

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 9th day of APRIL 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:

5:00 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, C.P.A., at 5:00 P.M. He then asked Mr. Joseph O'Bell, Brownsville resident, for the invocation and Commissioner Garza 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 April 5, 2002, at 11:39 P.M.:

PRESENTATION

(1) PRESENTATION AND POSSIBLE ACTION REGARDING THE PETITION TO FORM A WATER/IRRIGATION DISTRICT SUBMITTED BY MR. GARY BRYANT ON BEHALF OF CERTAIN PROPERTY OWNERS FROM THE COMMUNITY OF OLMITO, TEXAS

Mr. Gary Bryant, Community of Olmito Representative, stated that the residents of the community had been working on the restoration of the Olmito Lake, and presented a petition to form an Irrigation District. He noted that the permit would allow the property owners adjacent to the lake to be taxed, and that the restoration would be at no cost to the County.

At this time, Mr. Doug Wright, Commissioners' Court Legal Counsel, stated that the petition was in compliance to the requirements and reviewed the process to be followed, including the filing of the petition at the County Clerk's Office.

Judge Pro-tem Cascos clarified that the residents adjacent to or across the resaca would pay potential taxes and not the residents within the interior of the community.

Commissioner Benavides questioned the water source, once the District was approved.

Mr. Bryant explained that the Water District would drill a water well to be funded by the residents, in the amount of \$24,000.00, with additional bids being accepted.

Commissioner Benavides moved that the petition to form a Water/Irrigation District submitted by Mr. Gary Bryant, on behalf of certain property owners from the community of Olmito, Texas, be acknowledged, and that Commissioners' Court Legal Counsel be authorized to accompany Mr. Bryant to file the petition with the County Clerk.

The motion was seconded by Commissioner Garza.

At this time, there was discussion regarding the previous attempt to supply water to the resaca, the substantial changes in the water drainage, the environmental effects, the issues pertaining to property rights, and the clarification that the area being addressed was not located within an existing Irrigation District.

Upon motion duly made by Commissioner Benavides, seconded by Commissioner Garza and carried unanimously, the petition to form a Water/Irrigation District submitted by Mr. Gary Bryant on behalf of certain property owners from the community of Olmito, Texas, was acknowledged, and Commissioners' Court Legal Counsel was authorized to accompany Mr. Bryant to file the petition with the County Clerk.

The Petition is as follows:

ACTION ITEMS

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

Upon motion by Commissioner Benavides, seconded by Commissioner Valdez and carried unanimously, the 2002 Fiscal Year Budget Amendments No. 2002-17 were approved.

The Budget Amendments are as follows:

- ████████████████████
- (3) **APPROVAL OF MINUTES:**
A) **MARCH 19, 2002 - REGULAR**
B) **MARCH 26, 2002 - REGULAR (TABLED)**

Commissioner Benavides moved that the Minutes for the Regular Meeting held March 19, 2002, be approved and that the Minutes for the Regular Meeting held March 26, 2002, be **TABLED**.

The motion was seconded by Commissioner Garza and carried unanimously.

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- (5) **CONSIDERATION AND ACTION ON THE SELECTION OF BOND COUNSEL FOR THE NEXT GENERAL OBLIGATION AND CERTIFICATES OF OBLIGATION BOND ISSUES**

Mr. Mark Yates, County Auditor, reported that the Commissioners' Court Legal Counsel and his Office were planning a new bond issue in order to provide for the fifty percent (50%) match of the \$3.1 million Grant from the Texas Historical Commission for the Dancy Building and to complete the Project Road Map. Mr. Yates recommended \$1 million in General Obligation Certificates, and \$4.5 million in Certificate of Obligations, for the interior restoration of the Dancy Building, and additional small projects, including the bond issuance expenses. Mr. Yates requested direction of the Court concerning the selection of bond counsel, and noted that the suggestion had been made to retain Akins and Gump.

