

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 19th day of FEBRUARY 2002, there was conducted a REGULAR Public Meeting of the Honorable Commissioners' Court of Cameron County, Texas, at the Courthouse thereof, in the City of Brownsville, Texas, for the purpose of transacting any and all business that may lawfully be brought before the same.

THE COURT MET AT:

5:30 P.M.

PRESENT:

GILBERTO HINOJOSA
COUNTY JUDGE

PEDRO "PETE" BENAVIDES
COMMISSIONER PRECINCT NO. 1

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:

CARLOS H. CASCOS, C.P.A.

The meeting was called to order by Judge Hinojosa at 5:33 P.M. He then asked Reverend Bob Clark, Brownsville resident, for the invocation and led the Court and the audience in reciting the Pledge of Allegiance.

The Court considered the following matters as posted and filed for Record in the Office of the County Clerk on February 15, 2002, at 11:34 A.M., and the Supplemental Agenda on February 15, 2002, at 3:00 P.M.:

PRESENTATION

**(2) RESOLUTION HONORING MRS. DOLORES
GARCIA GARZA FOR HER LIFETIME OF
SERVICE TO HER COMMUNITY**

At this time, Judge Hinojosa presented Mrs. Dolores Garcia Garza, El Ranchito resident, with a Resolution honoring her lifetime of service to her community.

The Resolution is as follows:

ACTION ITEMS

(5) BUDGET AMENDMENTS AND/OR SALARY SCHEDULES

Mr. Xavier Villarreal, Budget Officer, requested that the Salary Schedule for the GIS Mapping Department and the related Budget Amendment be tabled for one (1) week.

Commissioner Benavides moved that the 2002 Fiscal Year Budget Amendment No. 2002-11 be approved, and that the Salary Schedule for the GIS Mapping Department and the related Budget Amendment be **TABLED**, for one (1) week.

The motion was seconded by Commissioner Garza and carried unanimously.

The Budget Amendments are as follow:

████████████████████

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

Mr. Juan Bernal, County Engineer/Public Works Director, reported that the Occupancy Certificate had been received and that the Texas Jail Commission was currently inspecting the Detention Center.

Upon motion by Commissioner Benavides, seconded by Commissioner Valdez and carried unanimously, the Status Report by the County Engineer concerning the inspection by the Texas Jail Commissioner of the Cameron County Detention Facility and Sheriff's Department was acknowledged.

████████████████████

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

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

████████████████████

(8) **RESOLUTION OF THE CAMERON COUNTY COMMISSIONERS' COURT PROVIDING TAX ABATEMENT TO CERTAIN HISTORICAL PROPERTIES INCLUDED IN THE 2002 CITY OF BROWNSVILLE HERITAGE PLAN**

Commissioner Garza moved that the Resolution of the Cameron County Commissioners' Court providing Tax Abatement to certain Historical Properties, included in the 2002 City of Brownsville Heritage Plan, be adopted.

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

AYE: Commissioners Benavides, Garza and Valdez,

NAY: None,

ABSTAIN: Judge Hinojosa as to the properties located at 504 East St. Francis and 622 East St. Charles, Brownsville, Texas.

The Resolution is as follows:

[REDACTED]

**(9) CONCURRENT ORDER FOR THE CREATION OF
A HEALTH SERVICE DISTRICT BETWEEN
CAMERON AND HIDALGO COUNTIES**

Mr. Doug Wright, Commissioners' Court Legal Counsel, noted that minor changes were made regarding the correct placing of the Counties' names.

Commissioner Benavides moved that the Concurrent Order for the creation of a Health Service District between Cameron and Hidalgo Counties be approved.

The motion was seconded by Commissioner Valdez.

At this time, Judge Hinojosa noted that the Resolution would allow Cameron and Hidalgo Counties to create a Health Service District in order to combine Indigent Health Care Funds and to apply for twice the amount of federal grants, adding that the current Health Care Funds would be increased by the amounts between \$8 and \$10 million. He stated that the Health Service District would provide primary Health Care Services for poor residents in conjunction with the Regional Academic Health Center, Cameron County Health Department, and the Texas Health Department. Judge Hinojosa explained that Proposition 8, approved November 2001, allocated funds in the amount of \$17,000,000.00 for the construction and the equipment of two (2) clinics, one (1) in Cameron County and one (1) in Hidalgo County. He explained that the operation costs would be funded from the matched grants of the Indigent Health Care Program Funds from the Federally Qualified Community Health Clinic Programs. Judge Hinojosa stated that the Texas Health Department, through the South Texas Hospital, would provide OB-GYN Services; Breast Cancer and Tuberculosis Screenings.

