

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 28th day of MAY 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

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 Hinojosa at 5:34 P.M. He then asked Reverend Bob Clark, Brownsville resident, for the invocation and he then 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 May 24, 2002, at 2:09 P.M.:

ACTION ITEMS

**(6) CONSIDERATION AND APPROVAL TO EXPAND
THE HARLINGEN VA OFFICE TO INCLUDE A
PRIVATE OFFICE**

Mr. Salvador Salinas, VA Office Director, requested a private office for Mr. Dan Booker, Veterans' Office Assistant Director, to conduct confidential interviews and counseling. He explained that the hallway space available would be converted into a 10x10 square foot office by installing a wall at an estimated cost of \$750.00.

Commissioner Cascos questioned the funding source.

Mr. Xavier Villarreal, Budget Officer, responded that funding was available from within the building's operations and the Veteran's Fund.

Commissioner Cascos moved that the expansion of the Harlingen VA Office to be a private office be approved.

Judge Hinojosa stated that the spending of \$1 million was recently authorized as part of the bond issue for the renovation of the Harlingen Annex and that the design of the facility included a significant expansion of the Veterans' Office.

Mr. Salinas stated that the design included two (2) offices and a waiting room.

Judge Hinojosa suggested that the item be tabled in order to consult with Mr. Salinas and the Veteran's Group, that the design be reviewed, and that further expansion of the VA Office be considered.

Commissioner Cascos noted the need to be aware of the time frame involved.

Judge Hinojosa stated that according to Mr. Noe Hinojosa, Financial Consultant, the Rating Agencies had given a clean bill of health and that the County could proceed with the sale of the bonds. He asked the County Auditor if a time frame was presented by the Financial Consultant.

Mr. Mark Yates, County Auditor, stated that the money should be in the bank by June 20, 2002, and that nothing prevented the County from going out for bids, except the design.

Mr. Juan Bernal, County Engineer/Public Works Director, stated that only the preliminary design was ready, and that the project was stopped due to lack of funding.

Commissioner Cascos questioned the estimated time that the project would be deferred.

Mr. Bernal stated that the project would take approximately one (1) year for completion.

Judge Hinojosa suggested that the exterior construction of the building and the roof repairs be contracted and that the interior construction be done by the carpenters in order to remain within the Budget.

Commissioner Benavides suggested that the item be tabled.

Mr. Robert Diaz and Mr. Alex Trejo, Rio Grande Valley United Veterans Organization thanked the Commissioner's Court for the support to the County Veterans, and noted the need to have a local VA Hospital.

Commissioner Cascos withdrew his motion and moved that this Item be **TABLED**.

At this time, Judge Hinojosa suggested that the following individuals meet to review the matter:

Mr. Marcelino Ibarra, County Carpenter;

Mr. Juan Bernal, County Engineer/Public Works Director;

Mr. Salvador Salinas, VA Office Director;

The Veterans' Group; and

Judge Hinojosa, County Judge.

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

(11) **CONSIDERATION AND POSSIBLE ACTION
REGARDING IMPROVEMENTS TO AVOCADO
PATCH ROAD**

Mr. Juan Bernal, County Engineer/Public Works Director, stated that the history of work conducted to Avocado Patch Road consisted only of cutting brushes and the mowing of grass over the last fourteen (14) years.

Judge Hinojosa asked if caliche had been placed during the last fourteen (14) years.

Mr. Juan Bernal responded negatively.

Commissioner Garza stated that the caliche placed on Avocado Patch Road was provided by a private individual and not by the County.

Mr. Zuñiga, Precinct No. 3 resident, presented a list of individuals who had witnessed the County working on the road.

Mr. Doug Wright, Commissioners' Court Legal Counsel, stated that the road could be accepted into the County Road System if it was a Public Dedicated Road and work was conducted to the road.

Commissioner Cascos stated that the road did not meet the criteria, adding that based on the photographs the road appeared to be in good conditions. He stated that the Policy was amended in the year 2000, because the school buses and the Post Office vehicles were unable to access the area.

Mr. Zuniga stated that the School District presented recommendations and that according to a map the road was a County Road.

Judge Hinojosa read the criteria indicated in the Policy and a letter, presented by Mr. Rene Paredes, Los Fresnos Consolidated Independent School District Transportation Director, addressing his concerns regarding the ability to access the residents of Avocado Patch Road and the safety hazards. He stated that his concern regarding the school buses accessing the area was due to the road's conditions being a safety hazard. Judge Hinojosa stated that widening and maintenance of the road would alleviate the public health and safety concerns, but that the Court was lacking recommendation by the County Engineer.

Mr. Zuñiga expressed his concern regarding the hazards when the school bus back-up too close to the steep ditches on the sides of the road.

