

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 6th day of August 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 Pro-tem Carlos H. Cascos, C.P.A., at 5:33 P.M. He then asked Reverend Bob Clark, Brownsville resident, for the invocation and he 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 August 2, 2002, at 4:07 P.M.:

NOTE: JUDGE HINOJOSA JOINED THE MEETING AT THIS TIME.

**(10) CONSIDERATION AND APPROVAL FOR ONE (1)
MOBILE PHONE AND SERVICES FOR THE JAIL
DIVISION**

Commissioner Garza noted the excellent job being conducted by the Jail Division.

Upon motion by Commissioner Garza, seconded by Commissioner Benavides and carried unanimously, one (1) mobile phone and service were approved for the Jail Division.

**(5) CONSIDERATION AND ADOPTION OF COURT
ORDERS ESTABLISHING SPEED LIMITS, ROAD
NAME CHANGES AND/OR TRAFFIC CONTROLS
ON THE FOLLOWING ROADS WITHIN
CAMERON COUNTY:**

- A. ALL ROADS WITHIN OLMITO TOWNSITE
(SPEED LIMIT)**
- B. ALL ROADS WITHIN VILLA LAS PALMAS
SUBDIVISION (SPEED LIMIT)**
- C. CERTAIN ROADS IN LA COLONIA LAS
PALMAS SUBDIVISION: (STOP SIGNS)**
 - 1. WASHMAN ROAD**
 - 2. TEEGE ROAD**
 - 3. HODES ROAD**
 - 4. WOOD ROAD**
 - 5. BOTTS ROAD**
 - 6. ROBERTS ROAD**
 - 7. PARKER ROAD**
- D. NEIL ROAD LOCATED IN ARROYO
COLORADO ESTATES (STOP SIGN)**
- E. NO NAME ROAD FROM FM 1575 (OLD
ALICE ROAD) TO DEAD END (NAME
CHANGE)**
- F. IBC ROAD (NAME CHANGE)**

Judge Hinojosa questioned the speed limit being recommended.

(A) ALL ROADS WITHIN OLMITO TOWNSITE (SPEED LIMIT)

Mr. Juan Bernal, County Engineer/Public Works Director, recommended that twenty (20) miles per hour speed limit be placed.

Commissioner Cascos moved that the Order establishing the twenty (20) miles per hour speed limit on all roads within the Olmito Townsite be adopted, upon recommendation by the County Engineer.

The motion was seconded by Commissioner Benavides and carried unanimously.

(B) ALL ROADS WITHIN VILLA LAS PALMAS SUBDIVISION (SPEED LIMIT)

Upon motion by Commissioner Garza, seconded by Commissioner Valdez and carried unanimously, the Order establishing twenty (20) miles per hour speed limits on all roads within the Villa Las Palmas Subdivision was adopted, upon recommendation by the County Engineer.

(C) CERTAIN ROADS IN LA COLONIA LAS PALMAS SUBDIVISION: (STOP SIGNS)

1. WASHMAN ROAD
2. TEEGE ROAD
3. HODES ROAD
4. WOOD ROAD
5. BOTTS ROAD
6. ROBERTS ROAD
7. PARKER ROAD

Upon motion by Commissioner Garza, seconded by Commissioner Valdez and carried unanimously, the Order authorizing the installation of stop signs at the following roads within La Colonia Las Palmas Subdivision was adopted, inclusive of No. 8 Arroyo Colorado Neil Circle in accordance to the County Engineering Department's maps:

1. WASHMAN ROAD
 2. TEEGE ROAD
 3. HODES ROAD
 4. WOOD ROAD
 5. BOTTS ROAD
 6. ROBERTS ROAD
 7. PARKER ROAD
-

D. NEIL ROAD LOCATED IN ARROYO COLORADO ESTATES (STOP SIGN)

Commissioner Garza moved that the Order authorizing the installation of a stop sign on Neil Road located in Arroyo Colorado Estates be adopted, upon recommendation by the County Engineer.

The motion was seconded by Commissioner Valdez and carried unanimously.

E. NO NAME ROAD FROM FM 1575 (OLD ALICE ROAD) TO DEAD END (NAME CHANGE)

Mr. Juan Bernal, County Engineer/Public Works Director, recommended that the no name road be named Harvey/Escalante Road.

Commissioner Garza stated that "Harvey" was the first name and that "Escalante" was the last name of the individual; therefore, suggested that no slash be placed.

Upon motion by Commissioner Garza, seconded by Commissioner Valdez and carried unanimously, the Order authorizing the naming of the no name road to "Harvey Escalante Road" starting from FM 1575 (Old Alice Road) to the dead end was adopted.

F. IBC ROAD (NAME CHANGE)

Mr. Juan Bernal, County Engineer/Public Works Director, stated that the request was to change the name of IBC Road to German Rodriguez Jr., Road.

Commissioner Valdez moved that the Order authorizing the name change of IBC Road to German Rodriguez Jr., be adopted.

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

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

NAY: None

ABSTAIN: Commissioner Cascos.

Commissioner Garza noted that no Weight Limits were included in the Item and questioned the reason.

Mr. Bernal explained that weight limits were considered by the Court when the public expressed concerns with heavy industrial traffic.

Commissioner Garza expressed his concern with an eighteen (18) wheeler driving on California Road.

Mr. Bernal stated that a 7,000 pound weight limit was in effect on California Road.

Commissioner Garza noted that no signs were in place on California Road.

Mr. Doug Wright, Commissioners' Court Legal Counsel, noted that once the County was aware of missing signs, the signs needed to be reinstalled.

Commissioner Cascos stated that grant funds were obtained two (2) years ago to purchase weight scales, and added that members of the Sheriff's Department were trained as to the use. He requested feedback relating to the type of enforcement taking place.

Commissioner Garza stated that according to Commissioners' Court Legal Counsel a purpose was served by the signs installed.

Mr. Wright clarified that the signs must be maintained in place at all times once the installation was authorized.

Mr. Bernal stated that the Sheriff's Department was requested to patrol the area when violations occurred and that he would confirm the type of enforcement by the Sheriff's Department.

The Order is as follows:

[REDACTED]

(3) CONSIDERATION AND ACTION TO SELECT PROJECTS FOR ONE (1) OR MORE APPLICATIONS TO THE 2003-2004 TEXAS COMMUNITY DEVELOPMENT PROGRAM

Judge Hinojosa explained that the most equitable way to select the projects, previously discussed, was to get as many “first time water use projects” in the Colonia Construction Project Application; them being, the Harris Tract Project, in the amount of \$75,000.00 and the Breedlove - Hoeing Road Project, in the amount of \$318,447.000. He added that the discussion included the suggestion to split and distribute the Texas Community Development Fund between Commissioners’ Precincts No. 1 and No. 3, to defer Commissioner Precinct No. 2 since it had very few colonias, and to focus on Commissioners’ Precincts No. 3 and No. 4.

Mr. Frank Bejarano, Project Development and Management Program Director, reported that the recommendations were consistent to the discussion held during a Workshop. He explained that the first two (2) projects were “first time water projects,” and that the North 30 Subdivision was part of Breedlove - Hoeing Road Project, which was divided because it was a concentrated area that might qualify as a Colonia Project. Mr. Bejarano stated that the Arroyo Colorado Estates Project was requesting water line upgrades to increase the water pressure and that he wanted to do the Project because it was a concentrated area. He stated that the El Jardin Project was for water line replacements, and explained that the concern was that the approach was believed to be shotgun improvements, adding that it was believed that the project could qualify for funding from the \$132,000.00.

