

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 15th day of JANUARY 2002, 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:

4:30 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

RICHARD VALDEZ
COMMISSIONER, PRECINCT NO. 4

JOE G. RIVERA
COUNTY CLERK

Mary Robles Deputy Clerk

ABSENT:

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The meeting was called to order by Judge Pro-tem Carlos H. Cascos at 4:32 P.M. He then asked Reverend Bob Clark, Brownsville resident, for the invocation and Bailiff Victor Tamayo, 357th District Court, 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 January 11, 2002, at 2:14 P.M.:

ACTION ITEMS

(2) BUDGET AMENDMENTS AND/OR SALARY SCHEDULES

Commissioner Benavides moved that the 2002 Fiscal Year Budget Amendment No. 2002-07, and the Salary Schedule for the Hot Check Fee Department, Fund No. 490-4750, be approved.

The motion was seconded by Commissioner Valdez and carried unanimously.

The Budget Amendments and the Salary Schedule are as follow:

(3) IN THE MATTER REGARDING THE MODIFICATIONS, ADDITIONS AND/OR DELETIONS AT THE CAMERON COUNTY DETENTION FACILITY AND SHERIFF'S DEPARTMENT, AND ISSUES RELATED THERETO (TABLED)

Upon motion by Commissioner Benavides, seconded by Commissioner Garza and carried unanimously, this item was **TABLED**.

(4) IN THE MATTER REGARDING THE CAMERON COUNTY AND CITIES CHALLENGING CENSUS 2000 COUNTS AND ISSUES RELATED THERETO (TABLED)

Upon motion by Commissioner Garza, seconded by Commissioner Benavides and carried unanimously, this item was **TABLED**.

(5) APPROVAL FOR THE CAMERON COUNTY HEALTH DEPARTMENT TO ASSIST IN THE COORDINATION OF OPERATION LONE STAR 2002

Ms. Yvette Salinas, Health Department Administrator, explained that Operation Lone Star was the collaboration of agencies from within the military to provide medical services to unserved areas.

At this time, Mr. Ramiro Gonzalez, Operation Lone Star, explained that for the past four (4) years the military reserves, such as doctors, dentists, and pharmacists, had provided medical services in the Rio Grande Valley, and added that it would be the first time for them to work in Cameron County with the Health Department. Mr. Gonzalez noted that the program required that the location be in a rural area, adding that seven (7) potential sites were identified in the Southmost area and added that Colonia maps would be reviewed in order to identify other sites. He stated that the program had the capability to serve between 200 to 300 patients per day, and that success was anticipated if proper advertisement and transportation were provided.

Commissioner Garza asked whether a segment of the population was targeted.

Mr. Gonzalez responded in the affirmative and explained that there were no eligibility requirements and that the program worked on a first come first serve basis. He stated that military reserves conducted their training while providing medical services, adding that a listing of Indigent Clinics was provided for the follow-up services.

Upon motion by Commissioner Benavides, seconded by Commissioner Garza and carried unanimously, the assistance of the Cameron County Health Department, in the coordination of Operation Lone Star 2002, was authorized.

NOTE: JUDGE HINOJOSA ARRIVED AT THIS TIME.

(6) **ACCEPTANCE OF THE ADULT PROBATION
OFFICE IN SAN BENITO AND THE LA FERIA
COUNTY ANNEX BUILDING AS COMPLETE**

Commissioner Garza moved that this Item be **TABLED**.

The motion was seconded by Commissioner Benavides.

Judge Hinojosa requested that the item be considered at a later time, when the County Engineer was present.

At this time, Commissioners Garza and Benavides withdrew their motion.

NOTE: JUDGE HINOJOSA STEPPED OUT AT THIS TIME.

(7) **MODIFICATION OF THE RESOLUTION
AUTHORIZING THE DISTRICT ATTORNEY'S
OFFICE TO APPLY FOR THE 2003, VICTIM
ASSISTANCE GRANT APPLICATION AND
DESIGNATING THE SOURCE FOR THE
REQUIRED MATCH**

Commissioner Benavides moved that the modifications of the Resolution authorizing the District Attorney's Office to apply for the 2003, Victim Assistance Grant Application and designating the source for the required match, be approved.

The motion was seconded by Commissioner Valdez and carried unanimously.

The Resolution is as follows:

(8) **PURCHASE OF NEW EQUIPMENT FOR
PRECINCT NO. 1, ADMINISTRATIVE ASSISTANT**

Commissioner Benavides requested that a pick-up truck be purchased for the Precinct No.1 Administrative Assistant, due to the deteriorating conditions of the vehicle currently being utilized.

Judge Pro-tem Cascos questioned if funds were available.

Mr. Xavier Villarreal, Budget Officer, stated that the vehicle would need to be added to the equipment list and that vehicles would be awarded during the meeting, adding that the Road and Bridge Department would withdraw a vehicle and that it could be substituted.

Judge Pro-tem Cascos asked whether the money for the vehicle was available.

Mr. Villarreal explained that the Safety Officer for the Road and Bridge Department did not consider the vehicle's size adequate and that the Purchasing Department would have to go out for bid for the pick-up truck, but that the monies would remain more or less the same.

NOTE: JUDGE HINOJOSA JOINED THE MEETING AT THIS TIME.

Commissioner Cascos clarified that the purchase would be funded through the Road and Bridge Fund.

Commissioner Benavides moved that the funds allocated for a vehicle for the Road and Bridge Department be substituted for the purchase of a new pick-up truck, for the Precinct No. 1 Administrative Assistant.