Commissioner Garza stated that even if the school buses could access the area there was no turn around available.

Mr. Bernal stated that a turn around was available and that construction of a larger turn around would require additional private property.

Judge Hinojosa clarified that the issue was to accept the road into the County System and stated that donation of sufficient right-of-way on both sides and at the end of the road would be required. He stated that the only position that would meet the criteria would be the access of the school buses.

At this time, there was discussion concerning the width of the road and the amount of right-of-way needed.

Commissioner Cascos stated that Policy stated "in whole or in part" and that if any criteria was met it would be the discretion of the Court if the road was accepted. He added that the Court needed to stand ready to provide the same service to everyone.

Judge Hinojosa stated that the Avocado Patch Road was in accordance to the Policy and that it was appropriate to accept the road into the County Road System.

Commissioner Garza noted the need to assure that all roads would be treated equally.

Commissioner Cascos questioned the County Engineer's position and the proposed improvements to the road.

Judge Hinojosa clarified that according to the Policy, regardless if the County Engineer recommended the acceptance, the Court could dictate what would be done.

Mr. Bernal stated that more roads should not be accepted into the County Road System. He recommended to construct small drainage ditches and that two (2) to three(3) inches of caliche should be applied to the road, in addition to maintenance.

Judge Hinojosa moved that the finding of the Avocado Patch Road to be a Public Road be approved, and that Avocado Patch Road be accepted into the County Road System based on the inability for the school buses to access the

residents for delivery of services, based on the showing that public benefit would be achieved by the project in alleviating a public safety situation, based on the existing threat to the welfare and/or health of the residents, and because of the future threat to the residents of the community, subject to the County having forty feet (40') of right-of-way and if not available, that the residents donate the forty feet (40') of right-of-way.

The motion was seconded by Commissioner Garza.

Mr. Bernal noted that the work would consist of a caliche road until it falls within the priority list to be considered with all other roads.

Mrs. JuaNita Brodecky, Rio Hondo resident, asked whether the County would not widen the road.

Commissioner Cascos responded in the affirmative.

Mrs. Brodecky stated that the concerns with the turning around of the school buses would not be eliminated, and suggested that Commissioners' Court Legal Counsel review whether the school district demanded that an adult guide the school bus driver when backing up.

Mr. Doug Wright, Commissioners' Court Legal Counsel, stated that when changes were made to a road the County Engineer was responsible to maintain safety standards, and that sufficient donation of right-of way would be required to construct a cul-de-sac.

Judge Hinojosa moved that a finding of Avocado Patch Road to be a Public Road be approved, and that Avocado Patch Road be accepted into the County Road System based on the inability for the school buses to access the residents for delivery of services, based on the showing that public benefit would be achieved by this project in alleviating a public safety situation, based on the existing threat to the welfare and/or health of the residents, and because of the future threat to the residents of the community, subject to the County having forty feet (40') of right-of-way and sufficient right-of-way to construct a cul-de-sac and if not the residents would donate the forty feet (40') of right-of-way.

The motion was seconded by Commissioner Garza.

At this time there was a brief discussion concerning a sign being placed on the road and the number of roads pending installation of signs.

Upon motion duly made by Judge Hinojosa that a finding of Avocado Patch Road to be a Public Road be approved, and that Avocado Patch Road be accepted into the County Road System based on the inability for the school buses to access the residents for delivery of services, based on the showing that public benefit would be achieved by this project in alleviating a public safety situation, based on of the existing threat to the welfare and/or health of the residents, and because of the future threat to the residents of the community, subject to the County having forty feet (40') of right-

of-way and sufficient right-of-way to construct a cul-de-sac and if not the residents would donate the forty feet (40') of right-of-way and sufficient right-of-way to construct a cul-de-sac.

The motion was seconded by Commissioner Garza and carried unanimously.

The Report is as follows:

PRESENTATION

(1) **PRESENTATION BY CBS ENVIRONMENTAL CONCERNING STORM WATER PERMIT REGULATIONS FOR THE CAMERON COUNTY AIRPORT**

Mr. Joseph Ardito, Property Manager, reported that during an Airport Conference the Airport Managers' were informed that the Environmental Protection Agency (EPA) requested that the Texas National Resource Conservation Committee (TNRCC) enforce the Texas Polluting Elimination System. He stated that he had requested that Mr. Homero Garcia, CBS Environmental, brief the Court on what the system entailed.

