

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 3rd day of December 2002, there was conducted a Special Public Meeting of the Honorable Commissioners' Court of Cameron County, Texas, at the Courthouse thereof, in the City of Brownsville, Texas, for the purpose of transacting any and all business that may lawfully be brought before the same.

THE COURT MET AT:

10:00 A.M.

PRESENT:

GILBERTO HINOJOSA
COUNTY JUDGE

PEDRO "PETE" BENAVIDES
COMMISSIONER PRECINCT NO. 1

COMMISSIONER PRECINCT NO. 2

DAVID A. GARZA
COMMISSIONER, PRECINCT NO. 3

RICHARD VALDEZ
COMMISSIONER, PRECINCT NO. 4

JOE G. RIVERA
COUNTY CLERK

Mary Robles Deputy Clerk

ABSENT:

CARLOS H. CASCOS, C.P.A

The meeting was called to order by Judge Hinojosa at 10:12 A.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 November 27, 2002, at 2:40 P.M.:

ACTION ITEMS

(2) IN THE MATTER REGARDING BUDGET AMENDMENTS AND/OR SALARY SCHEDULES (TABLED)

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

(3) APPROVAL OF MINUTES FOR THE SPECIAL MEETING HELD OCTOBER 17, 2002

Commissioner Benavides moved that the Minutes of the Special Meeting held on October 17, 2002, be approved.

The motion was seconded by Commissioner Garza and carried unanimously.

(4) CONSIDERATION AND APPROVAL OF THE NEW UPDATED ANNEX P-HAZARD MITIGATION AS PART OF THE CAMERON COUNTY EMERGENCY MANAGEMENT PLAN AND REQUIRED BY TEXAS DEPARTMENT PUBLIC SAFETY-DIVISION OF EMERGENCY MANAGEMENT

Mrs. Grace Salinas, Executive Assistant, explained that the Annex P-Hazard Mitigation was an updated version required by the Texas Department Public Safety-Division of Emergency Management, consisting of a Hazard Mitigation Plan that requires the County to have a Local Hazard Mitigation Team and that a Hazardous Analysis be done to identify the risk factors within the County, noting that the State Emergency Management Department required the County to have a Mitigation Action Plan in place by November 1, 2003. Mrs. Salinas explained that the next Agenda Item pertained to the appointment of the Hazard Mitigation Coordinator and the creation of the Hazard Mitigation Team. She defined hazard mitigation to be the identification of flood prone areas where flooding situations have occurred and thus finding solutions to the problem.

Commissioner Garza asked if the Mitigation Plan could include a request for areas that no longer flood to be removed from the flood zones.

Mrs. Salinas responded in the affirmative.

Commissioner Benavides questioned if the County had authority to stop development in flood prone areas.

Mrs. Salinas explained that FEMA provided 75% of pre-mitigation costs and that the remaining 25% could be in-kind, leveraged with Office of Rural Development Affairs, or with Community Development Funds. She suggested that some flood prone areas be identified and declared open-space areas through legislation to prevent development.

Judge Hinojosa stated that amendments to the Flood Zones were done in the past and that the County had been successful in eliminating the southeast portion of Cameron Park from the Flood Zones.

Mr. Juan Bernal, County Engineer/Public Works Director, informed that he would be meeting with Consultants from Hidalgo County, who was planning to review the entire Flood Zone Map. He stated that he would see what the Consultant had to offer to determine if it was possible for Cameron and Hidalgo Counties to joint-venture in revising the Flood Zones.

Judge Hinojosa stated that infrastructure improvements made by Drainage Districts eliminated some County areas from the Flood Zones, noting that this was important for insurance purposes. He stated that in preventing development in flooding areas the County required that the proper Drainage District sign-off on subdivision plats to ensure that a plan be included that would address flooding issues and that problems arose where a Drainage District was not available or in cities that did not require the same. Judge Hinojosa stated that the County required certain type of elevation for construction within flood prone areas and made recommendations to Developers for areas where a Drainage District was not present.