Judge Hinojosa stated that the Rio Hondo Water Supply Corporation had some first time water connections that would be used, and suggested that the options be separated based on cost to clearly identify the “first time water use” connection, and that the remaining streets for re-connection be divided in the application to possibly raise the score and the balance be funded through Texas Community Development Funds.

Commissioner Valdez questioned the projects being selected for the Texas Community Development Program and for the Colonia Construction Program.

Mr. Bejarano explained that “first time water use projects” would be selected for the Colonia Construction Program, with funds in the amount of \$5,000.00 and that the remaining projects would be funded through the Texas Community Development Program.

Judge Hinojosa stated that under \$300,000.00 of the Arroyo Colorado Estates Application would be selected for the Colonia Construction Program, and suggested that the boundaries of Valle Escondido be identified.

Mr. Bejarano stated that the project would be well blended; therefore, a good score was anticipated.

Commissioner Benavides questioned if the El Jardin Project included Browne Road.

Mr. Gail Armstrong, El Jardin Water Supply Corporation, responded that El Jardin Project intersected with Browne Road and provided a better looping arrangement that addressed the water pressure.

Mr. Bejarano stated that the Court had previously discussed the possibility to work at Kopernik Shores but the work could not take place due to insufficient information. He stated that the Public Utilities Board (PUB) had indicated that they had not committed to the project, that they did not have a C.C.N., and that they would like to work with the County but were not ready at this time. Mr. Bejarano suggested that the County and PUB work together to conduct a Feasibility Study for the next Application Cycle.

Judge Hinojosa questioned the total funds available for Colonias' studies.

Mr. Bejarano stated that up to \$100,000.00 were available based on population, and that the problem with Kopernik Shore was that it had a seasonal population.

Judge Hinojosa suggested that Kopernik Shores be submitted for a Feasibility Study under the Colonia Study.

Mr. Bejarano replied that Kopernik Shores could be submitted but doubted that funds would be received due to its population. He suggested that a budget be established between the County and PUB to fund the feasibility study.

Commissioner Garza requested a briefing as to the exclusion of Green Valley Farms from the list of recommended projects.

Mr. Bejarano stated that his office believed that paving projects should be under Road and Bridge Improvement or funded through the Texas Department of Transportation (TxDOT) when possible, adding that the recommendations were based on this philosophy.

Judge Hinojosa stated that the Community Development Funds have not been used for paving since he has been County Judge, except for one time.

Mr. Bejarano replied that at one point the Community Development Valley Grant Funds were used to assist a paving project within Green Valley Farms.

Commissioner Benavides stated that the conversion of salted water to drinking water for Kopernik Shores could be the first in the United States.

Mrs. Rosie De Leija, Green Valley Farms resident, stated that the County had paved four (4) roads in Green Valley Farms, and that the Interlocal Agreement between the County and Drainage District No. 3 had helped the residents, adding that in order to continue the project, a County match was required which was on hold. Mrs. Leija expressed her concern with the County's loss of the investment in the paving of the roads in the Green Valley Farms and it not being considered a high priority. She requested that a Plan regarding the manner the County would address the roads in need of paving be made available, and questioned how the Interlocal Agreement with Drainage District No. 3

would be addressed. Mrs. Leija questioned the County Auditor as to the balance of the Tobacco Settlement Fund, in the amount of \$4.6 million, and stated that the funds were to be used at the discretion of the Court to address Health hazards, noting that Green Valley Farms' flooding conditions were a Health Hazard.

Judge Hinojosa stated that he had met with the Board Chairman of Drainage District No. 1 to two (2) months ago and that they would develop a plan that would be presented to the Commissioners' Court. He explained that the plan would address the flooding concerns, but that the process and the funding were yet to be determined. Judge Hinojosa added that one (1) road within Green Valley Farms was submitted in the Application for possible Proposition II Funding and that the logistics and a work schedule were being terminated in order to commence the work upon TxDOT providing the funding.

Commissioner Garza moved that the selection of projects for one (1) or more applications to the 2003-2004 Texas Community Development Program be approved upon the recommendation by Mr. Frank Bejarano, Project Development and Management Program Director.

The motion was seconded by Commissioner Valdez and carried unanimously.

The Report is as follows:

(4) **IN THE MATTER REGARDING RECONSIDERATION AND POSSIBLE ACTION REGARDING ALL BEACH VENDOR'S PERMITS CHANGING FROM MOBILE VENDING PERMITS TO STATIONARY PERMITS AND GIVEN DESIGNATED VENDING ZONES (TABLED)**

Mr. Javier Villarreal, Attorney at Law, stated that he represented the vendors of the north side of the Town of South Padre Island: Mr. and Mrs. Francisco Torres, El Rey del Elote, Mr. and Mrs. Jaime Salazar, Ruby Elotes.

Commissioner Benavides stated that the Item was placed on the Agenda for the vendors to have a second chance to voice their opinions, and noted that he was in favor that the vendors continue their mobile vending operations. He stated that the individuals who are frustrated or had been drinking were the traffic concerns; therefore, it was unfair for the County to unable them to continue their business during the peak of the summer.

Mr. Villarreal stated that the vendors had been economically impacted, and that the Court's action was believed to have been drastic, adding that an important service had been taken away from the beach course. He explained that the mobile vendors were cautious drivers who served as speed humps by causing the traffic to be slow.

Commissioner Garza questioned if speed limit signs were in place.

Mr. Villarreal responded negatively, and noted that according to the Commissioners' Court Minutes of the meeting held on July 30, 2002, the main concern was the "Public Safety."

Judge Hinojosa explained that the danger occurred, with the children, when the traffic drove around the mobile vendors, and noted the need to eliminate the traffic's blind site when driving around the mobile vendors.

Commissioner Benavides suggested that the vendors be allowed to be mobile by requesting that they move aside to allow the normal traffic flow, noting that the mobile vendors had never caused any accidents.

Commissioner Cascos questioned where the mobile vendors could pull-over to allow the traffic flow.

Mr. Javier Mendez, Parks System Director, stated that the mobile vendors had agreed to try the designated areas at the entrance of the beach. He clarified that speed and weight limits were in place at the entrances and were enforced as well.

Mr. Villarreal stated that his clients needed to be mobile to serve the public and requested that numbers and the dangers caused by his clients be presented. He suggested that the mobile vendors be required to have concave mirrors installed on their vehicles, and requested that the vendors be allowed to be mobile.

Commissioner Cascos stated that the mobile vendors were not the cause of the safety hazards, but were inadvertently a parti to it. He expressed his concern with the safety issue and stated that it was the County's responsibility to address the safety issues related to the public attending the beach.

Commissioner Benavides stated that parents supervised the children when the mobile vendors came along and that the problem would be made present if children were allowed to walk to the vendors stationed at a certain distance while unsupervised.

Commissioner Garza stated that the County Commission had the responsibility to the Tax Payers in regards to something happening as well as the liability and questioned Commissioners' Court Legal Counsel's concern relating to this Item.

Mr. Doug Wright, Commissioners' Court Legal Counsel, noted that the Court had used good judgement in attempting to protect the public interest because the beach was defined by the Transportation Code as a Roadway. He stated that the parked vehicles on the roadway were accidents waiting to happen and that stationing the vendors would be a way to protect the public.

Judge Hinojosa questioned whether the vendors were able to drive off the road to allow the traffic to flow.

Mr. Francisco Torres, El Rey del Elote, stated that they always moved to the side except when sand conditions made it difficult.