Commissioner Garza questioned the annual operating cost of said services.

Judge Hinojosa responded that it could be in the approximate amount of \$4 million, in addition to the in-kind services from the Regional Academic Health Center, and the federal grants.

Commissioner Benavides asked whether the level of expenditure of the current year and the additional \$2 million would be sufficient funds for the fiscal year.

Judge Hinojosa stated that the primary health care services provided to qualified individuals would be funded up-front for a twelve (12) month period. He added that the Hospitals within Cameron County were receiving federal funds in the approximate amount of \$100 million for the Indigent Funds, but that the Hospitals could not be prevented from applying for payment from the Indigent Health Care Program.

Commissioner Valdez stated that the contract with Hidalgo County indicated that some services would be prorated based on income guidelines.

Judge Hinojosa added that the program was designed to provide services to low income residents and all other individuals served would be invoiced through the corresponding health insurance.

Upon motion duly made by Commissioner Benavides, seconded by Commissioner Valdez and carried unanimously, the Concurrent Order for the creation of a Health Service District between Cameron and Hidalgo Counties was approved.

The Orders are as follow:

(10) **CONSULTATION CONTRACT FOR MECHANICAL
ENGINEERING SERVICES**

Mr. Doug Wright, Commissioners' Court Legal Counsel, stated that the Agreement limited the expenditure to the amount of \$6,000.00 for Phase I, noting that the scopes of services for Phase II were yet to be defined and would be based on the recommendations.

Judge Hinojosa stated that the contract was for consultation services regarding the mold issues at the Health Department Clinic, adding that experts evaluated the building and identified the materials and cooling system as to the cause for the formation of the mold. He stated that the Mechanical Engineer would recommend a procedure to correct the cooling system and an Architect would provide recommendations regarding the material and a design to prevent further formation of the mold.

Commissioner Benavides moved that the Consultation Contract for Mechanical Engineering Services be approved.

The motion was seconded by Commissioner Valdez and carried unanimously.

The Contract is as follows:

(11) **RESOLUTION APPOINTING A SUCCESSOR
REPRESENTATIVE OF CAMERON COUNTY TO
THE PUBLIC POWER POOL**

Mr. Remi Garza, Assistant Administrator, explained that the Public Power Pool consisted of governmental bodies working together to conduct purchases and that the County's representative was the former Commissioner for Precinct No. 4.

Upon motion by Judge Hinojosa, seconded by Commissioner Benavides and carried unanimously, the Resolution appointing Commissioner Valdez a representative of Cameron County to the Public Power Pool was adopted.

The Resolution is as follows:

**(12) RECLASSIFICATION OF TRAINING OFFICER
(JAIL POSITION) TO A DEPUTY SHERIFF**

Captain Robert Lopez, Sheriff's Department, explained that the reclassification of a Training Officer to a Deputy Sheriff, assigned to the Jail Division, was needed in order to assist in the training of additional employees, and added that the funds were available.

Commissioner Benavides moved that the reclassification of Training Officer, assigned to the Jail Division, to a Deputy Sheriff, be approved.

The motion seconded by Commissioner Valdez and carried unanimously.

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 THE CONSENT AGENDA ITEMS:

ITEM NO. 26: Mr. Javier Mendez, Parks System Director, requested that this item be tabled for one (1) week.

ITEM NO. 13: Mr. Mike Forbes, Purchasing Agent, presented the following late claims; Warrant No. 00070817, as to Mr. Alfonso Garcia, Project Development and Management, in the amount of \$301.00; and Warrant No. 00070818, as to General Fund, in the amount of \$682.29.

ITEM NO. 14: Judge Hinojosa noted that the County Auditor requested that the item be tabled.

Commissioner Benavides moved that the following "Consent and Travel Items" be approved, and that Item No. 14 and Item No. 26 be **TABLED** for one (1) week.

The motion seconded by Commissioner Garza and carried as follows:

AYE: Commissioners Benavides, Garza and Valdez

NAY: None,

ABSTAIN: Judge Hinojosa as to Southwest Key La Esperanza, Warrant No. 00070770, in the amount of \$13,443.46.

