don't own more than 10 percent, and according to the law, there is no conflict.®

Judge Hinojosa - AWell, according to the law, technically speaking, I don't have a conflict, either.®

Commissioner Cascos - ABut you are the one that said you did.®

Judge Hinojosa - AWell, I reclude myself, because of the appearance of impropriety.®

Commissioner Cascos - AAnd I will remove myself, too. That's fine, all I am trying to say is, so get the committee.®

Judge Hinojosa - AAll I am trying to say is that there should be an independent group of people to take a look at this issue. And that's all. No one ever brought it to us. I don't know why that is such a big problem.®

Mr. Farias - AI don't know why you are making it more complicated. It's a bid process, the specs are there. The bids have been turned in. You have me as a Banker. You have First National Bank bankers here. We can answer most of your questions. The bids basically fall down in certain areas that are important. We can highlight those areas and the decision needs to be made, one way or the other. And I think that we are ready, us as bankers are ready to answer all your questions. If you have any questions or issues that need to go to committee, that's fine, but we are here today to answer all of your questions. I think the bids are very competitive. One way or the other you are going to come out the winners. So.®

Commissioner Garza - AWhy can't we review ourselves.®

Mr. Gonzalez - AI can go over it Item by Item. I stand ready to answer any questions.®

Judge Hinojosa - AYou want to review it yourself, we can take it up today, we can review it.®

Commissioner Garza - AWhy have a committee?®

Judge Hinojosa - AThat's the way we do these things. We do it with insurance, we do it with this. That's the way we have been doing it for a long time.®

Mr. Yates - AThe real value of the committee is assessing what is necessary for each of the office holders. That's what was initiated four (4) years ago, to make sure that the Tax Office and the Clerks= Offices, and that we have met their bid requirements.®

Judge Hinojosa - AAnd we have always followed it.®

Mr. Yates - AAnd that was the first real reason for a committee. And also, migrating approval of this specs by the Office holders. The Treasurer has made a good effort to contact the County Clerk, District Clerk, and Tax Assessor Collector about meeting their needs.®

Judge Hinojosa - That's fine, but why can't we get someone to get together, and if there is no problem with it. I mean, I look at this, and I don't understand this stuff, Eddie. I mean this stuff. All I want is someone to tell me that they added it up together and one bank has got the better deal for the County. If one group of people can come together and meet to do that, what is so complicated? If you have already ranked it, what's wrong with that, if you can give us that recommendation. I feel a lot more comfortable doing that.®

Commissioner Cascos - Are you ready to do it right now?®

Judge Hinojosa - Whenever you do it, it doesn't matter. As long as the committee can meet, look at the proposals, have enough time to analyze it. I don't know if Tony or anybody is ready to do this right now, though. All I'm saying is, if you have already ranked them, and the committee wants to get together and find you somewhere on the phone and talk to you about it, and then gives us a recommendation by the committee next Tuesday, that resolves the issue. Takes it away, which is what we have always wanted to do, which is get this issue away from the hands of the five (5) politician and put it in the hands of professionals and staff and do independent ranking on that.®

Commissioner Valencia - Judge, we have already talked a lot about this, already. I am going to make a motion to get Committee bring us a recommendation next week.®

Mr. Gonzalez - I won't be here.®

Commissioner Valencia - The committee will be here.®

Mr. Yates - You will need to designate who will be on the committee.®

Judge Hinojosa - Let's just have the same committee that we had before. If you don't want Pete in the committee, replace Pete on the committee, is that alright.®

Judge Hinojosa - I will second the motion, any discussion. All those in favor, say >Aye=.®

Commissioner Valencia and Judge Hinojosa - Aye.®

Commissioners Cascos and Garza - Nay.®

Judge Hinojosa - The motion fails on the motion to appoint a committee. Is there another motion on this.®

Commissioner Garza - I move to allow the committee to meet right now, and maybe, if they can do something before the end of the meeting to come back to us.®

Judge Hinojosa - Is there a second to the motion?®

Commissioner Cascos - Second.®

Judge Hinojosa - AI am going to speak against the motion. I don't think the committee has enough time to look at it and deliberate. It is the same committee as last time. We replace Pete with Tony. Well, that's the motion. Let's see if the motion carries.®

Mr. Yates - ASo, it's the Treasurer, Auditor, your Counsel and Tony Yzaguirre.®

Judge Hinojosa - AThere is a motion and a second, any further discussion.®

Commissioner Garza - AYes, I don't have a problem, Judge, if they come back to us and tell us that they can't give us a recommendation, and then we wait.®

Judge Hinojosa - AAs a majority vote, or one member saying I don't have enough time to review.®

Commissioner Cascos - AAs a majority vote.®

Judge Hinojosa - AAlright, there's a motion and a second, all those in favor signify by saying Aye.®

Commissioners Cascos and Garza - AAye.®

Judge Hinojosa and Commissioner Valencia - ANay.®

Judge Hinojosa - AMotion fails. Alright, what do we do now?®

Commissioner Cascos - AI go back to Eddie, Eddie do you have a recommendation?®

Mr. Gonzalez - AI stand ready to address the comparative spread sheet that I submitted that basically scores, and circulated not only to the Court, Attorney, Mark's Office, and Javier.®