Mr. Homero Garcia, CBS Environmental, Inc., stated that the Storm Water Permit was issued and ordered by the EPA through Congress back in 1998, in which the EPA was ordered to identify the cause of the pollution to our waters. He explained that forty percent (40%) of the problem was due to that twenty-nine (29) specific Industries getting waters contaminated while being discharged through their properties and going into the drainage system. Mr. Garcia added that the EPA had issued the Permit to the Industries, including the Airports, and explained that the development of a Storm Water Pollution Plan was required via the guidelines set by the EPA and enforced by TNRCC. He stated that TNRCC had recently received the delegation and had implemented a lot of their changes at this time. Mr. Garcia stated that the Port Isabel Cameron County Airport did not have the Plan in place and highlighted the requirements. He stated that the permit would cost \$34.50 and would cover the Storm Water Plan until the year 2006, adding that any changes would be covered.

Commissioner Cascos asked if the County was notified.

Mr. Garcia stated that the EPA had not notified anyone and that TNRCC had placed advertisements and held meetings, adding that anyone who was previously issued a permit was sent a letter alerting them of the changes. He stated that the County had not received a letter because it was previously issued the permit.

Mr. Ardito noted that the Airport Fixed Base Operator (FBO) should be made aware of the need to keep the County informed of such matters as part of his responsibilities, although ultimately the County was responsible.

Commissioner Cascos moved that the Presentation by CBS Environmental concerning Storm Water Permit Regulations for the Cameron County Airport be acknowledged.

The motion was seconded by Commissioner Garza and carried unanimously.

Commissioner Garza asked if the requirements would apply to other County facilities.

Mr. Garcia responded negatively and explained that other areas would be required to comply under the Permit, resulting in other facilities to require the permit in the year 2003.

The Report is as follows:

ACTION ITEMS

(2) BUDGET AMENDMENTS AND/OR SALARY SCHEDULES

Mr. Xavier Villarreal, Budget Officer, stated that the salary increase, in the amount of \$2,000.00, to Slot No. 46 would be funded from Slot No. 20, rather than Slot No. 42, in the District Attorney's Salary Schedule.

Commissioner Cascos questioned whether the Assistant District Attorney's subsidy would be eliminated and given to the Investigator.

Mr. Villarreal responded negatively, and explained that the Assistant District Attorney's Position would not be affected, and that changes applied only to Slot No. 46 and Slot No. 20.

Judge Hinojosa questioned the justification for the salary increase.

Mr. Villarreal responded that the proposed salary increase, in the amount of \$2,000.00, was based on additional duties delegated.

Judge Hinojosa stated that the matter was basically the same to the salary increase to Slot No. 79 in the Sheriff's Department approved last week.

Mr. Frank Martinez, Assistant District Attorney, stated that the matter differed because the salary increase was being funded through Fund No. 90.

Judge Hinojosa stated that the funds belonged to Cameron County and not to the District Attorney; therefore, the matter was the same.

Mr. Martinez stated that Fund No. 90 was solely at the discretion of the District Attorney and that the Court was being notified of the changes.

Judge Hinojosa questioned why the matter was presented to the Court.

Mr. Doug Wright, Commissioners' Court Legal Counsel, stated that the distinction was made between salaries and other expenditures by the Office of the Attorney General and the Statute, adding that he would review the matter and present information before next week.

Judge Hinojosa highlighted that regardless of whether it could be done at the District Attorney's discretion, the matter was that the Court needed to have a consistent position, adding that no Court member should vote in favor, due to the fact that Mr. Martinez had indicated that the Court's decision did not matter because the funds were at the discretion of the District Attorney.

At this time, Judge Hinojosa moved that this Item be **TABLED**.

The motion was seconded by Commissioner Cascos.

Commissioner Cascos stated that the Court was always told that it had no say concerning the use of the Special Funds, and that the regular County purchasing procedures applied when purchasing tangible materials.

Mr. Martinez stated that the matter was being presented because it was part of Open Government.

Commissioner Garza suggested that the report be acknowledged.

Judge Hinojosa noted that he was prepared to vote in favor of the salary increase because he was being consistent, but Mr. Martinez had stated that the item was different from the salary increase to Slot No. 79 of the Sheriff's Department, that the court had no say on the matter, and that it was completely within the discretion of the District Attorney.

Mr. Martinez stated that he disagreed.

Mr. Wright stated that there was a distinction made as to certain types of purchases.

Judge Hinojosa stated that Mr. Martinez was representing the District Attorney's Office; therefore, there was a need to go by what he had stated.

Judge Hinojosa moved that this Item be **TABLED**.

The motion was seconded by Commissioner Cascos.

Mr. Martinez explained that he had stated that the issue was mis-characterized because the funds being used were different and that he had not indicated that the Court had no authority to vote on the matter or anything of that nature. He added that the Item was being presented to the Court for review and approval since the Court did have the authority to review it, and that how and where the funds would be placed was at the discretion of the District Attorney's Office.

Mr. Wright stated that the distinction was that the Court could not dictate the use of the funds and that the use of the funds required recommendation from the District Attorney's Office. He suggested that the Item be tabled in order to review the matter.