NOTE: JUDGE HINOJOSA ARRIVED AT THIS TIME.

Commissioner Garza suggested that Request for Proposals (RFP's) be obtained.

Mr. Yates noted that the request for proposals process required a thirty (30) day time period.

Judge Hinojosa stated that the Request for Proposals (RFP's) could be expedited and suggested that Law Firms be notified by mail to submit the proposals within ten (10) days.

At this time, Mr. Yates noted that the Law Firm of Akins and Gump was familiar with the County's history and the time constraints associated with the requirements of the Texas Historical Commission, noting that Request for Proposals (RFP's) could be conducted for future bond issues.

Commissioner Cascos questioned the apparent sense of urgency presented during a previous meeting resulting in the inability to address the \$3.1 million grant during the May 2002, Bond Election.

Mr. Yates added that the proper procedure for a bond election would have required five (5) to six (6) months of advance planning.

Judge Hinojosa suggested that Law Firm of Akins and Gump be hired, in the event that the Request for Proposals (RFP's) were not obtained.

Commissioner Garza moved that Request for Qualifications (RFQ's) be obtained for the selection of Bond Counsel for the next General Obligation and Certificates of Obligation Bond Issues.

The motion was seconded by Commissioner Cascos and the vote was as follows:

AYE: Commissioners Cascos and Garza,

NAY: Commissioners Benavides, Valdez, and Judge Hinojosa.

Commissioner Benavides moved that the Law Firm of Akin and Gump be hired as Bond Counsel for the next General Obligation and Certificates of Obligation Bond Issues.

The motion was seconded by Commissioner Valdez and carried unanimously.

[REDACTED]

(4) CONSIDERATION AND ACTION TO SELECT PROJECTS FOR ONE (1) OR MORE APPLICATIONS TO THE 2002 TEXAS COMMUNITY DEVELOPMENT PROGRAM

Mr. Frank Bejarano, Program Development and Management Director, stated that the Item had been tabled in order for the City of Combes to develop a Resolution that addressed any Engineering and/or cost overruns. He reported that the Resolution committing the City of Combes to the Engineering cost was sufficient, but that in the event that the project was selected, a commitment as to the cost overruns was required.

Judge Hinojosa questioned whether the City of Combes was informed of the commitment requirement as to the cost overruns.

Mr. Bejarano explained that in the sample Resolution provided to the City of Combes, the cost overruns were not addressed, and that the commitment as to the expected cost overruns would be required prior to submitting the application.

Mr. Silvestre Garcia, Mayor of the City of Combes, stated that the commitment would not be an issue, and clarified that the cost estimates would be provided prior to submitting the application, and a Resolution committing to the overrun expenses would be adopted, adding that according to the City Engineer, no cost overruns were expected.

Commissioner Benavides moved that the City of Combes be selected for one (1) or more Applications for the Combes Area Colonia Project to the 2002 Texas Community Development Program.

The motion was seconded by Commissioner Valdez.

Commissioner Garza questioned whether an alternate project was needed.

Mr. Bejarano responded that if any problems were presented the Court would be notified.

Upon motion by Commissioner Benavides, seconded by Commissioner Valdez and carried unanimously, the City of Combes, Texas, was selected for one or more Applications for the Combes Area Colonia Project for the 2002 Texas Community Development Program.

The Application is as follows:

CONSENT ITEMS

ALL ITEMS UNDER THE CONSENT AGENDA ITEMS 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. 6: Mr. Mark Yates, County Auditor, presented an additional claim as to Mr. George, Samano, Warrant No. 00073757, in the amount of \$308.68, and stated that two (2) months worth of payment; in the amount of \$4,692.16, were included based on a conversation with a City of Brownsville Inspector indicating that Mr. Samano would have the building in ADA compliant by the following Monday, April 15, 2002. If the building was not in compliance by that date, the following rent payment would not be issued.