Judge Hinojosa questioned how far the vendors could move off the roadway.

Mr. Torres responded that they pulled over to the side in a manner that allowed sufficient space for traffic to drive by.

Mr. Mendez noted that the vehicles parked on both sides of the roadway and the two (2) way traffic was of concern, and that the vendors stopped, held up traffic, sold, and sometimes got stuck in the sand while moving away.

Judge Hinojosa noted that two (2) interests existed, the Public Safety and the provision of the services. He suggested that the vendors be required to move off the roadway prior to conducting business, and questioned how the vendors could cause any more danger than the existing situation with the parked vehicles.

Mr. Wright suggested that the vendors be required to turn perpendicular for any sale and that the Parks System be authorized to fine the non-complying vendors.

Mr. Torres stated that they stopped on the beach side of the roadway when conducting a sale. He pointed that although the Parks System prohibited that vehicles to park by the water side, the vehicles continue to park on the beach side and that the regulation was not being enforced.

Mr. Mendez explained that the mobile vendors parked on the water side and the public walking to them across the roadway resulted in the safety hazard.

Commissioner Valdez suggested that the vendors be allowed to be mobile for the remainder of the peak season and that adjustments be made for the season.

Mr. Mendez noted that the matter would have to be considered in January 2003.

Commissioner Cascos questioned how the information would differ between now and January 2003.

Judge Hinojosa questioned if would be safer if the mobile vendors moved over to the opposite side of the beach.

Commissioner Garza stated that vehicles were normally parked along the opposite side of the beach.

Judge Hinojosa stated that the intent would be to allow the vendors to be mobile under the condition that they park along the opposite side of the beach.

Mr. Torres stated that no accidents had taken place.

Mrs. Jaime Salazar, Ruby Elotes, stated that the children did not need to cross the street because the mobile vending vehicles' window was always located on the side of the public.

Judge Hinojosa stated that the problem was not the people crossing the roadway to purchase, but rather the children who ran across the roadway and were not seen by vehicles passing the parked mobile vendors.

Mr. Villarreal stated that legislation considered the safety and the service being provided to the public.

Judge Hinojosa questioned whether it was safe for the mobile vendors to park on the west side of the beach and if they would agree to do so.

Mr. Torres suggested that different parking areas be designated to prevent accidents.

Judge Hinojosa stated that he would like to see that the vendors be allowed to be mobile; therefore, suggested that the Parks System Director present a Plan that would enable a safe mobile vending system.

Commissioner Cascos expressed his concern in regards to ignoring the recommendations presented by the Parks System Director and the Park Ranger Chief and with the recommendation made by Judge Hinojosa requesting that a logistically feasible Plan be presented. He stated that requiring the vendors to park on either side of the roadway involved dangers.

Mr. Gus Reyna, Park Ranger Director, informed that the traffic congestions between Beach Access No. 5 and No. 6 altered the condition of the sand. He stated that the vendors could not always move to the side and that their continuous stops caused a chain reaction.

Mr. Villarreal questioned what could be done by the vendors in the meantime.

Commissioner Benavides suggested that the vendors be reinstated as "mobile" until the plan was presented.

Mr. Wright noted that information was needed to rescind the original Order.

Commissioner Valdez suggested that the vendors be stationed until further information was obtained, and noted that the current plan provided both service and safety.

Mr. Villarreal stated that a reasonable proposal that allow his clients to be mobile would be reviewed and accepted, but that having the vendors zoned would not be accepted.

Judge Hinojosa noted the need to develop a Plan that would determine a safe mobile vending system. He stated that the indication that no accidents had ever taken place was irrelevant because no one believed that the causeway would ever be hit, yet it happened and caused eight (8) casualties.

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

ACTION ITEMS

**(1) APPROVAL OF THE BUDGET AMENDMENTS
AND SALARY SCHEDULES**

Commissioner Garza moved that the 2002-Fiscal Year Budget Amendments No. 2002- 32 be approved.

The motion was seconded by Commissioner Valdez.

Commissioner Cascos questioned the use of lapsed salaries from certain departments.

Mr. Xavier Villarreal, Budget Officer, explained that the use of lapsed salaries was to fund the Workers Compensation Premium increase from the mid-year review.

Commissioner Cascos questioned the amount of the General Fund Lapsed Salaries remaining.

Mr. Villarreal responded that \$400,000.00 remained in Lapsed Salaries with \$300,000.00 uncommitted and \$100,000.00 to be allocated to the individual Departments' Workers Compensation Premium line item.

Commissioner Cascos clarified that \$300,000.00 out of the \$400,000.000 were encumbered and that \$100,000.00 would remain.

Upon motion duly made by Commissioner Garza, seconded by Commissioner Valdez, and carried unanimously, the 2002-Fiscal Year Budget Amendment No. 2002-32 was approved.

The Budget Amendments are as follow:

[REDACTED]

(2) **APPROVAL OF THE MINUTES FOR THE REGULAR MEETING HELD ON JULY 16, 2002**

Commissioner Valdez moved that the Minutes for the Regular Meeting held on July 16, 2002 be approved.

The motion was seconded by Commissioner Garza and carried unanimously.

[REDACTED]

(6) **CONSIDERATION AND AUTHORIZATION TO APPROVE AN AMENDMENT FOR D.C.W. ARCHITECTS TO INCLUDE THE 4,200 SQUARE FEET BUILDING EXPANSION AT THE DARREL HESTER BUILDING**

Judge Hinojosa stated that he had requested an expense estimate of security issues for the jail facility because the expenses were not anticipated or included in the Original Contract.

Commissioner Cascos questioned if Landmark would fund the fencing for the roof.

Judge Hinojosa explained that only razor wire would be installed on the roof.

Mr. Juan Bernal, County Engineer/Public Works, explained that the installation of the fence on the roof was of concern due its weight, and noted that he disagreed with the Sheriff's Department's request that the fence, surrounding the jail facility be buried four (4) feet, at an estimated cost of \$175,000.00.

Judge Hinojosa explained that the funding source to be used for expansion at the Darrel B. Hester Building was the same from where the security issues of the Rucker/Carrizalez Detention Center would be funded; therefore, suggested that the proposed 4,200 square feet expansion be reduced.

Mr. Bernal informed that the installation of the fences at the Rucker/Carrizalez Detention Center would cost approximately \$200,000.00.

Judge Hinojosa stated that the security issues at the Rucker/Carrizalez Detention Center were not present at the time the expansion of the Darrel B. Hester Building and the construction of the new Vehicle Maintenance Barn were considered. He noted the need to allocate \$200,000.00 for the Rucker/Carrizalez Detention Center from the same funding source, and pointed that the Court could opt to not build the new Vehicle Maintenance Barn or to not upgrade the security at the jail facility.

Commissioner Garza questioned if Landmark had completed the work that was accorded and if upon completion an escape proof facility would result.

Mr. Bernal responded in the affirmative.

Commissioner Garza suggested that the fencing be postponed in order to address the needed for office space at the Darrel B. Hester Building. He stated that the allocation was previously reduced and noted his understanding to be that an attempt to reduce the allocation even less was being proposed.

Mr. Bernal stated that an inmate who reached the roof on the jail facility had a very good chance of escaping.

Judge Hinojosa stated that there was a need to fund the expansion of the Darrel B. Hester Building and to address the security issues at the Rucker/Carrizalez Detention Center, adding that the concern was the location of the lump sum funding source.

Commissioner Valdez suggested that the security issues be delayed until the 2003 Budget.