Mr. Martinez clarified that the distinction he was referring to was that different funds were being utilized.

Judge Hinojosa stated that for purposes of what the Commissioners' Court did, the funds were Tax Payers' Moneys, and noted that his position was to be consistent. He stated that if a Department Head requested that enough resources be provided to a County employee that is being delegated additional job duties and would not affect the overall Budget, then he would respect the position of the Department Head, adding that according to him there was not distinction as to County Funds. Judge Hinojosa stated that the Court would make a decision based on said criteria, and that if Mr. Martinez was saying that he had misunderstood and that in fact, the Court did have the authority to approve it or not he was willing to withdraw his motion to table, in order to vote on the increase to the employee.

Mr. Martinez stated that the change was consistent with the Sheriff's Department, but that the matter differed because Fund No. 90 would be used rather than the General Fund.

Commissioner Cascos stated that the difference was that Commissioners' Court could make use of the money from the General Fund versus money from Fund No. 90.

Judge Hinojosa stated that there was no distinction when dealing with the Policy of whether salary increases would be given or not. He explained that the funds were budgeted and would remain if not used.

At this time, Judge Hinojosa withdrew his motion to **TABLE**.

Commissioner Cascos stated that he did not agree to provide mid-year salary increases regardless, and withdrew his second.

Judge Hinojosa moved that the 2002 Fiscal Year Budget Amendment No. 2002-24 and Salary Schedules be approved.

The motion was seconded by Commissioner Benavides.

Commissioner Garza commented that it would be nice to not interrupt others during a conversation and suggested that others be allowed to express themselves.

Upon motion duly made by Judge Hinojosa that the 2002 Fiscal Year Budget Amendment No. 2002-24 and that the Salary Schedules be approved.

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

AYE: Commissioners Benavides, Valdez, Garza, and Judge Hinojosa,

NAY: Commissioner Cascos: only as to the salary increase to Slot No. 46 of the District Attorney's Office.

The Budget Amendments and Salary Schedules are as follow:

[REDACTED]

(3) CONSIDERATION AND ADOPTION OF A RESOLUTION IN SUPPORT OF THE CITY OF SAN BENITO'S BID FOR THE OLD UNITED STATES POST OFFICE LOCATED AT 417 NORTH SAM HOUSTON, SAN BENITO, TEXAS, 78586.

At this time, Commissioner Garza read the proposed County Resolution to support the City of San Benito's Bid for the Old United States Post Office, located at 417 North Sam Houston, San Benito, Texas.

Commissioner Cascos moved that the Resolution in support of the City of San Benito's Bid for the Old United States Post Office, located at 417 North Sam Houston, San Benito, Texas, be adopted.

The motion was seconded by Commissioner Valdez and carried unanimously.

The Resolution is as follows:

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**(4) CONSIDERATION AND POSSIBLE ACTION TO MERGE
PART-TIME SECRETARIAL POSITIONS FOR JUSTICE
OF THE PEACE PRECINCT NO. 3, PLACE NO. 1 AND
JUSTICE OF THE PEACE PRECINCT NO. 7, PLACE NO. 1**

Judge Hinojosa explained that the same individual was hired for both Part-Time Secretarial Positions for Justice of the Peace Precinct No. 3, Place No.1 and Justice of the Peace Precinct No. 7, Place No. 1 and that it was suggested that the position be made a full-time position.

Commissioner Valdez moved that the merger of the Part-Time Secretarial Positions for Justice of the Peace Precinct No. 3, Place No. 1 and Justice of the Peace Precinct No. 7, Place No. 1 be approved.

The motion was seconded by Commissioner Garza.

Mr. Mark Yates, County Auditor, questioned the funding source for the additional benefits.

Mr. Xavier Villarreal, Budget Officer, stated that the benefits for each position were already budgeted, that no additional cost would be incurred during the present fiscal year, and that getting the position to the rate of pay would have an additional cost during the next fiscal year.

Upon motion duly made by Commissioner Valdez, seconded by Commissioner Garza and carried unanimously, the merger of the Part-Time Secretarial Positions for Justice of the Peace Precinct No. 3, Place No. 1 and Justice of the Peace Precinct No. 7, Place No. 1 was approved.

Judge Hinojosa clarified that the position would be the second level of the Court Coordinator Position.

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**(5) CONSIDERATION AND APPROVAL TO PURCHASE ONE
(1) VAN FROM THE HOUSTON-GALVESTON AREA
COUNCIL OF GOVERNMENT INTER LOCAL
COOPERATION PURCHASING AGREEMENT TO
TRANSPORT FEMALE FEDERAL PRISONERS**

Commissioner Garza moved that the purchase of one (1) van from the Houston-Galveston Area Council of Government Inter Local Cooperation Purchasing Agreement to transport female Federal prisoners be approved.