**(13) APPROVAL OF CLAIMS:
The Affidavit follows:**

(14) IN THE MATTER REGARDING SUBMISSION OF A GRANT ACCEPTANCE NOTICE FOR \$378,671.00 AND ADOPTION OF A REVISED SUPPORTING RESOLUTION COMMITTING TO A 34% MATCH FROM THE COMMUNITY OF \$128,771.00 IN SUPPORT OF UNIDOS PODEMOS TITLE V DELINQUENCY PREVENTION PROGRAM FOR THE YEAR 2002-2003; (TABLED)

- (15) **INTERLOCAL AGREEMENT WITH THE CITY OF HARLINGEN TO PROVIDE MATERIALS FOR DRAINAGE IMPROVEMENTS;**
The Agreement follows:
- (16) **SUBMISSION OF A LETTER OF SUPPORT FOR THE LANDSCAPE PROJECT ON PARK ROAD 100, FRONTING THE SHORES DEVELOPMENTS;**
- (17) **PARKS SYSTEM TO ADVERTISE FOR BID TO PURCHASE 100 ELECTRICAL BOXES;**
- (18) **PROCLAMATION DECLARING FEBRUARY 17-23, 2002, AS “NATIONAL ENGINEERS WEEK” IN CAMERON COUNTY;**
The Proclamation follows:
- (19) **PROCLAMATION DECLARING FEBRUARY 23, 2002, AS “PALO ALTO BATTLEFIELD DAY” IN CAMERON COUNTY;**
The Proclamation follows:
- (20) **RESOLUTION ACKNOWLEDGING THE RELOCATION OF THE TAX ASSESSOR-COLLECTOR’S LA FERIA BRANCH TAX OFFICE IN CAMERON COUNTY;**
The Resolution follows:
- (21) **FINAL APPROVAL:**
- A) **PRECINCT NO. 4 - NAVARRETE ESTATES RESUBDIVISION - 2.61 ACRES OUT OF LOTS NO. 1, BLOCK NO. 2, SAYANORA SUBDIVISION NO. 2; AND**
 - B) **PRECINCT NO. 3 - LAS AZUCENAS SUBDIVISION - BEING 4.72 ACRE OUT OF BLOCK NO. 446, SAN BENITO IRRIGATION COMPANY SUBDIVISION OF SHARE NO. 1, ESPIRITU SANTO GRANT.**
- (22) **PRELIMINARY AND FINAL APPROVAL:**
- A) **PRECINCT NO. 4 - A 80.122 ACRE TRACT OF LAND, MORE OR LESS SAME BEING A PART OF BLOCK “G”, HICKS RESERVE, AND FORMING A SEGREGATED PART OF THAT CERTAIN LARGE TRACT OF LAND COMPRISED OF 300 ACRES CONVEYED TO A. P. HICKABY AND M. L. HICKS.**
- (23) **OPEN THE FOLLOWING BIDS/PROPOSALS:**
- A) **MOSQUITO INSECTICIDE - ANNUAL BID NO. 1970; AND**
 - B) **LEASE OF VARIOUS COUNTY REAL PROPERTY LOCATED AT FREE TRADE BRIDGE, LOS INDIOS, TEXAS, REQUEST FOR PROPOSALS (RFP) NO. 020101.**
- (24) **UTILIZATION OF THE HOUSTON GALVESTON AREA COUNCIL OF GOVERNMENT’S (HGAC) INTERLOCAL PURCHASING AGREEMENT FOR THE PURCHASE OF ONE (1) EIGHT PASSENGER VAN (NEW) FOR TRANSPORTATION OF JUVENILE;**
- (25) **RENEWAL OF THE FOLLOWING BID FOR ONE (1) ADDITIONAL YEAR:**
- A) **SOLID WASTE DISPOSAL PARKS DEPARTMENT SOUTH PADRE ISLAND - ANNUAL BID NO. 1970.**