Judge Hinojosa clarified that the issue was whether to fund the issues at the Rucker/Carrizalez Detention Center or Darrel B. Hester Building, adding that he believed that the security issues at the jail facility should be addressed.

Commissioner Cascos stated that if the funds were available for the expansion of the Darrel B. Hester Building, then the fencing was another financial issue.

Judge Hinojosa stated that the Bond Issue was intended to fund the three (3) projects.

Mr. Bernal stated that burring the fence four (4) feet underground was excessive and suggested that it be place two (2) feet underground to reduce the cost by about \$20,000.00 to \$25,000.00.

Judge Hinojosa suggested that the Amendment be approved and that the security issues for the jail facility be addressed.

Commissioner Garza moved that the Amendment for D.C.W., Architects to include the 4,200 square feet building expansion at the Darrel Hester Building be approved.

The motion was seconded by Commissioner Cascos and carried unanimously.

The Amendment is as follows:

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(7) **IN THE MATTER REGARDING AUTHORIZATION TO REJECT ALL BIDS RECEIVED FOR REQUEST FOR PROPOSAL (RFP) NO. 02-03-02, THE POSSIBLE DEVELOPMENT OF A BIRDING CENTER AND WETLANDS RESOURCE CENTER ON CAMERON COUNTY PROPERTY LOCATED AT ANDY BOWIE PARK ON SOUTH PADRE ISLAND, CAMERON COUNTY, TEXAS (TABLED)**

(8) **IN THE MATTER REGARDING AUTHORIZATION TO SOLICIT PROPOSALS FOR THE POSSIBLE DEVELOPMENT OF A VACANT TRACT OF LAND, BEING APPROXIMATELY 2.15 ACRES OUT OF CAMERON COUNTY PARK NUMBER TWO, ON SOUTH PADRE ISLAND, IN CAMERON COUNTY, TEXAS (TABLED)**

Judge Hinojosa questioned if this Item was needed to redo the Request for Proposal (RFP).

Mr. Joseph Ardito, Property Manager, responded in the affirmative.

Judge Hinojosa questioned if the RFP would jeopardize the South Padre Island Development's Project.

Mr. Ardito stated that Mr. Richard Franke, South Padre Island Development Corporation, wanted to explain the situation to the Court.

Judge Hinojosa questioned if the Project would be affected.

Mr. Ardito responded that the rejection of all offers would affect the Project.

Mr. Richard Franke, South Padre Island Development Corporation, reported that the Court had unanimously approved the Lease of the area east and south of the Convention Centre to ADC, for the Birding Center, and later the need to obtain RFP's was determined in order to enter into a Contract, adding that later they were informed that the Project was being placed on hold and that further negotiations would not take place for a period of time. He stated that after that period of time they were informed that the County decided that the property should be appraised and that ten (10) percent of the property value be provided by ADC for the Lease of the property, adding that now the cancellation of the project was being considered. He stated that the Birding Center would be funded through grant funds and was a very important project for Cameron County and the entire area. Mr. Franke stated that the County would only need to enter into partnership with the South Padre Island Development Corporation by allowing the use of the wetland and the upland area at Highway 100. He stated that the Birding Center was a very critical and important Project, adding that it could increase sales tax revenue, would improve property value, and would benefit the tourism and the education system. Mr. Franke stated that they agreed that the County should receive proceeds from the Birding Center's revenue, and that the Project could not take place without the two (2) acres near the road.

Commissioner Garza stated that the sketches previously provided by Mr. Franke indicated that the concessions would surround the Convention Centre and that the matter was being reconsidered due to the relocation of the commercial area. He added that the South Padre Island Development Corporation had indicated that a transparent area was desired at the wetlands area, yet all of a sudden the Court heard that the concessionaires would not be located around the Convention Centre due to the limited space but would be on Highway 100. He stated that the County derived significant dollar amounts from concessionaires and from leases with access to Highway 100, and that the concern was the change of direction. He stated that the ADC did not want any development on Highway 100 facing the development on the wetlands.

Mr. Franke stated that the sketches provided to the Court and the South Padre Island Development Corporation were the Architect's idea, and that the following issues were presented with the locating the concessions around the Convention Center: the frequent congestion of the Convention Centre and the facilities being far into the valuable wetlands area. He stated that the consolidation of the project into the area would be considered in order to provide the footprint of the area that services the facility and to plan for the future, adding that it was decided that the encroachment of the wetlands would be avoided. Mr. Franke stated that the plan reviewed by the Court was merely an initial plan.

Commissioner Garza stated that the wetland project was a great project which he had supported because the area directly in front of the wetlands would not be utilized as a commercial area.

Mr. Franke stated that it was discussed that the entry direct the public from Highway 100 into the Birding Center rather than placing the concessions fronting Highway 100, as done with theme parks with the needed facilities. He stated that the South Padre Island Development Corporation understood that the County was unhappy because it would not receive revenues from the concessions on the Convention Centre's land; therefore, the concessions were relocated to enable the County to obtain the revenues.

Mr. Ardito questioned if the information should be considered during Executive Session.

Mr. Doug Wright, Commissioners' Court Legal Counsel, stated that there were no concerns with discussing the facts of the situation. He noted that the problem was that it was alluded that the Proposal had been unanimously approved and clarified that only the negotiations to enter into a Contractual Agreement were approved.

Judge Hinojosa stated that he believed that the rejections of the bids would allow the South Padre Island Development Corporation to submit a bid for the upland's area.

Mr. Ardito stated that when he informed Mr. Franke that an RFP for the uplands area would be done, it was clarified that the uplands were a very imperative part of their project.

Judge Hinojosa suggested that the Court consider that the Birding Center would not work without the uplands area, and stated that the South Padre Island Development Corporation had modified their proposal.

Commissioner Garza questioned whether a Plan other than the one presented to the Court existed.

Mr. Franke stated that the designs were on hold until the situation with the County was finalized and that it was inappropriate to spend additional funds.

Judge Hinojosa asked if there was a need to reject all the bids, and to develop a new RFP in order to do what was previously discussed.

Mr. Wright suggested that the bid not be rejected and that the negotiations continue, adding that a solid proposal was needed.

Judge Hinojosa suggested that this Item be tabled.

Mr. Ardito stated that a specific RFP had been presented.

Judge Hinojosa stated that the Proposal was vague in terms of the design, the location of the facilities, and the amount of land to be used, adding that the lack of information conflicted with the Court's ability to make a decision. He suggested that the Item be tabled until an agreement concerning the specifics already discussed was reached.

Mr. Franke questioned the percentage of growth desired by the Court.

Judge Hinojosa stated that the concern was the specific use of the property and that the details would be determined in the future. He added that the County attempted to make the best use of the uplands, which provided the most revenue possible while providing the needs for the Birding Center.

Commissioner Garza questioned the amount of the wetland property being requested.

Mr. Franke responded that between thirty (30) to forty (40) acres of wetlands were needed. He requested written documentation indicating that the County approved of the Birding Center Project.

Judge Hinojosa stated that the tabling of the rejection of the bids and the not obtaining Proposals indicated that the County was serious.

Mr. Wright stated that the Court's indication to Mr. Ardito was that the highest and best use of the wetlands was the promotion of the Birding Center, and that the Court's concern was the viable commercial property where it appeared that the County would not obtain market value for the property. He stated that the County wanted a Plan where the 2.15 acres would be a good commercial venture for the County in conjunction with the Birding Center Project.

Mr. Franke stated that it was unknown if the revenue obtained from the Birding Center would be the same as those obtained from leasing the property for a water park, and noted that other benefits would be gained, such as an educational benefit.