The motion was seconded by Commissioner Garza and carried unanimously.

(1) **ADOPTION OF A RESOLUTION HONORING MR.
JOSE "CHEPO" MUÑIZ FOR HIS MANY YEARS
OF SERVICE WITH THE CAMERON COUNTY
CONSTABLE'S DEPARTMENT**

At this time, Judge Hinojosa recognized Constable Jose "Chepo" Muñiz for the sixty four years (64) of service and commitment to the north area of Cameron County, as a Deputy Constable.

Upon motion by Commissioner Cascos, seconded by Commissioner Garza and carried unanimously, the Resolution honoring Mr. Jose "Chepo" Muñiz, County resident, for his many years of service with the Cameron County Constable's Department, was adopted.

At this time, Constable Muñiz stated that after many years he did not believe he would make it to this point and thanked the Court for the recognition and proceeded to display the badge that was presented to him in 1934.

The Resolution is as follows:

(6) **ACCEPTANCE OF THE ADULT PROBATION
OFFICE IN SAN BENITO AND THE LA FERIA
COUNTY ANNEX BUILDING AS COMPLETE**

Mr. Juan Bernal, County Engineer-Public Works Director, reported that the buildings were complete and that there were minor details for the Adult Probation Office that would be addressed by the Adult Probation Department Director. He stated that the details would be considered "extra work" to be funded from the Betterment Fund and reported that the keys were turned over to the Director and the keys for the La FERIA Annex were turned over to the County Tax Assessor Collector.

Commissioner Garza questioned whether the issues pertaining to the payments to the Sub-Contractor were resolved.

Mr. Bernal stated that one of the Sub-Contractors had contacted his office and was referred to Moreco Incorporation, McAllen, Texas, but that since he did not hear from him again, the assumption was that the problem had been resolved, adding that he would follow-up on the matter.

Mr. Richard Santellana, Adult Probation, stated that the building was substantially complete, with exception of the installation of the flag poles and the microphones for the bullet proof windows. He stated that estimates were being obtained for the wheel stops to protect the sprinkler system, and security windows for the doors, noting those items were not included in the original Contract.

Commissioner Cascos clarified that the flag poles and the microphones were included in the Contract.

Judge Hinojosa questioned the balance of the Betterment Fund and suggested that it be accepted, subject to the Sub-Contractor completing the two (2) pending items, as stated in the original Contract. He suggested that the additional items be brought back before the Court for approval, and that they be funded from the Betterment Fund.

Mr. Tony Yzaguirre, County Tax Assessor Collector, questioned whether the part-time custodial position would remain or if the Maintenance Department would be responsible.

Judge Hinojosa stated that a full-time maintenance position was funded within the current Budget.

Commissioner Garza moved that the Adult Probation Office in San Benito and the La FERIA County Annex Building, be accepted as completed, subject to the Sub-Contractor completing the two (2) pending items, as stated in the original Contract.

The motion was seconded by Commissioner Valdez and carried unanimously.

[REDACTED]

(9) ACCEPTANCE OF THE BID FOR THE DARREL B. HESTER JUVENILE ADDITION

Judge Hinojosa questioned whether the Bond Counsel letter was received concerning the limitation of funds.

Mr. Mark Yates, County Auditor, reported that it was his understanding, based on the official statement for the Bond issue that there were no limitations to move funds within the three (3) projects, and stated that Bond Counsel had not sent the complete documentation.

Judge Hinojosa stated that Mr. Remi Garza, Administrative Assistant, had conversed with Bond Counsel who indicated that no limitations existed, and suggested that the bid be accepted, subject to receiving the letter from Bond Counsel.

Mr. Yates stated that the amount of \$950,000.00 remaining for the Dancy Building Project could be transferred and that the County was notified of a Texas Historical Commission Grant match, in the amount of \$3.1 million, that required a fifty percent (50%) match, adding that the additional funds would need to be acquired to match the \$6.2 million project.

Mr. Juan Bernal, County Engineer-Public Works Director, noted that the bid for the Darrel B. Hester Juvenile Addition was in the total amount of \$2,358,000.00, plus an additional five percent (5%) for the Betterment Fund totaling \$2,450,000.00.

Judge Hinojosa stated that the difference would be allocated from the \$950,000.00 allocated for the Dancy Building Project and that it should be approved, subject to receiving the letter from the Bond Counsel.

Mr. Yates clarified that the difference between the amount of \$2,133,000.00 budgeted, and the amount of \$2,450,000.00 needed was in the amount of \$317,000.00 to be transferred from the Dancy Building Project.

At this time, there was discussion regarding the number of bids received, the exclusion of voice and data cabling systems in two (2) bids, the disqualification of the bids, the difference in price of the items not included, and the requirements of the bidding process.

Commissioner Benavides moved that the bid for the Darrel B. Hester Juvenile Addition be awarded to the Rio Valley Construction, subject to receiving the letter from Mr. Jesus Ramirez, Bond Counsel, confirming the use of the \$317,000.00 from the Bond proceeds.

The motion was seconded by Commissioner Valdez.

Commissioner Garza asked Commissioners' Court Legal Counsel whether any problems were foreseen.

Mr. Doug Wright, Commissioners' Court Legal Counsel, responded that no problems were identified.

Upon motion duly made by Commissioner Benavides that the Bid for the Darrel B. Hester Juvenile addition be awarded to the Rio Valley Construction, subject to receiving the letter from Mr. Jesus Ramirez, Bond Counsel, confirming the use of the \$317,000.00 from the Bond proceeds.