Commissioner Garza - ADo you have a recommendation, Mr. Gonzalez?®

Mr. Gonzalez - ATo do it justice, I would want to go over the spread sheet. What you have in front of you is a three (3) page recap comparative of the five (5) bids that were submitted. On the far left hand corner is a Item Number that correlates to the Item Numbers in the bid specs. The second Item is the description of that. The five (5) banks, are categorized in alphabetical order and I listed them as Banks AA® through AE®, and at the end extended the rate. What you basically have, to summarize, you have two (2) banks that used the formulary AA® and AE®, the larger, which are tied to the depository, balances etc. Banks AB®, AC® and AD® basically said no fees for any services and what you are basically evaluating here are the interest rates being they are providing in the CD's or bank deposits, etc. The way it came out between those three (3) banks, which are surfaced to the top, Bank AB® or, Bank AD®, which was the best bid by a spread of five (5) basis points. Five (5) percent on one percent on the variable rates. When it came down to the other area, fixed rates, Bank AB® has as example, on their CD's they have.®

Commissioner Garza - AHold on, I think we need to have a private conversation in before you continue.®



Judge Hinojosa - AI don't think You don't tell me what to do. I am listening too; I can hear both of them at the same time.®

Commissioner Garza - AI think it's very disrespectful to have a private conversation.®

Judge Hinojosa - AWell, sometimes you walk out in the middle of the discussion as well. Don't tell me what I can and cannot do.®

Commissioner Garza - AI am not telling you what to do. I am saying it is very disrespectful.®

Commissioner Valencia - ADo you have a problem Commissioner, by us having a different opinion, and then with us wanting to table this for another week? It seems like you have a problem.®

Judge Hinojosa - AWe've always engaged in discussions when we are up here.®

Commissioner Valencia - ATrying to work this out the best we can.®

Commissioner Garza - AI don't think that I have a problem, Commissioner Valencia, Judge. I think engaging in private conversation during the presentation by one of our individuals is disrespectful on behalf of this bench.®

Judge Hinojosa - AWe do it all the time.®

Commissioner Valencia - AI think, in other meetings, you have done the same thing, you have talked to the Judge, you have talked to Commissioner Cascos out there all the time.®

Judge Hinojosa - AIt is not uncommon for us to engage in conversation while we are up here, Commissioner Garza, I don't know what your problem is. Anyway, go on.®

Mr. Gonzalez - AIf I may, going right along, Item B, on their fixed rate prevailed, in that, as example, their money market and NOW account, they offer a fixed rate of 4.3 - 4.25 and CD's with the fixed rate of 4.5. We had three of the five banks offer a contract for four (4) year period and two of the five offered a contract for a two (2) year period. The way the statutes read: basically, if it's awarded a four (4) year contract, the County reserves the right to, at the end of the second year, beginning the first part of the third year, we can elect, if we chose the variable rate, we can switch over to the fixed rate. If we chose the fixed rate, we can choose to go back to the variable rate. In today's market place, choosing a fixed rate has a lot of sparkle to it. Because, for example, everything is predicated on pricing to T-Bills. The T-Bills rate currently has been running for a thirteen (13) week price at 3.66. To use the best formula that was offered, that means that we would be paid 3.4. With a fixed rate being offered of 4.25 on the NOW accounts or 4.35 on the money market account, it is obvious which is a better bid. We also have a safety net, that in the event that the rates go the other way within the next two (2) years, we have the pools that we can invest in, which is Tex Pool and Lone Star, which we have been doing. Currently, and Mark will verify this with you, we have the current depository under a fixed rate of

4.25. When we started out, it started out as a variable rate of 3.7 and it exceeded that and currently today, we are getting paid 4.25 on our checking accounts, dba accounts, as opposed to the rate that we could get of 3.4. Tex Pool today is flowing. This morning's rate, or yesterday's rate was 4.37, Lone Star was 4.27. The other item.

Mr. Yates - Alone Star Investment Pool and not Lone Star Bank.

Mr. Gonzalez - Thanks, I appreciate that. The other item has material consequence, and I think I can speak for the Auditor's Office, my Office. Item 3T- which deals with authorized check pay, which is a ~~posi~~-pay. Which is basically a program that you submit to the bank that reflects the checks that you have generated and ensures that no amount will be paid other than what you turned in against the corresponding check numbers. We had three (3) banks basically offer it, Bank AA and AE offered it on a fee basis, Bank AB was the only one that offered ~~posi~~-pay, Bank AD offered a Proposed Alternate, which is tied to a quicken program, but the total responsibility for the review on a daily basis of the checks relies totally on the County. Again, the best offer there is Bank AB. When you summarize it, the numbers flow, first is Bank AB, second is Bank AD, subject to not having ~~posi~~-pay, third is Bank AC - with the same qualification, not having ~~posi~~-pay and AA follows and then Bank AE follows. My recommendation would be, price wise, price wise, would be overall Bank AB. But it is a four (4) year contract.