Judge Hinojosa stated that he was of the opinion that the best and highest use of the property should take place with some type of revenue.

Upon motion by Commissioner Garza, seconded by Commissioner Benavides and carried unanimously, these Items were **(TABLED)**.

[REDACTED]

(9) **CONSIDERATION AND APPROVAL FOR ROBERTO J. RUIZ, DANCY PROJECT ARCHITECT, TO CONTRACT FOR ADDITIONAL SERVICES WITH CARNESI COMPANY, INC. TO DESIGN, CONSULT AND COORDINATE THE INSTALLATION OF SOUND AND VIDEO CAPTURE, TRANSMISSION AND PROJECTION, AND TELEPHONE AND SECURITY SYSTEMS FOR THE OSCAR C. DANCY BUILDING RESTORATION, CONSISTENT WITH THE OWNER AND ARCHITECT PROFESSIONAL SERVICES AGREEMENT**

Mr. Remi Garza, Administrative Assistant, requested that Superior Alarms be included.

Commissioner Cascos questioned if proposals would be obtained.

Mr. Garza responded in the affirmative.

Commissioner Garza moved that Mr. Robert J. Ruiz, Dancy Project Architect, be authorized to Contract for additional services with Carnesi Company, Inc., to design, consult and coordinate the installation of the sound and video capture, transmission and projection, and telephone and security systems for the Oscar C. Dancy Building Restoration, consistent with the owner and Architect Professional Services Agreement.

The motion was seconded by Commissioner Benavides and carried unanimously.

[REDACTED]

(11) **CONSIDERATION AND AUTHORIZATION TO NEGOTIATE WITH AND CONTRACT MGT OF AMERICA TO PERFORM CERTAIN PROFESSIONAL SERVICES RELATING TO CAMERON COUNTY'S RESPONSE TO THE VETERANS HOME REQUEST FOR PROPOSALS ISSUED BY THE VETERANS LAND BOARD**

Commissioner Garza questioned why a Consultant Firm was needed.

Judge Hinojosa stated that it was best to have assistance from a Consultant Firm who was familiar with the process. He explained that he had reviewed the sites available and that only two (2) areas within Texas did not have a Veterans Nursing Home: East and South Texas. Judge Hinojosa stated that this information meant that Cameron County had a good chance of getting the Project approved. He informed that the Veterans Nursing Home would contain 160 beds, would employ 115 individuals, and would have a \$5 million Annual Operating Budget. Judge Hinojosa added that

the County's Veterans deserved that the highest quality application be submitted; therefore, the County should invest on obtaining the application.

Commissioner Garza questioned how it would be known if the best company was being selected if proposals were not obtained.

Judge Hinojosa explained that MGT of America had worked with the County in getting funding approved through legislation for the Health Services District, adding that time constraints existed.

Commissioner Cascos expressed his concern with not obtaining proposals for when the concept of the Veteran Nursing Home and the Veteran Centers were ongoing for the past two (2) years.

Mr. Jared Hockema, County Judge's Office, stated that the Request for Proposal (RFP) was sent out on May 30, 2002.

Commissioner Cascos stated that an Evaluation Committee was appointed on July 2, 2002, and expressed his concern with hiring consultants without obtaining an RFP. He questioned why the Application could not be prepared in-house.

Judge Hinojosa noted that time constraints would conflict with preparing an in-house application.

Commissioner Cascos stated that Hidalgo County had obtained proposals, had selected the location in Edinburg, and had prepared an in-house application without assistance from consultant services.

Judge Hinojosa stated that Hidalgo County had not submitted an Application, had not conducted the Engineering Study, the Geotechnical Studies, the Environmental Studies, nor had selected the site.

Commissioner Cascos stated that Hidalgo County had not hired a consultant to prepare the Application.

Judge Hinojosa stated that his Office had concluded that it was best to hire a consultant to prepare the application and to walk it through the Veterans Land Commissions Office, in Austin, Texas.

Mr. Hockema informed that the proposals were received on May 30-31, 2002, and explained that it would take a month to conduct the Geotechnical Study. He stated that the County wanted to complete and submit the application in a timely fashion.

Commissioner Cascos noted his position to be that if the application was such an important issue, that the proposals should have been received and that, although MGT of America had a good track record, other companies did as well.

Mr. Hockema stated that Raba Kistner was an option for some of the services.

Judge Hinojosa stated that the Harlingen Application would be the strongest application because it was tied to the Health Services District. He explained that the main issue to be reviewed was the proximity to the Health Services.

Judge Hinojosa stated that a clinic would be constructed within the proximity being proposed, and that it made sense to have the consultant who assisted in the preparation of the Health Services District working on the Veterans' Nursing Home Application. He added that the hiring of MGT of America would place the County in a much better position.

Mr. Hockema noted that the Harlingen Application was the only central location being proposed by any County.

Mr. Juan Bernal, County Engineer/Public Works Director, stated that the proposal for Engineering Services presented by MGT of America was a reasonable cost when compared to the cost estimates that he obtained upon Mr. Hockema's request.

Commissioner Garza noted that the MGT Consultant Services would cost \$10,800.00, plus additional costs that would be incurred, regardless of whether a consultant was hired or not.

Mr. Hockema explained that the option to have professional representation before the Veterans Land Board would be at an additional cost, and stated that the Geotechnical and Environmental Studies required by the Federal Standards were extremely expensive. He requested that a budget be established and that the County Engineer be authorized to negotiate the maximum rates for the various services needed.

Commissioner Garza questioned the need to prepare two (2) applications.

Judge Hinojosa stated that he believed that it would be best to submit two (2) applications. He explained that the FM 511 property was near the highway and a hospital, and that the City of Brownsville might provide Bus Service. Judge Hinojosa noted that the Harlingen site's down fall was that it did not have Bus Service.

Commissioner Garza questioned if Rio Transit could be contacted.

Judge Hinojosa stated that the Bus Service was provided only within the City of Brownsville and that the County did not want rejection of the application because of the transportation deficiency. He stated that the application for the site on FM 511 would be more costly and that the two (2) sites would be submitted.

Commissioner Valdez questioned the funding source.

Mr. Hockema requested that the Budget be established at a maximum amount of \$50,000.00 and that the County Engineer be authorized to negotiate the price.

Commissioner Cascos questioned whether the hiring of the consultant was being considered with this Item.

Mr. Hockema responded that the Item to hire MGT of America was placed on the Agenda, and that the costly Engineering Services would be negotiated.

Commissioner Garza questioned if the Budget included Engineering Services.

Mr. Hockema explained that the Court had the option to get the Engineering Services from MGT of America or Raba Kistner.

Mr. Bernal responded that the proposal presented by MGT of America was the best price.

Judge Hinojosa stated that the cost estimate represented only one (1) site and that two (2) sites were recommended.

Mr. Hockema clarified that the Engineering Services would cost \$16,000.00 for both sites and that the Geotechnical Studies would cost a maximum amount of \$7,600.00.

Commissioner Garza stated that Task No. 1 of the Scope of Services presented by MGT of America indicated that the cost estimate included both sites.

Mr. Hockema explained that the FM 511 site was initially included in Tasks No. 1 and No. 3 and excluded from Task No. 2, because it was believed that the information was already available, yet the available information did not meet the requirements.

Judge Hinojosa stated that the second proposal would cost \$8,000.00 and strengthened the County's position to get the Veterans Nursing Home approved within the County.

Mr. Remi Garza, Administrative Assistant, reiterated that if the transportation issue became a fatal fall to the Harlingen site, the County would have to start from zero in trying to develop the application for the Brownsville site.