The motion seconded by Commissioner Valdez and carried as follows:

AYE: Commissioners Benavides, Cascos, Valdez and Judge Hinojosa

NAY: Commissioner Garza.

The Tabulation is as follows:

(10) **IN THE MATTER REGARDING THE
PERFORMANCE OF A TRAFFIC STUDY IN THE
AREA OF VERMILLION ESTATES (TABLED)**

Mr. Juan Bernal, County Engineer-Public Works Director, reported that the developer of the Vermillion Estates and a resident had approached him regarding a traffic problem from Vermillion Road onto Dakota Avenue. He stated that they had requested that a Traffic Study be conducted to determine if it was feasible to close an entrance to Mobile Home Boulevard, adding that he proposed to use the County's consultant, and that a Public Hearing would be held at a later time.

Commissioner Cascos clarified that the matter was to eliminate through traffic.

Commissioner Garza asked how long the road had been opened.

Mr. Bernal responded that it was opened three and a half (3.5) years ago.

Commissioner Garza questioned whether there were any safety concerns, such as law enforcement and/or fire.

Mr. Bernal responded that the Sheriff was contacted in those regards, but that he had not yet presented any concerns.

Judge Hinojosa clarified that the subdivision housed 139 units and suggested that speed humps be used. He explained that his concern was the blocking of an entrance to residents who preferred to utilize the Vermillion Road and asked who presented the request.

Mr. Robert Bozi, President of the Mobile Home Owners Association, stated that the traffic on Vermillion and FM 802 were cutting through the subdivision to avoid the traffic light. He suggested that Vermillion Road be a one way street headed east and Houston Road be headed west, adding that Houston Road would have to be addressed because it was a caliche road.

Judge Hinojosa stated that the concern was whether the residents would object to the closing of Vermillion Road, based upon a traffic study and requested feedback from the residents, rather than basing the closure on the results of a traffic study.

Commissioner Cascos noted that a public hearing would be required.

Judge Hinojosa stated that the public hearing should be held prior to conducting the traffic study and requested a verification indicating the support of the residents on the matter.

Mr. Doug Wright, Commissioners' Court Legal Counsel, stated that legal obstacles existed that would have to be resolved, depending on the classification of the roads, as to whether the road could be closed.

Commissioner Cascos asked whether the traffic study would address said legal issues.

Mr. Wright responded that the traffic study should, but that he was not certain whether the roads were properly classified according to State standards.

Mr. Bernal stated that the roads did not comply to the standards; therefore, they were not classified.

Mr. Wright stated that certain classified roads could not be closed, unless alternative routes were made available to the residents involved.

Judge Hinojosa suggested that the legal issues be dealt with, only if the community presented strong indication that they wanted the road closed; otherwise, the speed humps be considered, adding that conducting a traffic study at the time was premature.

The suggestion was made that petitions be obtained from the residents as to their concerns and that flyers could be provided regarding the public hearing and the request to close Vermillion Road.

Commissioner Cascos moved that the item be TABLED.

The motion was seconded by Commissioner Benavides.

Commissioner Cascos clarified that the petitions would be obtained and presented to the Court in about three (3) weeks.

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

(11) **ACTION REGARDING THE RELOCATION OF
PREVENTATIVE SERVICES PROVIDED AT THE
FATHER JOSEPH O'BRIEN CLINIC TO ANOTHER
LOCATION WITHIN THE PORT ISABEL AREA**

Ms. Yvette Salinas, Health Department Administrator, reported that the Joseph O'Brien Clinic provided prevention services, consisting of Women, Infant and Children (WIC), Family Planning, and Immunizations, adding that the Health Department was working with the Property Manager in the relocation of services.

Judge Hinojosa stated that a report obtained from Raba Kistners indicated that four (4) or five (5) different molds were identified at the facility and explained how the problem could be alleviated. He stated that Ms. Salinas had concerns and was recommending closing the facility, adding that the Brownsville Community Health Center had stopped sending staff several months back, but the County was awaiting the results of the study, in order to close the clinic, noting that he had received the study the previous week.

Commissioner Cascos asked when the study was received.

Ms. Salinas responded that the Health Department received the study December 4, 2001.

Commissioner Cascos asked the reason for the prolonged delivery of the study to the Judge's Office.

Mr. Roger Ortiz, Maintenance Supervisor, explained that he and Ms. Salinas had inspected the facility after receiving the study in mid December, 2001, from the County Engineer's Office, adding that the study was dated November 30, 2001.

Commissioner Cascos expressed his concern as to the delay in the delivery of the study to the Judge's Office from the date of receipt and questioned whether Commissioners' Court Legal Counsel or any member of the Court was aware of the matter, adding that he first learned of the concerns through the media.

At this time, Mr. Doug Wright, Commissioners' Court Legal Counsel, informed Commissioner Cascos that an Executive Session Item pertained to the issue, and recommended that it be discussed that at time; thereafter, if desired, that it be discussed in an open meeting.

Commissioner Cascos stated that his concern was the delayed delivery, the communication, and the time lapsed to place the item on the Agenda.

Commissioner Garza asked when the Brownsville Community Health Center had stopped providing services.

Ms. Salinas responded that it was approximately in late August or September, 2001, adding that the work area utilized by the Brownsville Community Health Center had the visible mold growth.

Judge Hinojosa stated that he was made aware of the problem by Port Isabel residents, when the Brownsville Community Health Center terminated services at the facility. He stated that there had been an attempt to resolve the problem with the Contractors and Sub-Contractor, but the mold persisted; therefore, the study was conducted.