Judge Hinojosa - So it has to be a four (4) year contract.

Mr. Gonzalez - Well, I asked counsel about that, because the way we went out on specs, the law says, correct me if I am wrong, the County shall award a two (2) or a four (4) year contract. When the spec.

Judge Hinojosa - So, on a two (2) year contract, Lone Star has a better deal?

Mr. Gonzalez - Subject to the ~~posi~~-pay, and the fixed rate. They don't have a better deal. They have a better deal on the variable rates that is true.

Judge Hinojosa - So we have the discretion of going with any of the two banks, based on the ranking.

Mr. Yates - Ranking, ~~posi~~-pay is very important.

Mr. Gonzalez - We have that system in place and it works very well.

Mr. Farias - It is interesting that technology has brought in that authorized check pay, or ~~posi~~-pay, but that doesn't replace the fiduciary responsibility of the bank to review checks and to see that the proper signatures are there. So, I mean, this is not a big deal. The manual process of verifying that these are properly authorized checks still falls on the bank. Basically, technology has helped. It has created to help stop some counterfeit issues out there, where historically, you have criminals that attack public fund institutions and going after some big checks and they copy checks, now laser printer checks or whatever it is that and has allowed that to occur, but still this item is not a big deal as far as

we are concerned. We can manually handle the account, and make sure that every check issued by the County is an authorized check. Even though we are not offering posi-pay, we are still held to our fiduciary responsibility.®

Mr. Gonzalez - AThe other thing that you all might take into consideration, last time Commissioners= Court was concerned about service sites Los Fresnos, Port Isabel, Harlingen. It is my understanding that Lone Star will be opened June 22, for the record, and that will be the only location in Cameron County. To keep it on an even scale as to the process.®

Commissioner Garza - AVersus the others being located throughout the community.®

Mr. Ray Lopez, First National Bank - AGood Morning Judge and members of the Commission. It certainly is a pleasure being here and number one, I want to thank you first of all for the last three (3) years that we've had this account. And I am glad to be here because I remember when we were awarded the contract, Commissioner Cascos said, I don't know about the bank, at that time, but I know you personally, so I am holding you personally responsible. So it gives me a chance to come back to talk to you. If you remember, that was one of the Items that certainly was highlighted the last time, that we needed to have several locations throughout the County to be able to service the employees of the County in Harlingen and Port Isabel. Since then, as promised, we went ahead and opened two (2) branches in Harlingen, one branch in Port Isabel, one in Brownsville, one in Olmito and we have just started one on Price Road and Old Port Isabel Road, which should be completed in five (5) months. And we have bought on 281 and Boca Chica and Los Tomates Bridge, three more sites, three (3) more branches. We are going to be well spread throughout to service the County the way you intended. Judge, I am glad you are trying to keep this non political. We want to do the best for the county and as a resident of this community, and the package that we presented is very competitive and I am glad Mr. Farias pointed that out. It is an area that basically can be looked at and whoever gets it, it ought to be awarded on the facts on the table themselves. Thank you very much.®

Judge Hinojosa - AMr. Farias is also a resident of this community, let the record reflect that.®

Mr. Farias - AI guess, when I reviewed the bid package, one of the areas that the differences between us and First National Bank, there is really not much difference, you are looking at twins. You really have to look closely to find some of the differences. The differences you have to look at is the two (2) year/four (4) year contract. We are offering a two (2) year contract; they are offering a four (4) year contract. In their particular bid, basically, they put a qualifier on their four (4) year contract, and it says A if you elect a four (4) year it-s a fixed rate environment for the entire term of the contract, and at no time is subject to change.® There was prior discussion that the law might state that you have the ability to negotiate the rates after two (2) years, but I thought it was pretty clear that they put a qualifier statement in there

that basically if you go on a fixed rate environment and it's a four (4) year contract, that what they are offering you. We are offering you a variable rate contract for two (2) years, and a variable rate contract is a better bid compared to First National Bank's variable rate contract. Now, I did not have a napkin, but I did have a *Apapelito* and basically the differences on a variable rate contract, from 20 million dollars from our bank to their bank is ten (10) thousand a year. That what I figured on the five (5) basis point difference on a variable rate contract. On a CD, if you keep above 15 million, which you historically I think you keep, we are tied, we are offering T-Bill plus 25 basis points, so we are tied in that particular category. So, in that respect, I think our Bank has a better bid. I think; service wise, we went through all the specifications that you required on depository bid, and it is not just check cashing, there is a lot of services that are included in there, and we are here to do our best to service the County. Now, we are going to be a new Bank in Cameron County, and we would like for you all to be our first customer, and we are going to do everything we can to do the best job for the County. As much as First National Bank when they first came in, they were a brand new bank. I just think we have very good bids. Historically, when Mr. Gonzalez came back here in 1994, when he was elected to his position in 1994, in 1995, most of the applications were proposals, and at that point and time the County was not even getting interest in the NOW accounts. And now with the bid process, what has happened with competition is that the County has benefited tremendously. I'm real proud to say you have fantastic bids, not only from us, from First National Bank. They look very similar, there are just some differences there, it is pleasure of the Court what you all are interested in.®