The motion was seconded by Commissioner Cascos.

Commissioner Cascos clarified that the budget area marked as “not applicable” was incorrect, and questioned whether the cost of a van, in the amount of \$22,728.30 to be funded through the General Fund, would be included in the equipment list.

Mr. Mark Yates, County Auditor, stated that the Federal Marshal’s Office had proposed that forty (42) female inmates be housed by the County, and that the Detention Center No. 2 had sufficient capacity. Mr. Yates explained that \$30.00 per day for thirty (30) days for forty-two (42) inmates for four (4) months would equal \$150,000.00 and that additional staff would cost \$100,000.00 for the four (4) months. Mr. Yates added that he would recognize the additional

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(8) IN THE MATTER REGARDING ADDITIONAL CLAIM FROM THE SHEPARD GROUP ON THE INSTALLATION AND REPAIRS TO A LOW POWER FM STATION ON SOUTH PADRE ISLAND (TABLED)

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

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(9) CONSIDERATION AND POSSIBLE ACTION RELATED TO THE SELECTION OF SOCIAL SERVICE AGENCIES TO BE SITUATED AT CAMERON PARK AND BROWNE ROAD PARK

Commissioner Cascos moved that the Boys and Girls Club be approved, and that further negotiation with Mr. Bob Clark, concerning the Teen and Senior Center to be situated at Cameron Park and Browne Road Park be authorized.

The motion was seconded by Commissioner Benavides and carried unanimously.

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(10) CONSIDERATION AND AUTHORIZATION FOR THE PROGRAM DEVELOPMENT AND MANAGEMENT DEPARTMENT TO APPLY FOR A LOCAL LAW ENFORCEMENT BLOCK GRANT FROM THE BUREAU OF JUSTICE ASSISTANCE AND SELECTION OF A DISPARATE ALLOCATION APPLICATION OPTION

Mr. Frank Bejarano, Program Development and Management Department Director, stated that Mr. Remi Garza, Administrative Assistant, would negotiate with the City of Brownsville on behalf of the County.

Commissioner Benavides moved that the Program Development and Management Department be authorized to apply for a Local Law Enforcement Block Grant from the Bureau of Justice Assistance and selection of a Disparate Allocation Application Option.

The motion was seconded by Commissioner Valdez and carried unanimously.

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(12) **CONSIDERATION AND SELECTION OF AN APPRAISAL FIRM TO DO AN APPRAISAL FOR A DRAINAGE EASEMENT TO SERVE EL NORTE DRAINAGE IMPROVEMENT PROJECT**

Mr. Juan Bernal, County Engineer/Public Works Director, recommended that Valley Appraisal Service be selected. He stated that the service would be funded by the Right-of-Way Fund No. 6088 and that an attempt would be made to obtain reimbursement from the Empowerment Zone.

Mr. Frank Bejarano, Program Development and Management Department Director, stated that work was not included in the original grant budget and that a budget amendment could be done to reimburse Right-of-Way Fund No. 6088.

Commissioner Garza stated that Mr. Ryan Stergis, Raba Kistner, had called to inform that the County should receive the final information from the U.S. Army Core of Engineer regarding the Laguna Heights Project within the first week of June 2002, adding that Laguna Heights had been approved by the Texas Water Development Board (TWDB).

Mr. Bejarano stated that the Environmental Report for Laguna Heights would be prepared in July 2002, and that Raba Kistner had reported that the collecting of information was complete and that the Report would be completed in July 2002.

Commissioner Garza stated that Raba Kistner was waiting for approval from the TWDB.

Mr. Bejarano stated that he had requested that Raba Kistner prepare the Report sooner in order to submit it to the Empowerment Zone by June 2002.

Upon motion by Commissioner Garza, seconded by Commissioner Cascos and carried unanimously, Valley Appraisal Service, was selected to do an appraisal for a Drainage Easement to serve El Norte Drainage Improvement Project.

(13) **CONSIDERATION AND ADOPTION OF A RESOLUTION TO RELOCATE OFF SYSTEM BRIDGE AT KILGORE ROAD OVER RESACA DE LOS FRESNOS TO MARYDALE ROAD OVER RESACA DE LOS FRESNOS**

Commissioner Garza moved that the Resolution to relocate off System Bridge at Kilgore Road over Resaca De Los Fresnos to Marydale Road over Resaca De Los Fresnos be adopted.

The motion was seconded by Commissioner Valdez and carried unanimously.