Commissioner Valdez asked where the services would be relocated.

Ms. Salinas responded that a mobile unit was being considered, but that there were indications of more adequate locations, adding that she and Mr. Joseph Ardito, Property Manager, would tour the proposed facilities.

Judge Hinojosa explained that there would be a remediation period of three (3) to four (4) months.

Mr. Joseph Ardito, Property/Airport Manager, informed that a location was identified for the needed period of time, to be leased on a month to month basis, and added that two (2) potential sites would be toured the following day.

Commissioner Garza noted that there was a need to assure that the services currently being provided continued in a safe environment.

Judge Hinojosa recommended closing the Joseph O'Brien Clinic and negotiating with a lessor in the Port Isabel area for the best possible price, and that the Contract be presented to the Court for approval at the following meeting.

Commissioner Valdez questioned where the individuals who attended the clinic would be referred for the services.

Ms. Salinas stated that the WIC Director would discuss with the State the possibility of mailing the food vouchers or to extend the certifications; the Immunizations would have to be postponed for a week, and Family Planning and Maternity would need to be rescheduled.

Commissioner Garza clarified that the location would not permit the housing of the Brownsville Community Health Center, at this time.

Upon motion by Commissioner Garza, seconded by Commissioner Cascos and carried unanimously, the closing of the Joseph O'Brien Clinic, and the negotiations with a lesser in the Port Isabel area, at the best possible price, were authorized.

[REDACTED]

(12) IN THE MATTER REGARDING THE REQUEST BIDS FOR THE REMEDIATION OR RENOVATION OF THE FATHER JOSEPH O'BRIEN CLINIC (TABLED)

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

[REDACTED]

(13) APPOINTMENT OF MR. STEVEN BROOKS FOR DEPUTY CONSTABLE PRECINCT NO. 6, IN COMPLIANCE WITH THE STATE OF TEXAS LOCAL GOVERNMENT CODE 86.011 AND 86.012

(14) APPOINTMENT OF MR. JOSE LUIS GARCIA AS RESERVE DEPUTY CONSTABLE PRECINCT NO. 3, IN COMPLIANCE WITH THE STATE OF TEXAS LOCAL GOVERNMENT CODE 86.011 AND 86.012

(15) APPOINTMENT OF MR. MARCOS GARCIA AS DEPUTY CONSTABLE PRECINCT NO. 4, IN COMPLIANCE WITH THE STATE OF TEXAS LOCAL GOVERNMENT CODE 86.011 AND 86.012

(16) APPOINTMENT OF MR. LUIS CESAR WEAVER AS RESERVE DEPUTY CONSTABLE PRECINCT NO. 4, IN COMPLIANCE WITH THE STATE OF TEXAS LOCAL GOVERNMENT CODE 86.011 AND 86.012

(17) APPOINTMENT OF MR. JOSE MUÑIZ AS HONORARY RESERVE DEPUTY CONSTABLE PRECINCT NO. 4, IN COMPLIANCE WITH THE STATE OF TEXAS LOCAL GOVERNMENT CODE 86.011 AND 86.012

Upon motion by Commissioner Benavides, seconded by Commissioner Cascos and carried unanimously, the following individuals were appointed, based on the finding of need for the duration of the fiscal year, in accordance with

the three (3) Reserve Deputies per Constable Deputy, and in compliance with the State of Texas Local Government Code 86.011 and 86.012:

- Mr. Steven Brooks - Deputy Constable Precinct No. 6;
- Mr. Jose Luis Garcia - Reserve Deputy Constable Precinct No. 3;
- Mr. Marcos Garcia - Deputy Constable Precinct No. 4;
- Mr. Luis Cesar Weaver - Reserve Deputy Constable Precinct No. 4; and
- Mr. Jose Muñiz - Honorary Reserve Deputy Constable Precinct No. 4.

CONSENT ITEMS

ALL ITEMS UNDER THE CONSENT AGENDA WERE HEARD COLLECTIVELY UNLESS OPPOSITION WAS PRESENTED, IN WHICH CASE THE CONTESTED ITEM WAS CONSIDERED, DISCUSSED, AND APPROPRIATE ACTION TAKEN SEPARATELY.

DISCUSSION CONCERNING CONSENT AGENDA ITEMS:

ITEM NO. 18:

Mr. Mark Yates, County Auditor, presented the following late claim: as to UTMB, Warrant No. 00068900, in the amount of \$306,685.07, of which ninety percent (90%) was reimbursable; for the payment of .59 acres, to be funded from the Parks System's Fund, in the amount of \$67,771.24; and for the payment of 66 acres south of the New Jail, in the amount of \$276,771.00.

ITEM NO. 25:

Mr. Tony Yzaguirre, County Tax Assessor Collector, reported that the State was planning to deal with a problem in South Texas, that being the sales of used vehicles that were supposed to be exported to Mexico by the unlicensed dealers. He stated that the vehicle title were stamped when purchased from an auction, but that the vehicles were being sold in Cameron County, resulting in an inconvenience for the customers at the time of a title transfer, noting that the transfer of said title was illegal. Mr. Yzaguirre stated that the County Tax Assessor Collector's Office and the Automobile Crimes Task Force had commenced a program two (2) years ago that rejected the titles when it was learned that the vehicles were supposed to have been exported. He stated that the Automobile Crime Task Force was stopping rigs to review the titles and if identified as exports the titles were stamped.