Mr. Gonzalez - I need to qualify something, with all due respect to Arturo, the bid process did not start until 1997. The first proposal we did in 1995, was under proposals, and then we did the bid, and since then, we have had prices like we never had before. Every year, every two (2) years has been better than before. But more importantly than that, the qualifier that I need to, in all fairness to the other players, if you do it the variable, he is correct. But you have to remember that you've got a package here that is offering fixed rates. At 4.5 and 4.25 and in today's market place, that a percent 20 basis point over above what you can get. And that has to be, that is a strong feature, but that again is a four (4) year package.®

Judge Hinojosa - I have a real problem with going on a depository contract for more than two (2) years. I have a real problem with that. We put ourselves in a contract that long, with a depository bank, it's not something we've done with other contracts. And if Lone Star has got the best deal with a two (2) year contract, that's probably the way we should be going, and I don't have the benefit of a committee making any recommendations to me, at this point. My feeling is that Lone Star has a better deal, based upon a two year contract.®

Mr. Saul Ortega, Chief Financial Officer (CFO), First National Bank - Obviously, I followed the specs, the specs very clearly give us the option. They don't specify that it's got to be a two (2) year. We basically.

Judge Hinojosa - You could have given us a two (2) year and a four (4) year, I mean, you know.

Commissioner Cascos - Before you go, hold on. When the bids specs were distributed to everybody, every member of the Court got the bids specs, is that correct?

Mr. Gonzalez - Legal, County Auditor, all the County Departments, the entire Court, and what is shown on Item 5 addressing that the specific Item, is asking the Bank which are you offering, two or a four.

Commissioner Cascos - I am not advocating a four (4) year or a two (2) year, at this point, but if the bids specs went out and it was an either or, it wasn't a two and a four, it was either/or, and the Court had an opportunity to look at those specs and at that point and time, any member of the Court should have advised the Treasurer, or whomever, take the four out of there because we are not even going to entertain a four (4) year. So, at that point and time, I feel, that was the appropriate time to discuss whether we want a two or a four. The Court had the opportunity to look at the specs and right then and there, vocalize to somebody, we do not want a four, just go out for two. That did not happen. So, one bank, as a matter of fact three (3) banks bid for four, two (2) banks went for two. So, it is pretty clear that the banks understood what the bids spec outlined. So, now, not to take issue or anything, but were saying, I as one, don't want a four.

Judge Hinojosa - I have a right to say that now, don't I? I think that a two is a better way to go.

Commissioner Cascos - We had the opportunity, at the time, to say the bids specs, to take that requirement out, compare apples to apples. What we don't know is, had any of the three (3) banks bid on the two how they would be comparable to the other two (2) banks that bid on a two. We don't know that now. We don't know if the other three (3) banks had elected to go on two (2) years contract versus the four, if it would it be comparable what to Lone Star or the other Bank did, so we don't know. And so, we don't know if it would be fair to the banks to say, you know what come back with a two. It would not be fair for anybody. We had the opportunity at that point to digest and say, Eddie, just go out for a two and maybe the numbers would have been different, but we don't know what the response would have been. So now, to eliminate the three (3) banks because they have a four and narrow it down to two because they have a two, I don't think that's right.

Judge Hinojosa - We are being given two (2) banks as the two best deal, which is First National Bank and Lone Star and what I am saying is between the two, I am saying that the two is a better deal, that is my preference, and that's where I am going to vote, you may disagree, but that's where I coming from.

Commissioner Cascos - A It is not fair to the banks that proposed a four, that had an option to proposed a two, and we don't know if we are getting our best bet for our buck. We are mixing apples and oranges.@

Judge Hinojosa - AThey had a chance with the request for proposals, they had to choose.@

Mr. Gonzalez - AThe bids specs. There was some question about that and I said there might be some thought for two (2) years. I said I can't tell what the Court is going to do.@

Ms. Susan Wisdom, IBC - AWith all due respect, Judge Hinojosa, I do agree with Commissioner Cascos, I know our bid would have change drastically, if were for two (2) years.@

Commissioner Cascos - AThey all would change.@

Ms. Wisdom - AI do not feel that all the banks that submitted bids are being judged on an equal level. As a tax payer, I am very disappointed with the process that I witnessed today. Thank you.@

Judge Hinojosa - ABut you would have had the opportunity to submit on both, wouldn't you? On a two or four.@

Ms. Wisdom - AThey gave us the choice. If they had specified that, AWe'll look at both two and four, and welcome bids for both years@ yes, we would have submitted on both years.@

Mr. Farias - AI have authored many depository bids, and, you know, I don't know why we are making it more complicated. On the bids, two - four (4) years, if you want to make two (2) - four (4) years, mark both of them, it's not a big deal. I mean, I have done many, many bids and the thing is, the bank needs to do their homework and realize what they are going to get into. Simple as that. If they don't know, and they are saying, Aok, if I would have know that, I would have changed it. I think it's too late in the game. @