- (26) **IN THE MATTER REGARDING ADVERTISEMENT FOR BIDS ON ONE (1) GARBAGE TRUCK - NO. 6 C. Y. - PARKS DEPARTMENT SOUTH PADRE ISLAND;(TABLED)**
- (27) **APPOINTMENT OF MR. JOSE MANUEL MORALES FOR POSITION OF RESERVE DEPUTY CONSTABLE PRECINCT NO. 3 AND MR. CARLOS MENDEZ, PRECINCT NO. 6, IN COMPLIANCE WITH STATE OF TEXAS LOCAL GOVERNMENT CODE 86.011 AND 86.012;**
- (28) **PURCHASE ONE (1) HEAVY DUTY LOWBOY TRAILER FOR TRANSPORTING PUBLIC WORKS DEPARTMENT ROAD MACHINERY UTILIZING INFORMAL BIDS:**
- (29) **INTERLOCAL AGREEMENT WITH THE CITY OF HARLINGEN TO PROVIDE MATERIAL FOR DRAINAGE IMPROVEMENTS; (DUPLICATE)**
- (30) **PURCHASE AND SERVICE A MOBILE PHONE FOR THE JAIL DIVISION;**
- (31) **ALPINE TOWER COMPANY TO MOVE HEAVY EQUIPMENT ON SOUTH PADRE ISLAND BEACH;**
- (32) **PURCHASE WITHOUT A PURCHASE ORDER:**
 - A) **CADCON ENGINEERS/ SURVEYORS: \$5,765.00; AND**
 - B) **TOWN OF SOUTH PADRE ISLAND: \$616.67.**

TRAVEL ITEMS

- (33) **AUTHORIZATION TO TRAVEL/OR APPROVAL OF TRAVEL EXPENSE FOR THE FOLLOWING (PLEASE NOTE: TRAVEL REQUESTS ARE SUBJECT TO ALL APPLICABLE COUNTY POLICIES):**
 - (a) Two (2) Parks System's Managers to attend the "Continuing Education Class for Non-Commercial License on Herbicide/ Pesticide", in Weslaco, Texas, February 20, 2002;
 - (b) Parks System Director and Deputy Director to meet with the Texas General Land Officials, in Corpus Christi, Texas, February 26 2002;
 - (c) Justices of the Peace Precinct 5, Place No. 2, Precinct No. 6, and three (3) clerks from Precinct No. 7, Place No.1 to attend the "Court Personnel Seminar", in San Antonio, Texas, March 3-6, 2002;
 - (d) Property Management/Airport Manager to attend the "2002 Texas Aviation Conference/sponsored by: Texas Department of Transportation and Texas Airport Management Association", in Austin, Texas, March 20-22, 2002;
 - (e) County Extension Agent to attend the "Americorps' Members at the Americorps Training Retreat", in Mission, Texas, February 8-9, 2002;
 - (f) Sheriff's Department employee to attend the "Texas Crime Stoppers Association 7th Annual Campus Crime Stoppers Conference", in Houston, Texas, February 23-26, 2002;
 - (g) 197th District Court employee to attend the "15th Annual Juvenile Law Conference", in Austin, Texas, February 26- March 1, 2002
 - (h) Parks Director and Deputy Director to meet with Galveston Beach Patrol Officials", in Galveston, Texas, February 18, 2002;

- (13) APPROVAL OF CLAIMS:
The Affidavit is as follows:**

- (15) INTERLOCAL AGREEMENT WITH THE CITY OF HARLINGEN TO PROVIDE MATERIALS FOR DRAINAGE IMPROVEMENTS.
The Agreement is as follows:**

- (18) PROCLAMATION DECLARING FEBRUARY 17-23, 2002, AS “NATIONAL ENGINEERS WEEK” IN CAMERON COUNTY.
The Proclamation is as follows:**

- (19) **PROCLAMATION DECLARING FEBRUARY 23, 2002, AS “PALO ALTO BATTLEFIELD DAY” IN CAMERON COUNTY.**
The Proclamation is as follows:

- (20) **RESOLUTION ACKNOWLEDGING THE RELOCATION OF THE TAX ASSESSOR-COLLECTOR'S LA FERIA BRANCH TAX OFFICE IN CAMERON COUNTY.**
The Resolution is as follows:

[REDACTED]

**(3) RESOLUTION HONORING THE OUTSTANDING
FIRE FIGHTERS OF THE CITY OF
BROWNSVILLE**

Judge Hinojosa noted the brave and heroic actions of the City of Brownsville Fire Fighters during the dangerous rescues from the partial collapse of the Queen Isabella Causeway. He stated that the New York City Fire Fighters were recognized as heroes and that the local Fire Fighters and Emergency Medical Service Personnel deserved recognition. He added that a member of the Port Isabel Fire Department perished in the collapse (Mr. Robert Harris).

Upon motion by Commissioner Benavides, seconded by Commissioner Garza and carried unanimously, the Resolution honoring the outstanding Fire Fighters of the City of Brownsville, was adopted.