At this time, Mr. Mike De Los Santos and Mr. William Garza, local car dealers, requested that the Court adopt a Resolution supporting the Program being conducted by the County Tax Assessor Collector's Office and the Automobile Crimes Task Force, to be presented at a meeting to be held in Austin, Texas, in order to conduct the program State wide, adding that the problem caused the loss of large amounts of monies to the State and to the County.

Commissioner Cascos asked whether any reason existed why the Court should not support the Resolution.

Mr. Yzaguirre responded that there was no reason to object and stated that five (5) County Tax Assessor Collector's employees would attend the meeting, adding that the issue was to make the State aware of the problem.

Commissioner Benavides stated that the concern was the inconvenience caused to the consumers.

ITEM NO. 32: Mr. Juan Bernal, County Engineer-Public Works Director, reported that the original proposal from S&B Infrastructure called for a twelve percent (12%) basic service rate and that he had negotiated with them and obtained a nine percent (9%) basic service rate.

Commissioner Cascos clarified that the Contract was for a six (6) year term with a ninety (90) day clause period, noting that there had been indications that other firms would be given the opportunity to participate, that there was a text error on Page No. 4 of 27, Section 3.3, and that work progress and related issues would be presented to the Court. He noted that the nine percent (9%) basic service rate was high according to the size of the Contract and stated that he would like it one (1) point to one and a half (1.5) points lower, adding that there was no "caps" on the Contract.

Ms. Charlotte Teague, S&B Infrastructure, stated that it was a "work authorization Contract" and that cost proposals would be presented for approval, adding that the rate was based on actual construction cost.

Commissioner Cascos clarified that the additional percentage rates applied when special services were conducted.

Judge Hinojosa noted that the special services would need to be authorized by the Court.

Ms. Teague stated that the rates were the maximum rates.

Commissioner Cascos questioned whether an additional ten percent (10%) overhead fee would be applied when dealing with a sub-contractor.

Commissioner Garza questioned the listed special services.

Mr. Bernal stated that it was standard practice that the surveyors and other special services be hired separately.

At this time, there was discussion regarding the Contract being utilized before and the comment was made that the Contract was being utilized with Hidalgo County.

Commissioner Cascos clarified that benefits, gifts and/or favors were prohibited for any individual conducting business or who may conduct business, with the exception of business meals.

Commissioner Garza asked if campaign contributions were included.

Ms. Teague responded that she did not believe so.

Commissioner Garza clarified that Mr. Mike Rojas, S & B Infrastructure, would be the Project Manager and that it would require a long distance call to obtain information.

Ms. Teague reported that a local phone number would be provided.

Mr. Jacinto Garza, County Engineer's Office, stated that TXDOT was overseeing the pavement of the Colonias and was obtaining a list from the Counties, adding that the intent was to submit the list of Colonias because there were possible plans to disburse the first \$25 million funds on March 1, 2002. He stated that the data for the second \$25 million would be submitted by S&B Infrastructure and that criteria was not yet determined, adding that a meeting would be held by TXDOT and that the County would have to enter into an Agreement with the State, in order to be reimbursed.

Commissioner Cascos recommended that the County Engineer continue negotiations to obtain a lower rate of seven point five percent (7.5%) and the flat overhead of two point five percent (2.5) %.

At this time, there was discussion regarding the attempt to renegotiate the prices, the basis of the rates, the value of the contract, the inclusion of environmental services, and the standard procedures for engineering services.

Judge Hinojosa explained that the percentage rate being gained was an incentive for S&B Infrastructure to compete, on behalf of the County, for the maximum amount of funds.

Commissioner Cascos requested that the rates be renegotiated.

Mr. Bernal stated that further negotiations would conflict with time constraints.

Mr. Doug Wright, Commissioners' Court Legal Counsel, stated that fifty percent (50%) of the funds were on a competitive basis and asked Ms. Teague if she was aware that being an advocate for Cameron County would conflict with representing other Counties.

Ms. Teague stated that Cameron County was the only one being represented.

Mr. Garza stated that Cameron County was the only County hiring a General Engineering Contractor.

Commissioner Garza clarified that the Civil Division had reviewed the Contract and that Mr. Garza was not related to him.

Commissioner Garza moved that the following "Consent and Travel Items", be approved.

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

AYE: Commissioners Benavides and Valdez,

NAY: None.

ABSTAIN: Judge Hinojosa as to Laguna Madre Water District, Warrant No.00068770 in the amount of \$155.27, Commissioner Garza as to the Medicine Shoppe, Warrant No. 00068788 in the amount of \$1,812.46 and Commissioner Cascos as to Item No. 32.

**(18) APPROVAL OF CLAIMS;
THE AFFIDAVITS FOLLOW:**

(19) APPROVAL OF MINUTES:

- A) SPECIAL MEETING -DECEMBER 18, 2001;**
- b) SPECIAL MEETING -DECEMBER 27, 2001; AND**
- c) SPECIAL MEETING -JANUARY 2, 2002.**

**(20) SUBMIT A GRANT APPLICATION TO THE AMERICAN HEART ASSOCIATION FOR THE TEXAS AED PLACEMENT PROGRAM FIRST RESPONDER 50% MATCHING GRANT;
THE APPLICATION FOLLOWS:**

(21) ANNEX T-DONATIONS MANAGEMENT AND ANNEX U-LEGAL AS PART OF THE EMERGENCY MANAGEMENT PLAN;

(22) DEVELOPMENT OF A GRANT APPLICATION TO THE U.S. DEPARTMENT OF COMMERCE, NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION-TECHNOLOGY OPPORTUNITIES PROGRAM (TOP) FOR A BILINGUAL COMMUNITY INFORMATION INTERNET NETWORK PROJECT;