Commissioner Cascos - AThen the other Bank, let's say, Lone Star Bank, also had an opportunity to do a four.@

Mr. Farias - AAnd we didn't want to do one.@

Commissioner Cascos - AAnd who knows, had they done a four, it would have been a best bid, but we don't know.@

Mr. Farias - ABut the deal is, what is the best deal for the county? I think that a two (2) year bid is the better deal for the County.@

Judge Hinojosa - AUnder these sets.@

Judge Hinojosa - ADo I hear a motion on any other of these matters.@

Commissioner Garza - AI move. I don't know what to move. I want to ask Doug a question. All the bids that we have before us, there's five of them, legally, there is no problem with any of the five. None of them has been disqualified by your office.@

Mr. Wright - ANot that I am aware of any problem. They responded and been evaluated based on the bid package.®

Commissioner Garza - AAnd the bid package, according to your office was o.k.®

Mr. Wright - AStatues set up the opportunity for us to request on two, four or any alternative. I don't think anyone was probably prevented from presenting two (2) packages as a same bank. I don't think that, maybe I am wrong; it has been awhile since we dealt with this. But the opportunity was available.®

Commissioner Garza - ATo present both a two and a four or both.®

Commissioner Cascos - AWell, how did the bid specs read: If I remember, it just said mark 2 or 4.®

Mr. Gonzalez - AI will tell you exactly how it reads: Item No. 5, summarizes the tail-end of everything. Item No. 5, Athis application is offered for contract duration of slash two (2) years, underneath that slash four (4) years, check off where indicated and sign. Sign this specs.®

Judge Hinojosa - AIt's not either or.®

Mr. Gonzalez - AThat's what I am saying.®

Judge Hinojosa - ADo I have a motion, do I have a motion. Does anybody have a motion?®

Commissioner Garza - ADo you need a motion.®

Commissioner Valencia - AI'd rather wait until the committee meets.®

Judge Hinojosa - AThat's what my preference was.®

Commissioner Cascos - AWe already decided to that. Let them meet this afternoon, you know, and come back within this, if they have an opportunity to do so.®

Judge Hinojosa - AWe didn't. We decide not to do that.®

Commissioner Cascos - AThat two.®

Commissioner Garza - AWe decided to listen to them.®

Judge Hinojosa - ADo you have a recommendation?®

Commissioner Garza - AI don't, I mean.®

Commissioner Cascos - AI don't have any, I well, I'll go ahead and throw the hat out.®

Commissioner Garza - ATwo (2) or (4) four years is really the question.®

Commissioner Cascos - AI don't have any problem going with the recommendation of the Treasurer. I get some comfort in that both Doug and Mark, apparently, you have indicated that you have been abreast of these things every step

of the way. That you concur with his recommendations that you concur with the recommendation. I've got no problem in making the motion to accept his recommendation, as per.®

Commissioner Valencia - AWhich is what?®

Commissioner Cascos - AFirst National Bank.®

Judge Hinojosa - AFor four (4) year depository.®

Commissioner Cascos - AFor a four (4) year depository, with posi= pay.®

Commissioner Valencia - AFirst National Bank, you submitted your contract or proposal on a four (4) year, ok, and the question here is whether four (4) years or two (2) years, would you consider your proposal to be on a two (2) year term, instead of the four (4) years?®

Mr. Ortega - AAbsolutely.®

Mr. Wright - AYou can't at this point.®

Judge Hinojosa - AIt can only be what's in the package.®

Commissioner Cascos - AI don't think that it's appropriate. If you give them the opportunity to change it to two, then you must give the opportunity to all the banks that proposed the four and to re-bid.®

Judge Hinojosa - AWe decide which bank, some for four some for two. He made a motion for First National Bank, on a four (4) year contract. Is there a second to Carlos's motion?®

Commissioner Garza - AI second the motion for discussion purposes. What has the County's experience been? How long have we had this bank?®

Judge Hinojosa - ATwo (2) years.®

Commissioner Garza - ATwo (2) years, ok. What is the experience of their service level to the County?®

Mr. Gonzalez - AGood.®

Mr. Yates - AGood. I have had no exceptions, no problems, no specific issues with regards to First National Bank.®

Commissioner Garza - ATax - Assessor Collector?® AHave we had any problems that have been brought to the Commissioners before?®

Mr. Yzaguirre - AAll the problems have been addressed by the Bank, as they occurred.®

Judge Hinojosa - AThere is a motion and a second, any further discussion, all those in favor signify by saying Aye.®

Commissioners Cascos and Garza - AAye.®



Commissioner Valencia - AI abstain.@

Judge Hinojosa - ADoug, hold on.@

Mr. Wright - AI'm sorry.@

Judge Hinojosa - ACan two out of, can a minority of the Court vote for a, for and have it pass.@

Mr. Wright - AIf you have Aye, ok.@

Commissioner Cascos - ATwo (2) positives, one abstention and one negative.@

Mr. Wright - ADepends. There=s two ways, of Roberts Rule, depending on the version that handles abstentions.