ITEM NO. 12: Commissioner Garza questioned the need to test of the Women Infant and Children (WIC) Program Facility in Cameron Park and the definition of "limited" testing. Mr. Doug Wright, Commissioners' Court Legal Counsel, responded that it was the direction of the Court that the facility be tested and that Assured Indoor Air Quality, LP had advised that the "limited" scope of testing was sufficient to what was being requested by the County.

ITEM NO. 14 "m": Mr. Xavier Villarreal, Budget Officer, requested that the travel dates be changed from April 10-12, 2002, to April 15-16, 2002.

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

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

AYE: Commissioners Benavides, Cascos, and Valdez,

NAY: None,

ABSTAIN: Judge Hinojosa as to Laguna Madre Water District, Warrant No. 00073676, in the amount of \$151.66; and Commissioner Garza as to The Medicine Shoppe, Warrant No. 00073686, in the amount of \$838.38.

(6) APPROVAL OF COUNTY CLAIMS;

The Affidavits follow:

(7) OPENING OF THE FOLLOWING BIDS/PROPOSALS:

A) BACKHOES (QUANTITY - 2)

B) BIRDING NATURE CENTER - WETLANDS- ANDY BOWIE S.P.I. - REF NO. 020302 AND APPROVAL OF RECOMMENDED EVALUATION COMMITTEE;

(8) PROCLAMATION DECLARING THE MONTH OF APRIL 2002, AS "SEXUAL ABUSE AWARENESS MONTH" IN CAMERON COUNTY, TEXAS;

The Proclamation follows:

(9) PROCLAMATION DECLARING THE WEEK OF APRIL 7-13, 2002, AS "WEEK OF THE YOUNG CHILD" IN CAMERON COUNTY, TEXAS;

The Proclamation follows:

(10) APPOINTMENT OF MS. CINDY COPENHAVER DAVILA, BROWNSVILLE RESIDENT, TO THE CAMERON COUNTY CHILD WELFARE BOARD;

- (11) **CONTRACT BETWEEN CAMERON COUNTY AND ANGELA NIX, ATTORNEY AT LAW, FOR LEGAL SERVICES;**
The Contract follows:
- (12) **AGREEMENTS FOR PROFESSIONAL SERVICES WITH ASSURED INDOOR AIR QUALITY, LP TO PERFORM A LIMITED INDOOR AIR QUALITY INVESTIGATION AT THE CAMERON PARK WOMEN INFANT AND CHILDREN (WIC) CLINIC AND THE FATHER JOSEPH O'BRIEN HEALTH CLINIC; AND**
The Agreements follows:
- (13) **ENTER INTO FEE NEGOTIATIONS WITH RABA-KISTNER AND DRASH ENGINEERS FOR THE MATERIALS TESTING AND ENVIRONMENTAL TWO (2) YEAR CONTRACT.**