**(23) THE OFFICE OF THE ATTORNEY GENERAL (OAG) AND THE DISTRICT CLERK'S OFFICE TO ENTER INTO AN AGREEMENT WHEREBY THE OFFICE OF THE ATTORNEY GENERAL ACCESSES CIVIL CASE INFORMATION ON THE DISTRICT CLERK'S OFFICE CASE MANAGEMENT SYSTEM FOR THE PURPOSE OF LOCATING NON-CUSTODIAL PARENTS, MONITORING, AND ENFORCING THE TITLE IV-D CHILD SUPPORT CASES (CONTRACT NO. 01-04871);
THE AGREEMENT FOLLOWS:**

**(24) THE OFFICE OF THE ATTORNEY GENERAL AND THE DISTRICT CLERK'S OFFICE TO ENTER INTO AN AGREEMENT WHEREBY THE OFFICE OF THE DISTRICT CLERK'S OFFICE ACCESSES INFORMATION ON THE OAG'S TEXAS CHILD SUPPORT ENFORCEMENT SYSTEM (CONTRACT NO. 02-00248);
THE AGREEMENT FOLLOWS:**

**(25) RESOLUTION FOR THE TEXAS DEPARTMENT OF TRANSPORTATION MOTOR VEHICLE BOARD TO SUPPORT PROPOSED AMENDMENT RULES TO GENERAL DISTINGUISHING NUMBER 16 TAC, RULE 111.2, AND ADOPTION OF A NEW RULE 111.18, PROOF OF VALID LICENSE REQUIRED BY FOREIGN MOTOR VEHICLE DEALERS, BY THE TEXAS MOTOR VEHICLE BOARD;
THE RESOLUTION FOLLOWS:**

- (26) ACCEPTANCE OF PARCEL NO. 11, FOR OLD ALICE ROAD;
- (27) PROCEED WITH THE ASBESTOS ABATEMENT OF THE DANCY BUILDING;
- (28) ALLOW THE UNITED STATES DEPARTMENT OF JUSTICE IMMIGRATION AND NATURALIZATION SERVICE TO USE THE CAMERON COUNTY AIRPORT TARMAC FOR HIGH-SPEED VEHICLE TRAINING AND BUS DRIVING TRAINING;
- (29) ACCEPTANCE OF GRANT OF \$181,784.00, FROM THE CRIMINAL JUSTICE DIVISION OF THE GOVERNOR'S OFFICE, IN SUPPORT OF THE UNIDOS PODEMOS JUVENILE FORENSIC TRAINING LAB PROGRAM FOR THE YEAR 2001-2002;
- (30) UTILIZATION OF THE STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES (D.I.R.) INTER-LOCAL COOPERATIVE PURCHASING AGREEMENT FOR THE PURCHASE OF SOFTWARE LICENSES FOR NINETY-EIGHT (98) NEW COMPUTERS;
- (31) CONTRACT AMENDMENT BETWEEN CAMERON COUNTY HEALTH DEPARTMENT AND THE TEXAS DEPARTMENT OF HEALTH TO PROVIDE WELL-CHILD, MATERNITY, AND FAMILY PLANNING SERVICES;
THE CONTRACT FOLLOWS:
- (32) CONTRACT BETWEEN CAMERON COUNTY AND S&B ENGINEERING FOR PROPOSITION 2, ROAD AND DRAINAGE COLONIA IMPROVEMENTS;
THE CONTRACT FOLLOWS:
- (33) PURCHASE X-RAY MACHINE FOR THE JAIL INFIRMARY UTILIZING THREE (3) QUOTES OVER \$15,000.00, BUT UNDER \$25,000.00;
- (34) AWARDING OF THE FOLLOWING BIDS/PROPOSALS:
 - A) PATROL AND MISCELLANEOUS - CARS TWELVE (12).
TIPTON FORD, BROWNSVILLE, TEXAS \$217,778.00
 - B) LIGHT BULBS AND BALLAST - ANNUAL BID NO. 2004.
BUSH, BROWNSVILLE, TEXAS \$20,765.00
- (35) OPEN THE FOLLOWING BIDS/PROPOSAL:
 - A) UNIFORMS NEW - SHERIFF'S AND JAIL- ANNUAL BID NO. 2660.
- (36) CLOSING OF GATEWAY INTERNATIONAL BRIDGE TO SOUTHBOUND TRAFFIC ON THURSDAY, FEBRUARY 28, 2002, BETWEEN 6:00 P.M., AND 8:00 P.M., AND SATURDAY, MARCH 2, 2002, BETWEEN 1: 00 P.M., AND 5:00 P.M., FOR THE CHARRO DAYS FESTIVITIES; AND
- (37) ADVERTISE FOR REQUEST FOR PROPOSAL (RFP) FOR THE POSSIBLE DEVELOPMENT OF VARIOUS TRACTS OF CAMERON COUNTY PROPERTY LOCATED AT THE LOS INDIOS FREE TRADE BRIDGE.