One is a Nay vote and the other as if not present for a quorum, so, that depends on the ruling of the Court.@

Judge Hinojosa - AMy ruling is that the abstention is a ANay@ and there=s a Nay and the motion fails.@

Commissioner Cascos - ASo yours is a no or you are not present?@

Commissioner Valencia - AI still abstain.@

Mr. Wright - ABut you still have a quorum here.@

Judge Hinojosa - ARight, so its truly would be a two - two vote.@

Mr. Wright - ASo it would be a majority of the court. If it were a three situation, you would not have a quorum, and it would not pass because you can't take up the issue. But if one person is a Nay, then the Nay, whether it is a not vote, if you count it as a not vote, or a negative vote, then it is tie.@

Judge Hinojosa - ABecause an abstention can only be an abstention if there is a conflict, otherwise, it is considered a Nay vote, I think that=s what we have been told.@

Commissioner Valencia - AIt=s a non vote.@

Commissioner Cascos - ASo its a non vote, not a Nay vote. Let me ask, Tivie.@

Commissioner Valencia - AI would be the same thing as a Nay, I'm not saying yes or no.@

Commissioner Cascos - ANo, because you could walk out the door and not be here.@

Commissioner Garza - AYou could say Nay@.

Judge Hinojosa - AI rule it as a Nay vote, and the motion fails.@

Commissioner Valencia - AThat=s what I would consider myself as wanting to be a Nay, I guess, if it becomes an issue.@

Nellie Garcia, County Clerk-s - ASo, you are changing it to a Nay.@

Commissioner Valencia - ANay.@

Judge Hinojosa - ASo, do I hear any more motions. I would like to move that we table this till next week.@

Commissioner Valencia - AI second that. But I would like to have the Committee get together, Judge and let them bring the recommendation to us. And at that time we will make up our minds.@

Judge Hinojosa - AAll I=m doing , is moving to table. If something happens between now and then, otherwise, we'll just take it up next week. Any further discussion on the motion to table, all those in favor signify by saying Aye.@

Judge Hinojosa and Commissioner Valencia - AAye.@

Commissioners Cascos and Garza - ANay.@

Judge Hinojosa - AThen, it=s tabled by definition, because there=s no one that made a motion on the matter.@

Mr. Wright - ADepends on whether action is called on the Item.@

Judge Hinojosa - AAction is called on the Item, but there=s nothing we can do. No motion has been able to succeed on this matter.@

Ms. Emma Treviño, Brownsville Herald - ASo, is there a conflict interest?@

Judge Hinojosa - ANo.@

Commissioner Garza - ANot me.@

( 13 ) **AUTHORIZATION TO ENTER INTO A PURCHASE AGREEMENT WITH MD WHEELER, G.P., INC. FOR THE POSSIBLE ACQUISITION OF UP TO 80 NET ACRES OF ADDITIONAL LAND FOR THE NEW CAMERON COUNTY GOVERNMENT COMPLEX**

Commissioner Garza moved that the earnest money contract with an Option to Purchase Agreement with M. D. Wheeler, G. P., Inc., be approved, for the possible acquisition of up to 80 net acres of additional land for the new Cameron County Government Complex.

The motion was seconded by Commissioner Valencia and carried unanimously.

**The Agreement is as follows:**

**( 14 ) APPROVAL OF AN AGREEMENT WITH HALFF ASSOCIATES FOR ARCHITECTURAL SERVICES TO PREPARE AND SUBMIT A GRANT APPLICATION TO TEXAS PARKS AND WILDLIFE FOR THE PROPOSED PRECINCT NO. 1 PARK**

Upon motion by Commissioner Garza, seconded by Commissioner Valencia and carried unanimously, the Agreement with Halff Associates for Architectural Services, in order to prepare and submit a grant application to Texas Parks and Wildlife for the proposed Precinct No. 1 Park, was approved.

**The Agreement follows:**

[REDACTED]

( 17 ) **AUTHORIZATION TO SELECT A TITLE COMPANY TO DO TITLE COMMITMENTS AND TITLE POLICIES FOR FM/2925 TO FM/803**

Commissioner Garza moved Metro Title Company be selected to do Title Commitments and Title Policies for FM 2925 to FM 803.

The motion was seconded by Commissioner Valencia and carried unanimously.

[REDACTED]

( 18 ) **APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH RABA KISTNER CONSULTANTS, INC., FOR ENVIRONMENTAL SERVICES; PURSUANT TO THE EL NORTE SUBDIVISION PROJECT, LAGUNA VISTA, TEXAS**

Upon motion by Commissioner Valencia, seconded by Commissioner Garza and carried unanimously, the Professional Services Agreement with Raba Kistner Consultants, Inc., was approved, subject to legal review, for environmental services; pursuant to the El Norte Subdivision Project, Laguna Vista, Texas.

[REDACTED]

( 19 ) **AUTHORIZATION TO HIRE A SURVEY TO DO WORK FOR THE EXPANSION OF THE DARRELL B. HESTER BUILDING**

Commissioner Garza moved that JGH Surveying Co., Harlingen, Texas, be hired to do a survey work for the expansion of The Darrell B. Hester Building, said bid being the most beneficial.