Commissioner Garza questioned why the Harlingen site would be submitted if it was known that it might not be accepted.

Judge Hinojosa stated that it was not known if the Rio Transit Services would be accepted.

Mr. Hockema stated that transportation was required and subject to the Veterans Land Board evaluation. He added that if the Court focused on the cost for the Engineering Studies, the tremendous economic impact would be overlooked, such as the \$14 million facility to be constructed and the employment of 150 individuals.

Commissioner Cascos noted that he agreed with presenting two (2) sites, and questioned what would happen if a vacant facility was proposed.

Mr. Hockema stated that the vacant facility would not be accepted, and that requirements for the use of Federal Grant Funds were very strict.

Judge Hinojosa stated that the old Valley Regional Hospital Facility was located in a flooding zone and would not pass the Geotechnical Environmental requirements; therefore, would result in the denial of the application.

Mr. Dutch Fischer, Cameron County resident, stated that the old Valley Regional Hospital Facility was located on a major thoroughfare, had a capacity of 150 beds, was completely revamped and furnished, and was currently operating as a Nursing Home for elderly Alzheimer Patients. He suggested that the possibility to purchase the facility for

the approximate amount of \$6 million be reviewed. Mr. Fischer stated that according to the media, a \$5 million deficit was anticipated within the State Budget and that the use of a complete facility could save up to \$8 million.

Judge Hinojosa explained that the Federal Government Funds were specifically for construction of the Veterans Nursing Home and that unused funds would have to be returned. He stated that he was informed that an existing facility would not be accepted and that the proposal required construction of a new facility.

Mr. Fischer questioned if the utilization of an existing facility had been approached and/or questioned.

Judge Hinojosa stated that due to the existing competition no questions were asked and that the requested information was merely presented.

Mr. Fischer requested that the use of the old Valley Regional Hospital Facility as a Veterans Nursing Home be considered.

Commissioner Cascos suggested that Mr. Hockema confirm whether an existing facility could be used.

Mr. Hurb Anderson, Cameron County resident and U.S. Air Force Retiree, stated that six (6) different Organizations within the Valley assisted in hospitalizing veterans.

Judge Hinojosa recommended that the contract negotiations be authorized with MGT of America for Professional Service, and that the lowest price for Engineering Services for the two (2) sites be negotiated with MGT of America or with another Engineering Firm, with the understanding that two (2) sites would be submitted.

Mr. Hockema clarified that the County would not be responsible for the mitigation of the Contract and that the costs had to be enclosed on the application.

Commissioner Benavides moved that the contract negotiations with MGT of America for Professional Service be authorized and that the lowest price for Engineering Services for the two (2) sites be negotiated with MGT of America or with another Engineering Firm, with the understanding that two (2) sites would be submitted.

The motion was seconded by Commissioner Valdez.

Judge Hinojosa questioned the funding source.

Mr. Xavier Villarreal, Budget Officer, informed that funding for this purpose was not available within the General Fund Budget. He suggested that the funds be borrowed from the Bridge System and that the payment be budgeted within the 2003-Fiscal Year.

Judge Hinojosa stated that according to the Bridge System Director, a surplus, in the amount of \$100,000.00, existed within the Bridge System Fund.

Mr. Mark Yates, County Auditor, questioned if the \$100,000.00 was gross or net earnings.

Judge Hinojosa stated that the Bridge System's Director had indicated that the \$100,000.00 was net earnings.

Mr. Yates stated that the Bridge System's projection balance equaled \$17,946.00 based on year to end projections, inclusive of July 2002.

Commissioner Valdez informed that the same funding source was considered for the Boarder Trade Alliance Sponsorship (BTAS).

At this time the suggestion was made that the said sponsorship be postponed.

Mr. Yates noted that surplus proceeds from the International Bridges were in partnership with the Cities of Brownsville, Harlingen, and San Benito, with the exception of the Free Trade Bridge; therefore, suggested that the Cities' Commissions be advised. He questioned the dollar amounts to be taken from the individual Bridges.

Judge Hinojosa suggested that a recommendation be presented to determine the individual amounts.

Mr. Yates questioned the total amount needed.

Mr. Hockema clarified that a total of \$48,000.00 was being requested.

Upon motion duly made by Commissioner Benavides that the contract negotiations with MGT of America for Professional Service be authorized, and that the lowest price for Engineering Services for the two (2) sites be negotiated with MGT of America or with another Engineering Firm with the understanding that two (2) sites would be submitted.

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

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

NAY: None,

ABSTAIN: Commissioner Cascos.

Commissioner Garza noted that he supported the project because it was important, but that Request for Proposal (RFP) should be obtained.

NOTE: COMMISSIONER GARZA LEFT THE MEETING AT THIS TIME.

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(13) CONSIDERATION AND AUTHORIZATION FOR THE CAMERON COUNTY ENGINEER TO CONTRACT WITH A SURVEYOR FOR THE PURPOSE OF ESTABLISHING THE METES AND BOUNDS OF CAMERON COUNTY'S PROPOSED DONATIONS OF LAND TO THE TEXAS VETERANS LAND BOARD IN RESPONSE TO THE VETERANS HOME REQUEST FOR PROPOSALS

Commissioner Cascos moved that the County Engineer be authorized to Contract with a Surveyor for the purpose of establishing metes and bounds of Cameron County's Proposed Donations of Land to the Texas Veterans Land Board in response to the Veterans Home Request for Proposals (RFP).

The motion was seconded by Commissioner Benavides, and carried unanimously.

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(14) CONSIDERATION AND AUTHORIZATION TO ENTER INTO CONTRACT FOR THE PROVISION OF ENGINEERING SERVICES RELATING TO CAMERON COUNTY'S RESPONSE TO THE VETERANS HOME REQUEST FOR PROPOSALS ISSUED BY THE VETERANS LAND BOARD

Commissioner Benavides moved that the County be authorized to enter into contract negotiations with MGT of America for the provision of Engineering Services that are part of the MGT Proposal and with Raba Kistner to conduct the Geotechnical Study relating to Cameron County's response to the Veterans Home Request for Proposal (RFP) issued by the Veterans Land Board.

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

AYE: Commissioners Benavides, Valdez, and Judge Hinojosa,

NAY: None,

ABSTAIN: Commissioner Cascos.

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(15) IN THE MATTER REGARDING ASSIGNMENT OF COUNTY VEHICLE TO JUSTICE COURT WARRANT OFFICER ELOY GARCIA FOR THE PURPOSE OF EXECUTING WARRANTS, SUMMONS AND SUBPOENAS (TABLED)

Judge Hinojosa clarified that the Constable's duties were exclusive of the execution of Warrants, Summons and Subpoenas.

Upon motion by Commissioner Valdez, seconded by Commissioner Benavides and carried unanimously, this

Item was **TABLED**.

(16) **IN THE MATTER REGARDING AUTHORIZATION TO UTILIZE EXISTING GEOTECHNICAL SERVICES CONTRACT FOR DESIGN OF BASE FOR SERGEANT JOSE M. LOPEZ STATUE (TABLED)**

Mr. Jarred Hockema, Judge's Office, explained that this Item was to approve the use of the existing Contract with Raba Kistner to design and to conduct the testing of the soils to determine the type of foundation needed for the Sergeant Jose M. Lopez Statue, adding that funding was available.

Mr. Doug Wright, Commissioners Court Legal Counsel, questioned if the County Engineer was recommending that the Geotechnical testing be conducted.