TRAVEL ITEMS

- (38) AUTHORIZATION TO TRAVEL/OR APPROVAL OF TRAVEL EXPENSE FOR THE FOLLOWING (PLEASE NOTE: TRAVEL REQUESTS ARE SUBJECT TO ALL APPLICABLE COUNTY POLICIES):**
- (a) Justice of the Peace Precinct No. 4, to attend the “20 Hour Justice of the Peace Seminar Training”, in Corpus Christi, Texas, January 15-18, 2002;
 - (b) County Extension Agent to attend the “TTVN Training Session on Performance Management”, in Weslaco, Texas December 5, 2001;
 - (c) County Extension Agent to discuss the “Role of Professional Development Trust”, in Camp Allen, Texas, January 13-15, 2002;
 - (d) Sheriff to attend the “Texas Jail Association Board Meeting”, in San Antonio, Texas, January 19-20, 2002;
 - (e) Two (2) District Attorney Investigators to attend the “25th Annual Investigator School”, in Corpus Christi, Texas, January 11-15, 2002;
 - (f) Property Management Coordinator to discuss the possible adoption of the Cameron County Airport by the Civic Organization”, in Pharr, Texas, January 24, 2002;
 - (g) Assistant District Attorney to attend the “15th Annual Juvenile Law Conference”, in Austin, Texas, February 27-March 1, 2002;
 - (h) Program Development and Management Director to attend the “Monthly Meeting of Professional Advisory Review Panel”, in Mercedes, Texas, January 9, 2002;
 - (i) District Attorney to attend the “South Texas HIDTA Executive Board Meeting”, in San Antonio, Texas, February 19-20, 2002;
 - (j) District Attorney to attend the “Financial Training Seminar”, in San Antonio, Texas, February 3-8, 2002;
 - (k) Constable Precinct No. 7 to attend the “Civil Process Training”, in San Antonio, Texas, February 10-13, 2002;
 - (l) Personnel Benefit Specialist to attend a “Contested Case Hearing”, in Weslaco, Texas, January 15, 2002;
 - (m) Tax Assessor Collector and Investigator to attend the “Texas Department of Transportation Vehicle Board Meeting”, in Austin, Texas, January 16-17, 2002;
 - (n) Twelve (12) Tax Assessor Collector employees to attend the “Texas Department of Transportation Dealer Training Seminar”, in McAllen, Texas, January 23, 2002;
 - (o) Justice of the Peace Precinct No. 2, Place No.1, to attend the 20 Hour Justice of the Peace Seminar Training”, in Corpus Christi, Texas, January 15-18, 2002;
 - (p) County Judge and Assistant Administrator to attend a meeting with U.S. Corp of Engineers to discuss the Intercostals Canal, in Galveston, Texas, January 14, 2002; and
 - (q) Assistant County Administrator to attend the “ADA Roundtable Meeting”, in Austin, Texas, January 22-23, 2002.

- (18) APPROVAL OF CLAIMS.**
The Affidavits are as follow:

- (20) SUBMIT A GRANT APPLICATION TO THE AMERICAN HEART ASSOCIATION FOR THE TEXAS AED PLACEMENT PROGRAM FIRST RESPONDER 50% MATCHING GRANT.
The Application is as follows:**

- (23) **THE OFFICE OF THE ATTORNEY GENERAL (OAG) AND THE DISTRICT CLERK'S OFFICE TO ENTER INTO AN AGREEMENT WHEREBY THE OFFICE OF THE ATTORNEY GENERAL ACCESSES CIVIL CASE INFORMATION ON THE DISTRICT CLERK'S OFFICE CASE MANAGEMENT SYSTEM FOR THE PURPOSE OF LOCATING NON-CUSTODIAL PARENTS, MONITORING, AND ENFORCING THE TITLE IV-D CHILD SUPPORT CASES (CONTRACT NO. 01-04871);**

The Agreement is as follows:

- (24) **THE OFFICE OF THE ATTORNEY GENERAL (OAG) AND THE DISTRICT CLERK'S OFFICE TO ENTER INTO AN AGREEMENT WHEREBY THE OFFICE OF THE DISTRICT CLERK'S OFFICE ACCESSES INFORMATION ON THE OAG'S TEXAS CHILD SUPPORT ENFORCEMENT SYSTEM (CONTRACT NO. 02-00248).**

The Agreement is as follows:

- (25) **RESOLUTION FOR THE TEXAS DEPARTMENT OF TRANSPORTATION MOTOR VEHICLE BOARD TO SUPPORT PROPOSED AMENDMENT RULES TO GENERAL DISTINGUISHING NUMBER 16 TAC, RULE 111.2, AND ADOPTION OF A NEW RULE 111.18, PROOF OF VALID LICENSE REQUIRED BY FOREIGN MOTOR VEHICLE DEALERS, BY THE TEXAS MOTOR VEHICLE BOARD.**
The Resolution is as follows:

- (31) CONTRACT AMENDMENT BETWEEN CAMERON COUNTY HEALTH DEPARTMENT AND THE TEXAS DEPARTMENT OF HEALTH TO PROVIDE WELL-CHILD, MATERNITY, AND FAMILY PLANNING SERVICES.
The Contract is as follows:**

- (32) CONTRACT BETWEEN CAMERON COUNTY AND S&B ENGINEERING FOR PROPOSITION 2, ROAD AND DRAINAGE COLONIA IMPROVEMENTS.
The Contract is as follows:**

[REDACTED]

EXECUTIVE SESSION

(39) EXECUTIVE SESSION

Upon motion by Commissioner Garza, seconded by Commissioner Benavides and carried unanimously, the Court met in Executive Session at 6:28 P. M. to discuss the following matters:

NOTE: JUDGE HINOJOSA LEFT THE MEETING, AT THIS TIME.