The Resolution is as follows:

SUPPLEMENTAL ITEM

**(1) RESOLUTION RECOGNIZING MR. PEDRO
FERNANDEZ**

Commissioner Garza moved that the Resolution recognizing Mr. Pedro Fernandez, recording artist, be adopted.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Resolution is as follows:

EXECUTIVE SESSION

(35) EXECUTIVE SESSION

Upon motion by Commissioner Benavides, seconded by Commissioner Garza and carried unanimously, the Court met in Executive Session at 6:47 P.M. to discuss the following matters:

- (a) Confer with Commissioners' Court Legal Counsel concerning status of case and authority to represent Cameron County in Thorton Development Corporation versus Cameron County, et. al., Cause No. 2002-01-000385-A; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, 551.071(1)(A);
- (b) Confer with Commissioners' Court Legal Counsel concerning the claim of Mr. Benito Villarreal and Mr. Ernesto Gonzalez; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A);
- (c) Deliberation regarding real property concerning the possible sale of the remainder of Cameron County owned property known as: San Benito - Commercial Fraction, Lots No. 3 through No. 7, Block No. 5, Account No. 57-7850-0050-0030-00; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072.
- (d) Deliberation regarding real property concerning the possible sale of the remainder of Cameron County owned property known as: San Benito - Commercial Lots No. 7 through No. 11, Block No. 2, Account No. 57-7850-0020-0070-00; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072; and
- (e) Confer with Commissioners' Court Legal Counsel concerning the Texas Natural Resource Conservation Commission Report on refueling facilities, to discuss settlement proposal and authority to take appropriate legal action; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1) (A).

Upon motion by Commissioner Valdez, seconded by Commissioner Garza and carried unanimously, the Court reconvened in Regular Session at 6:47 P.M.

(36) ACTION RELATIVE TO EXECUTIVE SESSION:

- (a) **Confer with Commissioners' Court Legal Counsel concerning status of the case and authority to represent Cameron County in Thorton development Corporation versus Cameron County, et. al., Cause No. 2002-01-000385-A.**

Commissioner Garza moved that the Status Report by Commissioners' Court Legal Counsel be acknowledged, and that Commissioners' Court Legal Counsel be authorized to represent Cameron County in the litigation concerning Thorton Development Corporation versus Cameron County, et. al., Cause No. 2002-01-000385-A, and to Notice NB Development of their obligation to indemnify, and to seek termination of Thorton Development for failure to pay rent and collect rent and the damage to the property.

The motion was seconded by Commissioner Valdez and carried unanimously.

- (b) In the matter to confer with Commissioners' Court Legal Counsel concerning the claim of Mr. Benito Villarreal and Mr. Ernesto Gonzalez. (DENIED)**

Upon motion by Commissioner Garza, seconded by Commissioner Valdez and carried unanimously, the claims of Mr. Benito Villarreal and Mr. Ernesto Gonzalez were **DENIED**.

- (c) Deliberation regarding real property concerning the possible sale of the remainder of Cameron County owned property known as: San Benito - Commercial Fraction Lots No. 3 through No. 7, Block No. 5, Account No. 57-7850-0050-0030-00; and**
- (d) Deliberation regarding real property concerning the possible sale of the remainder of Cameron County owned property known as: San Benito - Commercial Lots No. 7 through No. 11, Block No. 2, Account No. 57-7850-0020-0070-00.**

Commissioner Garza moved that Mr. Joseph Ardito, Property Manager, be authorized to begin the process required by statute, for the sale of surplus Cameron County owned properties known as, San Benito - Commercial Fraction Lots No. 3 through No. 7, Block No. 5, Account No. 57-7850-0050-0030-00, and San Benito - Commercial Lots No. 7 through No. 11, Block No. 2, Account No. 57-7850-0020-0070-00.

The motion was seconded by Commissioner Valdez and carried unanimously.

- (e) Confer with Commissioners' Court Legal Counsel concerning the Texas Natural Resource Conservation Commission Report on Refueling Facilities to discuss settlement proposal and authority to take appropriate legal action.**

Commissioner Valdez moved that Mr. Frank Bejarano, Project Development and Management Director, be authorized to submit the proposals provided by El Jardin Water Supply Corporation to the Texas Natural Resource Conservation Commission (TNRCC) concerning the TNRCC Report for Refueling Facilities.

The motion was seconded by Commissioner Garza and carried unanimously.

There being no further business to come before the Court, upon motion by Commissioner Garza, seconded by Commissioner Valdez and carried unanimously, the meeting was **ADJOURNED** at 7:50 P.M.

APPROVED this 19th day of **March 2002**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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