Mr. Juan Bernal, County Engineer/Public Works Director, responded in the affirmative, and explained that he was unaware of the proposed location.

Judge Hinojosa questioned the need to conduct the Geotechnical Study when a building was recently constructed on the property.

Mr. Wright questioned if the County Engineer was aware of the specifics of the statue.

Mr. Bernal responded negatively.

Judge Hinojosa recommended that it be determined if there was a need to conduct the Geotechnical Study, if the Geotechnical Studies conducted for the recent construction of the County Building could be utilized, and that a more specific Agenda Item be placed.

Mr. Bernal requested that the relevant information be made available.

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

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 WAS TAKEN SEPARATELY.

DISCUSSION CONCERNING CONSENT AGENDA ITEMS:

ITEM NO. 19: Mr. Remi Garza, Administrative Assistant, clarified that the date should read August 31, 2003 rather than August 21, 2002.

ITEM NO. 20: Mr. Doug Wright, Commissioners Court Legal Counsel, recommended that this Item be considered after Executive Session.

Commissioner Valdez moved that the following "Consent and Travel Items" be approved, with the exception of Item No. 20.

The motion was seconded by Commissioner Benavides and carried unanimously.

- (17) **APPROVAL OF CLAIMS;**
- (18) **ESTABLISHMENT OF PURCHASE ORDER CUT-OFF DATE ON AUGUST 31, 2002 FOR THIS FISCAL YEAR WITH THE EXCEPTION OF EMERGENCIES AS APPROVED BY THE COUNTY AUDITOR;**
- (19) **ACCEPTANCE OF GOVERNOR'S CRIMINAL JUSTICE DIVISION (CJD) GRANT IN THE AMOUNT OF \$249,900.00 (JT-01-J21-15647-02) JT-JJDP TITLE V-DELINQUENCY PREVENTION FOR SEPTEMBER 1, 2002-AUGUST 31, 2002;**
The Notice follows:
- (20) **IN THE MATTER REGARDING SOLICITATION OF PROPOSALS FOR THE REMEDIATION OF THE FATHER JOSEPH O'BRIEN HEALTH CLINIC;(NO ACTION TAKEN)**
- (21) **JANITORIAL SERVICES CONTRACT (RENEWAL) BETWEEN CAMERON COUNTY AND MS. SUSANA VELASQUEZ REGARDING THE ENGINEERING AND RIGHT-OF-WAY DEPARTMENT BUILDING;**
The Contract follows:
- (22) **AUTHORIZATION TO CONTINUE PARTICIPATION IN THE FOLLOWING STATE OF TEXAS GENERAL SERVICES COMMISSION PROGRAMS;**
 - (A) **TEXAS BUILDING AND PROCUREMENT COMMISSION- PURCHASING COOPERATIVE AGREEMENT;**
 - (B) **QUALIFIED INFORMATION SERVICES VENDOR- CATALOG PURCHASING PROGRAM;**
 - (C) **TEXAN 2000-STATE OF TEXAS TECHNOLOGY PROCUREMENT PROGRAM;**
AND
 - (D) **STATE TRAVEL MANAGEMENT PROGRAM.**
- (23) **AUTHORIZATION TO CONTINUE PARTICIPATION IN THE TEXAS DEPARTMENT OF INFORMATION RESOURCES COOPERATIVE PURCHASING AGREEMENT;**
- (24) **AUTHORIZATION TO CONTINUE PARTICIPATION IN THE REGION II-TEXAS ASSOCIATION OF SCHOOL BOARDS INTERLOCAL COOPERATIVE PURCHASING AGREEMENT;**
- (25) **AUTHORIZATION TO CONTINUE PARTICIPATION IN THE REGION I-EDUCATION SERVICE CENTER INTERLOCAL COOPERATIVE PURCHASING AGREEMENT;**
- (26) **AUTHORIZATION TO CONTINUE PARTICIPATION IN THE TEXAS PROCUREMENT CENTER COOPERATIVE PURCHASING AGREEMENT NETWORK;**
- (27) **AUTHORIZATION TO CONTINUE PARTICIPATION IN THE REGION IV-TEXAS COOPERATIVE PURCHASING NETWORK EDUCATION SERVICE CENTER INTERLOCAL PURCHASING AGREEMENT;**
- (28) **AUTHORIZATION TO CONTINUE PARTICIPATION IN THE TEXAS CUC- PUBLIC POWER POOL AGGREGATION PROJECT INCORPORATED, COOPERATIVE AGGREGATION FOR COUNTIES AND POLITICAL SUBDIVISIONS ELECTRICITY PURCHASING AGREEMENT;**

- (29) AUTHORIZATION TO CONTINUE PARTICIPATION IN THE TEXAS INDUSTRIES FOR THE BLIND AND HANDICAPPED PURCHASING AGREEMENT;
- (30) AUTHORIZATION TO CONTINUE PARTICIPATION IN THE HOUSTON GALVESTON AREA COUNCIL OF GOVERNMENTS-INTERLOCAL PURCHASING AGREEMENT;
- (31) AUTHORIZATION TO CONTINUE PARTICIPATION IN THE TEXAS CORRECTIONAL INDUSTRIES PURCHASING AGREEMENT;
- (32) AUTHORIZATION TO ALLOW THE TEXAS A&M UNIVERSITY SYSTEM ENGINEERING EXTENSION SERVICE TO USE THE CAMERON COUNTY AIRPORT TARMAC FOR A DRIVING COURSE;
The Agreement follows:
- (33) AUTHORIZATION TO ALLOW THE RIO GRANDE VALLEY DEVELOPMENT COUNCIL POLICE ACADEMY TO USE THE CAMERON COUNTY AIRPORT TARMAC FOR A DRIVING COURSE;
The Agreement follows:
- (34) PRELIMINARY AND FINAL APPROVAL FOR:
A. PRECINCT NO. 4- A&R CASAS ESTATES, BEING A SUBDIVISION OF TWO (2) ACRES OF LAND OUT OF A CERTAIN TEN (10) ACRES OF LAND IN A ONE HUNDRED AND TWENTY ACRE TRACT OF LAND IN THE NORTHEAST PORTION OF SURVEY FORTY;
AND
B. PRECINCT NO. 3- EDDIE & ANDY CANTU SUBDIVISION, BEING ONE ACRE OUT OF 5.10 ACRES OF LAND OUT OF THE NORTHWEST ONE QUARTER OF BLOCK NO. 86 SAN BENITO LAND AND WATER COMPANY.

TRAVEL ITEMS

- (35) 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. 3 to attend the "Hearing on Proposed Revisions to the Border Colonia Access Program", in San Antonio, Texas, August 1, 2002; and
- (b) Three (3) employees of the Justice of the Peace, Precinct No. 2, Place No. 1, to attend the "2002 Bureau of Vital Statistics Regional Conference", in South Padre Island, Texas, August 12, 2002.

- (19) ACCEPTANCE OF GOVERNOR'S CRIMINAL JUSTICE DIVISION (CJD) GRANT
IN THE AMOUNT OF \$249,900.00 (JT-01-J21-15647-02) JT-JJDP TITLE V-
DELINQUENCY PREVENTION FOR SEPTEMBER 1, 2002-AUGUST 31, 2002.
The Notice is as follows:**

- (21) **JANITORIAL SERVICES CONTRACT (RENEWAL) BETWEEN CAMERON COUNTY AND MS. SUSANA VELASQUEZ REGARDING THE ENGINEERING AND RIGHT-OF-WAY DEPARTMENT BUILDING.**
The Contract is as follows:

- (32) **UTHORIZATION TO ALLOW THE TEXAS A&M UNIVERSITY SYSTEM ENGINEERING EXTENSION SERVICE TO USE THE CAMERON COUNTY AIRPORT TARMAC FOR A DRIVING COURSE.**
The Agreement is as follows:

(33) AUTHORIZATION TO ALLOW THE RIO GRANDE VALLEY DEVELOPMENT COUNCIL POLICE ACADEMY TO USE THE CAMERON COUNTY AIRPORT TARMAC FOR A DRIVING COURSE.