The Resolution is as follows:

[REDACTED]

(14) CONSIDERATION AND AUTHORIZATION TO UTILIZE LAPSED SALARIES FOR PARTIAL FUNDING OF THE UNIDOS PODEMOS PROGRAM COORDINATOR

Mr. Remi Garza, Administrative Assistant, stated that when the Item was presented to the Court, the 2.5% equaling the amount of \$4,900.00, set aside from the grant by the Auditors Office was believed to be sufficient at the time. He stated that \$6,500.00 were needed to fund the position for the remainder of the fiscal year, inclusive of benefits. Mr. Garza recommended that the \$6,500.00 be funded from Lapsed Salaries in order to have the Salary Schedule in place, fund the position, and to turn to the grant to try to amend it in order to obtain reimbursement of the expenses, noting that the request was not a salary increase.

Commissioner Garza clarified that in essence \$11,000.00 would be obtained to fund the position.

Mr. Mark Yates, County Auditor, noted that the Grantee would have to approve the amendment before a Budget Amendment was considered by the Court, and questioned if the amendment had been presented to the Grantee.

Mr. Garza responded negatively and stated that he believed that the position should be funded for the remainder of the fiscal year, regardless of whether reimbursement was obtained because the County was exposed to significant expenditures without the oversight of the program.

Judge Hinojosa clarified that the suggestion was that the position could be funded through grants in the future.

Commissioner Cascos questioned why the position could not be partially funded by the vacant Executive Director Position.

Mr. Yates clarified that the funding from the Executive Director Slot might be possible but permission from the Office of Criminal Justice Division was needed and approval by the Court.

Judge Hinojosa suggested that the \$6,500.00 needed to fund the position from Lapsed Salaries be approved with the understanding that an attempt for reimbursement through the grant funds would be made. He stated that a letter was received from an agency regarding a claim against the County for \$23,000.00, and explained that Ms. Veronica De La Fuente, County Judge's Office, had identified the things happening within the Program by constantly monitoring.

Commissioner Garza moved that utilization of Lapsed Salaries for partial funding of the Unidos Podemos Program Coordinator be approved and that attempt to recoup the expenses be authorized.

Mr. Yates asked if the position would be totally dedicated to overseeing the Unidos Podemos Program.

Mr. Garza responded negatively and added that Ms. De La Fuente would continue to work with the Texas Natural Resource Conservation Committee (TNRCC) Grants.

Mr. Yates questioned the percentage of time designated to work on TNRCC and the Unidos Podemos Program.

Mr. Garza stated that it would depend on the time requirements set by TNRCC, adding that the salary was reimbursed on an hourly basis. He clarified that her primary duties would be the TNRCC Grants and Unidos Podemos.

Commissioner Cascos questioned if Ms. De La Fuente was submitting time sheets and the number of TNRCC Applications that were completed.

Mr. Garza responded in the affirmative and stated that ten (10) applications, out of the three-hundred (300) applications due were submitted, adding that there was difficulty with the United States Department of Agriculture (USDA) concerning the format.

Upon motion duly made by Commissioner Garza, seconded by Commissioner Benavides and carried unanimously, utilization of Lapsed Salaries for partial funding of the Unidos Podemos Program Coordinator was authorized.

At this time, Mr. Doug Wright, Commissioners' Court Legal Counsel, stated that he had received a blank copy of a letter from Mr. Glen Brooks to the County questioning the status of the Unidos Podemos Program Operations. He stated that the last direction made by the Court regarding the operation's location was to terminate the Lease and that nothing had changed, although a Certificate of Occupancy in compliance with the City of Brownsville Standards, believed to be in compliance with the American Disability Act (ADA), was received. Mr. Wright stated that a copy was sent to Mr. Brooks, and that he assumed that someone would follow through on behalf of the County because he believed that time was of the essence at this time.

Mr. Garza questioned if Mr. Wright had meant that he had received notice from Mr. Brooks indicating that the Certificate of Occupancy was efficient.

Mr. Wright responded negatively.

Judge Hinojosa questioned whether the Program would be relocated.

Mr. Joseph Ardito, Property Manager, stated that the last instructions he had received were to allow the Program two (2) weeks to come in compliance with the ADA, otherwise the Lease would be terminated.

Judge Hinojosa questioned if a site was available and approved.

Commissioner Cascos responded in the affirmative.



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(15) **CONSIDERATION AND ACTION RELATING TO THE ISSUANCE OF NOTICE TO PROCEED TO MS. EILEEN BERRY ON THE NEXT PHASE OF THE JOSE M. LOPEZ STATUE**

Mr. Remi Garza, Administrative Assistant, explained that the notice to proceed and payment in the amount of \$25,000.00 were required in order for Ms. Eileen Berry, Sculptor, to proceed to Phase II.

Commissioner Cascos moved that the issuance of the Notice to proceed to Ms. Eileen Berry on the next Phase of the Jose M. Lopez Statue be authorized.