TRAVEL ITEMS

- (14) **AUTHORIZATION TO TRAVEL/OR APPROVAL OF TRAVEL EXPENSE FOR THE FOLLOWING (PLEASE NOTE: TRAVEL REQUESTS ARE SUBJECT TO ALL APPLICABLE COUNTY POLICIES):**
- (a) Commissioner Precinct No. 4 to attend the "15th Annual Local Government Seminar", in Austin, Texas, April 10-12, 2002;
 - (b) Program Development and Management Coordinator to attend the "LRGVDC Professional Advisory Review Panel (PARP) Meeting", in Weslaco, Texas, April 10, 2002;
 - (c) Program Development and Management Coordinator to attend the "Regular Meeting of the Project Review and Evaluation Committee of the Rio Grande Valley Empowerment Zone Corporation", in Mercedes, Texas April 3, 2002
 - (d) Sheriff's Training Instructor to attend the "Defensive Tactics Instructors' Training", in Austin, Texas, July 28- August 2, 2002;
 - (e) Five (5) Juvenile Probation Officers to attend the "14th Annual Isp Institute", in South Padre Island, Texas, April 14-19, 2002;
 - (f) Drug Enforcement Task Force to attend the "International Money Laundering Course", in Weslaco, Texas, April 9-11, 2002;
 - (g) Four (4) County Extension Agents to attend and participate in a "Reception /Dinner for the Attorney General Consortium in conjunction with Texas A&M", in Corpus Christi, Texas, April 4, 2002;
 - (h) Commissioners' Court Legal Counsel to attend the "Texas Bar Cle - Tying the Black Mold Case", in Corpus Christi, Texas, May 2-3, 2002;
 - (i) Two (2) Juvenile employees to attend the "Tacomi Training on Voice Disc 4/Statistics and Monitoring Forum", in Austin, Texas, April 9-10, 2002;
 - (j) Four (4) Deputy Constables, Precinct No. 3, to attend the "State Mandated Civil Process State", in Corpus Christi, Texas, April 29-May 5, 2002;
 - (k) County Clerk and two (2) Deputy Clerks to attend the "County and District Clerk's Legal Education Conference", in Austin, Texas, April 10-12, 2002;
 - (l) Five (5) County Auditors to attend the "44th County Auditors Institute Conference", in Austin, Texas, May 7, 2002;

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

- (8) PROCLAMATION DECLARING THE MONTH OF APRIL 2002, AS “SEXUAL ABUSE AWARENESS MONTH” IN CAMERON COUNTY, TEXAS.
The Proclamation is as follows:**

- (9) **PROCLAMATION DECLARING THE WEEK OF APRIL 7-13, 2002, AS “WEEK OF THE YOUNG CHILD” IN CAMERON COUNTY, TEXAS.**
The Proclamation is as follows:

- (11) **CONTRACT BETWEEN CAMERON COUNTY AND ANGELA NIX, ATTORNEY
AT LAW, FOR LEGAL SERVICES.**
The Contract follows:

- (12) **AGREEMENTS FOR PROFESSIONAL SERVICES WITH ASSURED INDOOR AIR QUALITY, LP TO PERFORM A LIMITED INDOOR AIR QUALITY INVESTIGATION AT THE CAMERON PARK WOMEN INFANT AND CHILDREN (WIC) CLINIC AND THE FATHER JOSEPH O'BRIEN HEALTH CLINIC.**
The Agreements follows:

[REDACTED]

EXECUTIVE SESSION

(15) EXECUTIVE SESSION

Upon motion by Commissioner Benavides, seconded by Commissioner Garza and carried unanimously, the Court met in Executive Session at 5:28 P.M. to discuss the following matters:

- a) Deliberation regarding Real Property concerning the possible Temporary License Agreement involving the use of the Port Isabel- Cameron County Airport Tarmac area and a portion of the runway by the Porsche Club of America; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072; and
- b) Deliberation regarding Real Property concerning the possible Lease of a portion of the Port Isabel- Cameron County Airport; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072.

Upon motion by Commissioner Valdez, seconded by Commissioner Benavides and carried unanimously, the Court reconvened in Regular Session at 5:37 P.M.

[REDACTED]

(16) ACTION RELATIVE TO EXECUTIVE SESSION:

- (a) Deliberation regarding Real Property concerning the possible Temporary License Agreement involving the use of the Port Isabel - Cameron County Airport Tarmac area and a portion of the runway by the Porsche Club of America; and**
- (b) Deliberation regarding Real Property concerning the possible Lease of a portion of the Port Isabel- Cameron County Airport.**

Upon motion by Commissioner Garza, seconded by Commissioner Cascos and carried unanimously, Mr. Joseph Ardito, Property Manager, was authorized to negotiate the Temporary License Agreement involving the use of the Port Isabel - Cameron County Airport Tarmac Area and a portion of the runway by the Porsche Club of America and the Lease of a portion of the Port Isabel-Cameron County Airport, subject to the written approval by Texas Department of Transportation.

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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 5:38 P.M.

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APPROVED this 23rd day of **March 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.