The motion was seconded by Commissioner Valencia and carried unanimously.

[REDACTED]

( 20 ) **AUTHORIZATION FOR COUNTY JUDGE TO EXECUTE REQUEST OF VOLUNTARY REVOCATION OF PERMIT FOR THE LANDRUM LANDFILL**

Upon motion by Commission Valencia, seconded by Commissioner Garza and carried unanimously, the County Judge was authorized to execute the Request of Voluntary Revocation of Permit for the Landrum Landfill.

**The Permit is as follows:**

████████████████████

( 21 ) **AUTHORIZATION TO CONTRACT FOR TERMITE  
PEST CONTROL FOR THE DANCY BUILDING**

At this time, Mr. Juan Bernal, Public Works Director/County Engineer, reported that termites were a big problem at the Dancy Building, and solicited three informal bids and the lowest bid was in the amount of \$53,000.00

Commissioner Valencia moved that the contract for Termite Pest Control for the Dancy Building be awarded to Terminix Pest Control.

The motion was seconded Garza and carried unanimously.

At this time, Mr. Mike Forbes, Purchasing Agent, noted that due to the amount of the informal quote, formal bids needed to be requested.

Upon motion by Commissioner Valencia, seconded by Commissioner Garza and carried unanimously, the original motion was withdrawn.

Commissioner Valencia moved that formal bids be solicited for termite pest control for the Dancy Building.

The motion was seconded by Commissioner Garza and carried unanimously.

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( 22 ) **APPROVAL FOR RESERVE DEPUTIES MANUEL  
FLORES, CONSTABLE PRECINCT NO. 6 AND IN  
THE MATTER OF MIGUEL MENDOZA,  
CONSTABLE PRECINCT NO. 3 (DENIED)**

At this time, Mr. Manuel Villarreal, Personnel Director, explained that he was informed that Mr. Miguel Mendoza was employed by the Adult Probation and could not work as a law enforcement officer.

Commissioner Valencia moved that Reserve Deputy Manuel Flores, for Constable Precinct No. 6 be approved and Mr. Miguel Mendoza, Constable Precinct No. 3 be denied.

The motion was seconded by Commissioner Garza and carried unanimously.

**The Bonds are as follows:**

[REDACTED]

( 23 ) **AUTHORIZATION TO ADVERTISE FOR BIDS TO  
MOVE ALL EQUIPMENT FROM 954 E. HARRISON  
RADIO COMMUNICATION LOCATION TO THE  
NEW SHERIFFS DEPARTMENT**

Upon motion by Commissioner Valencia, seconded by Commissioner Garza and carried unanimously, the advertisement for bids, to move all equipment from 954 E. Harrison Radio Communication locations to the new Sheriff's Department, were approved.

( 24 ) **APPROVAL OF CONTRACT AMENDMENT WITH  
CEC CONSULTING ENGINEERS, INC., FOR  
DESIGN AND DEVELOPMENT OF THE LAGUNA  
HEIGHTS DRAINAGE IMPROVEMENT PROJECT**

Commissioner Garza moved that the Contract Amendment with CEC Consultant Engineers, Inc., for the Design and Development of the Laguna Heights Drainage Improvements Project, be approved.

The motion was seconded by Commissioner Valencia and carried unanimously.

**The Contract Amendment is as follows:**

## **CONSENT ITEMS**

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

Upon motion by Commissioner Valencia, seconded by Commissioner Garza and carried unanimously, the Consent Agenda Items were approved as follows:

- ( 26 ) **APPROVAL OF COUNTY CLAIMS;**
- ( 27 ) **AUTHORIZATION TO OPEN BIDS/PROPOSAL FOR THE FOLLOWING:**
  - A) **FIRE EXTINGUISHER MAINTENANCE - ANNUAL BID No. 1430**
  - B) **SAFETY GLASSES: PRESCRIPTION - ANNUAL BID No. 2610;**
- ( 29 ) **AUTHORIZATION TO PURCHASE A CELLULAR PHONE AND SERVICE FOR THE ADMINISTRATIVE ASSISTANT FOR COMMISSIONER PRECINCT NO. 3;**
- ( 30 ) **AUTHORIZATION TO RELEASE TWO (2) SECURITIES FOR A TOTAL OF \$7,350,000.00, AT PAR, FROM THE COLLATERAL PACKAGE SECURING THE DEPOSITS OF THE COUNTY;**
- ( 31 ) **APPROVAL OF MEMORANDUM AGREEMENT BETWEEN CAMERON COUNTY HEALTH DEPARTMENT WIC PROGRAM AND SU CLINICA FAMILIAR FOR THE PURPOSE OF INSURING COORDINATED HEALTH CARE SERVICES;**  
**The Memorandum follows:**
- ( 32 ) **AUTHORIZATION TO SUBMIT A CONTINUATION OF CARE GRANT APPLICATION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, ON BEHALF OF THE VALLEY COALITION FOR THE HOMELESS AND PARTNER AGENCIES; AND**
- ( 33 ) **AUTHORIZATION FOR THE PROGRAM DEVELOPMENT AND MANAGEMENT DEPARTMENT (PD&M) AND ENGINEERING DEPARTMENTS TO NEGOTIATE A PROFESSIONAL SERVICES FEE WITH TRAFFIC ENGINEERS AND DESIGN SYSTEMS, INC. (TEDSI) FOR A TRAFFIC ENGINEERING STUDY OF HE DANCY BUILDING AREA.**