The Agreement is as follows:

EXECUTIVE SESSION

(36) EXECUTIVE SESSION

Upon motion by Commissioner Valdez, seconded by Commissioner Benavides and carried unanimously, the Court met in Executive Session at 8:05 P.M., to discuss the following matters:

- (a) Deliberation regarding Real Property concerning the possible acquisition of approximately fifteen (15) acres of land for the purpose of locating a Veteran's Nursing Home; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- (b) Deliberation regarding Real Property concerning the possible lease of approximately 3.84 gross acres of land adjacent to Beach Access No. 3, South Padre Island, Cameron County, Texas to Costa Rica Food and Spirits, Incorporated; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- (c) Deliberation regarding Real Property concerning the possible acquisition of various properties for the Oscar C. Dancy Parking Lot; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- (d) Deliberation regarding Real Property concerning the possible development and maintenance of Cameron County property known as approximately a three (3) acre tract of land, more or less, out of the County's property, which is an 18.8 acre tract of land at the Los Tomates Bridge, more or less consisting of the southwest portion of the property that is located west of the approach roadway leading to the Los Tomates International Bridge between the levee and the Cameron County Bridge System Administration Building; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- (e) Confer with Commissioners' Court Legal Counsel concerning the case styled Clinton Reginald Brown versus the City of Harlingen, Valley International Airport, Cameron County, Texas, Mr. Leonel Silva and Mr. Ramiro Martinez; in the United States District Court, Civil Action No. B-02-142; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(2);
- (f) 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);and
- (g) Confer with Commissioners' Court Legal Counsel concerning new proposed regulations recently issued by the Internal Revenue Service (IRS) under Section 457 of the Internal Revenue Code which Governs deferred compensation plans maintained by Governmental employers and on matters in which the duty of the State Bar of Texas clearly conflicts with the Open Meetings Act; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (2).

Upon motion by Commissioner Valdez, seconded by Commissioner Benavides and carried unanimously, the Court reconvened in Regular Session at 8:30 P.M.

NOTE: JUDGE HINOJOSA LEFT THE MEETING AT THIS TIME.

[REDACTED]

(37) **ACTION RELATIVE TO EXECUTIVE SESSION:**

- (a) **Deliberation regarding Real Property concerning the possible acquisition of approximately fifteen (15) acres of land for the purpose of locating a Veteran's Nursing Home.**

Commissioner Valdez moved that Mr. Joseph Ardito, Property Manager, be authorized to enter into negotiations concerning the possible acquisition of approximately fifteen (15) acres of land for the purpose of locating a Veteran's Nursing Home.

The motion was seconded by Commissioner Benavides and carried unanimously.

- [REDACTED]
- (b) **Deliberation regarding Real Property concerning the possible lease of approximately 3.84 gross acres of land adjacent to Beach Access No. 3, South Padre Island, Cameron County, Texas to Costa Rica Food and Spirits, Incorporated.**

Upon motion by Commissioner Valdez, seconded by Commissioner Benavides and carried unanimously, Mr. Joseph Ardito, Property Manager, was authorized to negotiate a Concession Agreement with Costa Rica Food and Spirits Incorporated, as discussed in Executive Session.

- [REDACTED]
- (c) **Deliberation regarding Real Property concerning the possible acquisition of various properties for the Oscar C. Dancy Parking Lot.**

Commissioner Benavides moved that the Status Report presented by Mr. Joseph Ardito, Property Manager, concerning the possible acquisition of various properties for the Oscar C. Dancy Parking Lot be acknowledged.

The motion was seconded by Commissioner Valdez and carried unanimously.

- [REDACTED]
- (d) **In the matter regarding deliberation regarding Real Property concerning the possible development and maintenance of Cameron County property known as approximately a three (3) acre tract of land, more or less, out of the County's property, which is an 18.8 acre tract of land at the Los Tomates Bridge, more or less consisting of the southwest portion of the property that is located west of the approach roadway leading to the Los Tomates International Bridge between the levee and the Cameron County Bridge System Administration Building (TABLED).**

This Item was not discussed.

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

- (e) **Confer with Commissioners' Court Legal Counsel concerning the case styled Clinton Reginald Brown versus the City of Harlingen, Valley International Airport, Cameron County, Texas, Mr. Leonel Silva and Mr. Ramiro Martinez, in the United States District Court, Civil Action No. B-02-142.**

Commissioner Valdez moved that the Office of the District Attorney be authorized to handle the case styled Clinton Reginald Brown versus the City of Harlingen, Valley International Airport, Cameron County, Texas, Mr. Leonel Silva and Mr. Ramiro Martinez, in the United States District Court, Civil Action No. B-02-142, on behalf of the County.

The motion was seconded by Commissioner Benavides and carried unanimously.

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

Upon motion by Commissioner Benavides, seconded by Commissioner Valdez and carried unanimously, Commissioners' Court Legal Counsel was authorized to enter into a Contract with Chemical Response for Re-mediation Contractors for re-mediation of the Father Joseph O'Brien Clinic in Port Isabel.

- (g) **Confer with Commissioners' Court Legal Counsel concerning new proposed regulations recently issued by the Internal Revenue Service (IRS) under Section 457 of the Internal Revenue Code which Governs deferred Compensation Plans maintained by Governmental employers and on matters in which the duty of the State Bar of Texas clearly conflicts with the Open Meetings Act.**

Commissioner Benavides moved that Mr. Albert Villarreal be authorized to make the necessary changes to the Compensation Plan in accordance to the regulations of the Internal Revenue Service (IRS).

The motion was seconded by Commissioner Valdez and carried unanimously.

- (12) **CONSIDERATION AND APPROVAL TO SELECT A PARCEL OF LAND AT OR NEAR THE INTERSECTION OF FM 511 AND OLD ALICE ROAD IN BROWNSVILLE AND A PARCEL OF LAND AT OR NEAR THE INTERSECTION OF RANGERVILLE ROAD AND MORRIS ROAD IN HARLINGEN AS CAMERON COUNTY'S SUBMISSIONS TO THE VETERANS LAND BOARD IN RESPONSE TO THE VETERANS HOME REQUEST FOR PROPOSALS**

Upon motion by Commissioner Benavides, seconded by Commissioner Valdez and carried unanimously, the selection of the parcel of land at or near the intersection of FM 511 and Old Alice Road in Brownsville, Texas, and the parcel of land at or near the intersection of Rangerville Road and Morris Road in Harlingen was approved selected for Cameron County's submissions to the Veterans Land Board in response to the Veterans Home Request for Proposals (RFP).

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(20) **IN THE MATTER REGARDING SOLICITATION OF PROPOSALS FOR THE RE-MEDIATION OF THE FATHER JOSEPH O'BRIEN HEALTH CLINIC (TABLED)**

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

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There being no further business to come before the Court, upon motion by Commissioner Valdez, seconded by Commissioner Valdez and carried unanimously, the meeting was **ADJOURNED** at 8:38 P.M.

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APPROVED this 10th day of **September 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.