The motion was seconded by Commissioner Garza and carried unanimously.

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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. 18: Mr. Mark Yates, County Auditor, requested that the Departments and Public Works transport their surplus to Precinct No. 3 for the Auction scheduled July 13, 2002. Mr. Francisco Sifuentes, Brownsville resident, expressed his concern with the use of cellular phones and travel by County employees. He suggested that the Flea Market would be an excellent voting place. Mr. Mark Yates, County Auditor, stated that changes were made concerning the use of cellular phones and that bills were sent out to individuals who have used features at an additional cost. Commissioner Cascos stated that a Policy had been adopted and the Budget Officer had to categorize the travel according to the corresponding criteria. Mr. Sinfuentes expressed his concern with the usage of cellular phones while driving and suggested that a process be implemented to prevent such mis use of the cellular phones.

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

The motion was seconded by Commissioner Valdez and carried unanimously.

AYE: Commissioners Benavides, Cascos, and Valdez,

NAY: None,

ABSTAIN: Judge Hinojosa as to Warrant No. 00076816, as to Laguna Madre Water District in the amount of \$10,375.24, and Commissioner Garza as to Warrant No. 00076854, as to the Medicine Shoppe, in the amount of \$622.29.

(16) **APPROVAL OF CLAIMS;
The Affidavits follow:**

- (17) **MAINTENANCE AGREEMENT BETWEEN CAMERON COUNTY AND THE REVENUE MARKETS, INC., FOR THE INTERNATIONAL BRIDGE SYSTEM TOLL EQUIPMENT SYSTEM;**
The Agreement follows:
- (18) **ANNUAL CAMERON COUNTY AUCTION TENTATIVELY SCHEDULED FOR JULY 13, 2002;**
- (19) **OPENING OF THE FOLLOWING NOW ACCOUNTS WITH LONE STAR NATIONAL BANK:**
A) **CAMERON COUNTY TAX ASSESSOR COLLECTOR STATE MOTOR VEHICLE SALES TAX ACCOUNT; AND**
B) **CAMERON COUNTY TAX ASSESSOR COLLECTOR TAX OFFICE INTEREST ACCOUNT.**
The Resolutions follow:
- (20) **APPOINTMENT OF MR. CARLOS MENDEZ FROM RESERVE DEPUTY PRECINCT NO. 6 TO DEPUTY CONSTABLE IN COMPLIANCE WITH THE STATE OF TEXAS LOCAL GOVERNMENT CODE 86.011 AND 86.012;**
- (21) **AWARDING OF THE FOLLOWING BID FOR:**
A. **BATTERIES AUTOMOTIVE - ANNUAL BID NO. 1980. CONTINENTAL BATTERY, Harlingen, Texas, \$252.91.**
- (22) **OPENING OF THE FOLLOWING BIDS/PROPOSAL:**
A. **WEST RAIL RELOCATION PROJECT - REQUEST FOR PROPOSAL NO. 020304.**

TRAVEL ITEMS

- (23) **AUTHORIZATION TO TRAVEL/OR APPROVAL OF TRAVEL EXPENSE FOR THE FOLLOWING (PLEASE NOTE: TRAVEL REQUESTS ARE SUBJECT TO ALL APPLICABLE COUNTY POLICIES):**
- (a) 197th Court Coordinator to attend the "Texas Center for the Judiciary, Mandatory Continuing Education", in Huntsville, Texas, June 10-14, 2002;
- (b) Unit Director to attend the "South Texas HIDTA ISC Meeting", in San Antonio, Texas, May 29-31, 2002;
- (c) Sheriff to attend the "124th Annual Conference", in Fort Worth, Texas, July 27-August 1, 2002;
- (d) Two (2) Sheriff's Department employees to attend the "2002 Money Laundering and Financial Investigations Conference", in Dallas, Texas, June 3-July 7, 2002;
- (e) Sheriff Chief Deputy to attend the 2002 Annual Training Conference for the Texas Chief Deputies Association", in San Antonio, Texas, June 11-14, 2002;
- (f) Three (3) Juvenile Probation Department employees to attend the "Weed and Seed National Law Enforcement Conference", in New Orleans, Louisiana, June 17-19, 2002;
- (g) District Attorney employee to attend the "Texas District and Counties Association Board Member Meeting", in Corpus Christi, Texas, June 12, 2002;
- (h) County Treasurer to attend the "County Treasurer's Continuing Education", in Houston, Texas, November 21, 2002;

- (i) International Bridge System Director to meet with State of Tamaulipas, Secretaria de Comunicaciones y Transportes Officials and Mexican Consultant regarding the West Rail Relocation Project, in Mexico City, Mexico, May 23-24, 2002;
- (j) Seven (7) County Drug Enforcement Task Force Agents to attend the "Cleris Training", in Austin, Texas, May 28-30, 2002;
- (k) Justice of The Peace Precinct No. 4 to attend the "J.P.C.A. Convention and Training Seminar for Justice of the Peace and Constables", in El Paso, Texas, June 18-23, 2002;
- (l) Two (2) County Extension Agents to attend the "District No. 12 New Agent Training and Orientation", in Kingsville, Texas, May 29, 2002; and
- (m) County Extension Agent to attend the "South District 2002 4-H Fashion Show", in Kingsville, Texas, March 23, 2002.