- (a) Confer with Commissioners' Court Legal Counsel concerning status of case and authority to represent the County in the case styled Rolando Mancilla and James Woodward versus Cameron County, et al., Cause No. 01-CC1-1027A; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A);
- (b) Authorization of settlement and confer with Commissioners' Court Legal Counsel concerning status of the case styled Isaac Hilario Gonzalez Ruiz versus Cameron County, Texas, Civil Action No. B-01-077; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A)&(B);
- (c) Confer with Commissioners' Court Legal Counsel concerning the case styled Edward Alcala versus Alex Perez, et al., Civil Action No. B-96-203, in the United States District Court-Brownsville, for discussion and authorization of settlement for two (2) remaining defendants; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A)(B);
- (d) Confer with Commissioners' Court Legal Counsel regarding the possible litigation relating to the Father Joseph O'Brien Clinic and authorization to issue demand letters to all interested parties; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A);
- (e) Deliberation regarding real property concerning, acquisition for the Laguna Heights Improvement Project ; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- (f) Confer with the County and District Attorney's Office regarding Cause No. 2001-12-5344, Jesus Rodriguez versus Justice of the Peace David Garza, et. al., and discuss the case and authority to represent; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A); and
- (g) Confer with Commissioner's Court concerning Cause No. 2001-12-55344-G, Jesus Rodriguez versus Justice of the Peace, David Garza, et. al. and authority to represent Cameron County if served; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A).

Upon motion by Judge Pro-tem Cascos, seconded by Commissioner Valdez and carried unanimously, the Court reconvened in Regular Session at 7:04 P.M.

[REDACTED]

(40) ACTION RELATIVE TO EXECUTIVE SESSION:

- (a) Confer with Commissioners' Court Legal Counsel concerning status of case and authority to represent the County in the case styled Rolando Mancilla and James Woodward versus Cameron County, et al., Cause No. 01-CC1-1027A.**

Commissioner Valdez moved that the Commissioners' Court Legal Counsel's Status Report be acknowledged, concerning authority to represent the County in the case styled Rolando Mancilla and James Woodward versus Cameron County, et al., Cause No. 01-CCL-1027A.

The motion was seconded by Commissioner Benavides and carried unanimously.

- (b) Authorization of settlement and confer with Commissioners' Court Legal Counsel concerning status of the case styled Isaac Hilario Gonzalez Ruiz versus Cameron County, Texas, Civil Action No. B-01-077.**

Upon motion by Commissioner Valdez, seconded by Commissioner Garza and carried unanimously, the Status Report by Commissioners' Court Legal Counsel was acknowledged, and the settlement was authorized concerning the case styled Isaac Hilario Gonzalez Ruiz versus Cameron County, Texas, Civil Action No. B-01-077.

- (c) Confer with Commissioners' Court Legal Counsel concerning the case styled Edward Alcala versus Alex Perez, et al., Civil Action No. B-96-203, in the United States District Court-Brownsville, for discussion and authorization of settlement for two (2) remaining defendants.**

Commissioner Benavides moved that the settlement for the two (2) remaining defendants be authorized, concerning the case styled Edward Alcala versus Alex Perez, et al., Civil Action No. B-96-203, in the United States District Court-Brownsville.

The motion was seconded by Commissioner Garza and carried unanimously.

- (d) Confer with Commissioners' Court Legal Counsel regarding the possible litigation relating to the Father Joseph O'Brien Clinic and authorization to issue demand letter to all interested parties.**

Upon motion by Commissioner Garza seconded by Commissioner Valdez, and carried unanimously, the Status Report by Commissioners' Court Legal Counsel was acknowledged regarding the possible litigation relating to the Father Joseph O'Brien Clinic was acknowledged, and the issuance of Demand Letters to all interested parties was deferred.

(e) Deliberation regarding real property concerning, acquisition for the Laguna Heights Improvement project.

Commissioner Garza moved that the Status Report by Mr. Frank Bejarano, Program Development and Management Director, be acknowledged regarding real property concerning acquisition for the Laguna Heights Improvement Project, and that the purchase be authorized in accordance with the appraised value and the terms as discussed in Executive Session.

The motion was seconded by Commissioner Benavides and carried unanimously.

(f) Confer with the County and District Attorney's Office regarding Cause No. 2001-12-5344, Jesus Rodriguez versus Justice of the Peace David Garza, et. al., and discuss the case and authority to represent.

At this time, Commissioner Valdez reported that he did not participate in the discussion of this Item, due to possible conflict.

Commissioner Garza moved that the District Attorney's Office be authorized to represent Justice of the Peace David Garza in the Cause No. 2001-15-5344.

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

AYE: Commissioners Benavides, Garza, and Judge Pro-tem Cascos,

NAY: None,

ABSTAIN: Commissioner Valdez.

(g) Confer with Commissioner's Court concerning Cause No. 2001-12-55344-G, Jesus Rodriguez versus Justice of the Peace David Garza, et. al. and authority to represent Cameron County, if served.

Judge Pro-tem Cascos reported that Commissioner Valdez did not participate in the discussion of this Item.

Commissioner Garza moved to authorize Mr. Richard Burst, Commissioners' Court Legal Counsel, to represent the County in Cause No. 2001-15-5344, in the event of being served.

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

AYE: Commissioners Benavides, Garza, and Judge Pro-tem Cascos,

NAY: None,

ABSTAIN: Commissioner Valdez.

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There being no further business to come before the Court, upon motion by Commissioner Benavides, seconded by Commissioner Garza and carried unanimously, the meeting was **ADJOURNED** at 7:07 P.M.

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APPROVED this 5th day of **February** 2002.

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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.