## **TRAVEL ITEMS:**

- ( 34 ) **AUTHORIZATION TO TRAVEL/OR APPROVAL OF TRAVEL EXPENSE FOR THE FOLLOWING (PLEASE NOTE: TRAVEL REQUESTS ARE SUBJECT TO ALL APPLICABLE COUNTY POLICIES):**
  - a) **Juvenile Probation employee to attend a Third Annual Conference Connecting Learners with Reading Difficulties to Best Practices for Literacy, in Edinburg, Texas, on July 26-27, 2001;**
  - b) **Juvenile Probation employee to attend Defy Phase I Staff Training, in Corpus Christi, Texas, on June 10-15, 2001;**
  - c) **Computer Center Director to meet with the Texas Child Support Disbursement Unit, in San Antonio, Texas, on May 30-31, 2001;**

- d) County Judge, Assistant County Administrator and International Bridge System Director to meet with Congressman Ortiz and State Department Officials regarding the West Rail relocation, in Washington, DC, on May 15, 2001;
- e) County extension agent to attend the San Antonio Livestock Exposition-Leadership Extension Class, in San Antonio, Texas, on May 15, 2001;
- f) Health Department employee to attend the mandatory TALWED Breast feeding Conference, in Austin, Texas, on June 20, 2001;
- g) District Attorney employee to attend the Texas District and Counties Association Board Member Meeting, in Austin, Texas, on June 14, 2001;
- h) Constable Precinct No. 1 to attend the Annual JPCA of Texas, Inc. Convention and Seminar in Arlington, Texas, on June 26 - July 01, 2001;
- i) Sheriff's Department Lieutenant to attend the Training for Internal Affairs, Managing Citizen Complaints and Employee Discipline, in San Antonio, Texas, on June 4-6, 2001;
- j) 107<sup>th</sup> District Court Reporter to attend the Texas Court Reporters Association Annual Convention Seminar, in Fort Worth, Texas, on June 20 - 24, 2001;
- k) Sheriff's Department employee to attend the AASP Instructor Certification Class, in Palmview, Texas, on May 24 -25, 2001; and
- l) County Judge and Program Development and Management Department (PD&M) Director regarding contract extension for the Laguna Heights Drainage Improvement Project (TCDP Contract No. 719131), in Austin, Texas, on June 4, 2001.





- (31) **APPROVAL OF MEMORANDUM AGREEMENT BETWEEN CAMERON COUNTY HEALTH DEPARTMENT WIC PROGRAM AND SU CLINICA FAMILIAR FOR THE PURPOSE OF INSURING COORDINATED HEALTH CARE SERVICES.**  
**The Memorandum Follows:**

[REDACTED]

## EXECUTIVE SESSION

( 35 )      **EXECUTIVE SESSION**

Upon motion by Commissioner Garza, seconded by Commissioner Valencia and carried unanimously, the Court met in Executive Session at 12:18 P. M. to discuss the following matter:

- (1)      Deliberation regarding Real Property concerning the possible appraisal and acquisition of various lots adjacent to the Cameron County Dancy Building; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072; and
  
- (2)      Deliberation regarding Real Property concerning the possible land donation referred to as Part of Lots Nos. 1-8, No. 10 and all of Lot No. 9, Block No. 45, of the Original Townsite of Santa Rosa; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.072.

Upon motion by Commissioner Valencia, seconded by Commissioner Cascos and carried unanimously, the Court reconvened in Special Session at 12:25 P. M.

( 36 )      **ACTION RELEVANT TO EXECUTIVE SESSION:**

- a)      **Deliberation regarding Real Property concerning the possible appraisal and acquisition of various lots adjacent to the Cameron County Dancy Building.**

Upon motion by Commissioner Valencia, seconded by Commissioner Cascos and carried unanimously, the Property Manager was authorized to obtain the services of Robert Barrera Appraisal concerning the possible appraisal and acquisition of various lots adjacent to the Cameron County Dancy Building.

- b)      **Deliberation regarding Real Property concerning the possible land donation referred to as Part of Lots Nos. 1-8, No. 10 and all of Lot No. 9, Block No. 45, of the Original Townsite of Santa Rosa.**

Commissioner Valencia moved that the possible land donation referred to as Part of Lots Nos. 1 - 8, No. 10 and all of Lot No. 9, Block No. 45, of the Original Townsite of Santa Rosa be accepted.

The motion was seconded by Commissioner Garza and carried unanimously.

[REDACTED]

There being no further business to come before the Court, upon motion by Commissioner Cascos, seconded by Commissioner Garza and carried unanimously, the meeting was **ADJOURNED** at 12:28 P. M.

**APPROVED** this 12 th day of **JUNE, 2001.**

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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.**