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

- (17) **MAINTENANCE AGREEMENT BETWEEN CAMERON COUNTY AND THE REVENUE MARKETS, INC., FOR THE INTERNATIONAL BRIDGE SYSTEM TOLL EQUIPMENT SYSTEM.**
The Agreement is as follows:

- (19) OPENING OF THE FOLLOWING NOW ACCOUNTS WITH LONE STAR NATIONAL BANK:**
- A) CAMERON COUNTY TAX ASSESSOR COLLECTOR STATE MOTOR VEHICLE SALES TAX ACCOUNT; AND**
 - B) CAMERON COUNTY TAX ASSESSOR COLLECTOR TAX OFFICE INTEREST ACCOUNT.**

The Resolutions is as follow:

EXECUTIVE SESSION

(24) EXECUTIVE SESSION

Upon motion by Commissioner Garza, seconded by Commissioner Benavides and carried unanimously, the Court met in Executive Session at 7:20 P.M., to discuss the following matters:

- (a) Evaluation of Veterans Service Officer; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code Section 551.074;
- (b) Deliberation regarding Real Property concerning the possible Lease of land at the Cameron County Airport; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- (c) Confer with Commissioners' Court Legal Counsel concerning Brownsville Public Utilities Board versus Cameron County Commissioners' Court in the 138th District Court, Cause No. 2002-052069-B, for discussion and authorization for representation; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A)&(B);
- (d) Deliberation regarding Real Property concerning the possible Lease of Tract II 4.87 acres located at Los Indios International Free Trade Bridge located at Los Indios, Texas; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072; and
- (e) Confer with Commissioners' Court Legal Counsel concerning litigation involving the Father Joseph O'Brien Clinic in Port Isabel; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A).

Upon motion by Commissioner Garza, seconded by Commissioner Cascos and carried unanimously, the Court reconvened in Regular Session at 7:35 P.M.

(25) ACTION RELATIVE TO EXECUTIVE SESSION:

(a) In the matter regarding evaluation of the Veterans Service Officer. (TABLED)

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

(b) Deliberation regarding Real Property concerning the possible Lease of land at the Cameron County Airport.

Commissioner Cascos moved that the Status Report by Mr. Joseph Ardito, Property/Airport Manager, regarding the Lease of land at the Cameron County Airport be acknowledged.

The motion was seconded by Commissioner Valdez and carried unanimously.

(c) Confer with Commissioners' Court Legal Counsel concerning Brownsville Public Utilities Board versus Cameron County Commissioners' Court in the 138th District Court, Cause No. 2002-052069-B, for discussion and authorization for representation.

Commissioner Valdez moved that Mr. Doug Wright, Commissioners' Court Legal Counsel, be authorized to negotiate with a Law Firm or an Individual to represent the County in the case styled Brownsville Public Utilities Board versus Cameron County Commissioners' Court in the 138th District Court, Cause No. 2002-052069-B.

The motion was seconded by Commissioner Benavides and carried unanimously.

(d) Deliberation regarding Real Property concerning the possible Lease of Tract II 4.87 acres located at Los Indios International Free Trade Bridge at Los Indios, Texas.

Judge Hinojosa did not participate in the discussion.

Commissioner Cascos moved that Mr. Joseph Ardito, Property/ Airport Manager, be authorized to negotiate with the potential Lessor concerning the Lease of Tract II 4.87 acres located at Los Indios International Free Trade Bridge located at Los Indios, Texas.

The motion was seconded by Commissioner Valdez and carried unanimously.

NOTE: COMMISSIONER GARZA LEFT THE MEETING AT THIS TIME.

e) Confer with Commissioners' Court Legal Counsel concerning litigation involving the Father Joseph O'Brien Clinic in Port Isabel.

Upon motion by Commissioner Valdez, seconded by Commissioner Cascos and carried unanimously, the Law Firm of Willette and Guerra was authorized to file suit against the Contractor and the Architect involved concerning the Father Joseph O'Brien Clinic in Port Isabel

There being no further business to come before the Court, upon motion by Commissioner Valdez, seconded by Commissioner Cascos and carried unanimously, the meeting was **ADJOURNED** at 7:37 P.M.

APPROVED this 2nd day of July 2002.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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