Commissioner Garza expressed concern with situations within his Precinct where flooding areas could not be drained into a drainage ditch located across a highway as a result of the Drainage District's refusal to permit this from taking place, noting that Texas Department of Transportation had funds available for placement of the pipes.

Judge Hinojosa suggested that a meeting be held with Drainage District No. 5 to request them to modify their position, and explained that Drainage Districts No. 1 and No. 3 were very cooperative, that Drainage District No. 4 was semi-dormant, and that Drainage District No. 2 was dissolved.

Commissioner Garza informed that he wrote letters to TxDOT regarding abandoned drainage ditches, and suggested that a joint meeting between the County and the Drainage Districts be held to address the concerns.

Mrs. Salinas noted the need to review the pre-mitigation actions. She stated that three (3) water sheds and resacas were not being dredged, resulting in the lack of space for water to drain.

Commissioner Benavides suggested that the PD&M Director and himself address the drainage issues in the Southmost area to the City of Brownsville, and that he believed that the Drainage Districts were willing to joint-venture with the County to address these issues. He questioned what would happen with the houses located adjacent to drainage ditches.

Mrs. Salinas suggested that a buy-out of the properties be considered for the Southmost area or that funding be requested for installation of a sewer system to replace the septic tanks that drain into the Rio Grande River.

Commissioner Valdez moved that the new updated Annex P-Hazard Mitigation be approved as part of the Cameron County Emergency Management Plan and as required by Texas Department Public Safety-Division of Emergency Management.

The motion was seconded by Commissioner Garza.

Commissioner Garza stated that the tasks included the appointment of supporting agencies and organizations to the Hazardous Mitigation Plan.

Judge Hinojosa noted the need to prepare a County Wide Flood Mitigation Plan that sets what needs to be done and by whom throughout the County, and suggested that the possibility of applying for State or Federal assistance to fund the said plan be reviewed. He informed that Drainage District No. 1 would expand its jurisdiction, and recommended that other Drainage Districts be requested to do the same where a Drainage District was unavailable.

Upon motion duly made by Commissioner Valdez, seconded by Commissioner Garza and carried unanimously, the new updated Annex P-Hazard Mitigation was approved as part of the Cameron County Emergency Management Plan and as required by Texas Department Public Safety-Division of Emergency Management.

The Plan is as follows:

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(5) **CONSIDERATION AND ACTION TO CREATE A HAZARD MITIGATION TEAM (HMT) AND APPOINT A HAZARD MITIGATION COORDINATOR AS REQUIRED BY THE TEXAS DEPARTMENT OF PUBLIC SAFETY (TDPS)-DIVISION OF EMERGENCY MANAGEMENT, ANNEX P-HAZARD MITIGATION**

Mrs. Grace Salinas, Executive Assistant, recommended a list of entities to be part of the Hazard Mitigation Team.

Judge Hinojosa recommended that Mrs. Salinas be appointed Hazard Mitigation Coordinator and that the list be amended should the need arise.

Commissioner Garza requested that a Status Report be presented every six (6) months.

Commissioner Benavides moved that Mrs. Grace Salinas, Executive Assistant, be appointed Hazard Mitigation Coordinator and that the proposed list of entities be appointed as the Hazard Mitigation Team as required by the Texas Department of Public Safety (TDPS)-Division of Emergency Management, Annex P-Hazard Mitigation, and that a Status Report be presented every six (6) months.

The motion was seconded by Commissioner Garza and carried unanimously.

The list is as follows:

[REDACTED]

(6) CONSIDERATION AND AUTHORIZATION TO INITIATE AN ENERGY CONSERVATION REVIEW, PURSUANT TO LOCAL GOVERNMENT CODE SECTION 302

Mr. Mark Krog, Siemens Building Technologies, proposed to conduct a feasibility study at no cost to the County and present findings in approximately 60 days. He explained that if the County liked the findings and believed them to be beneficial, then Siemens Building Technologies would recommend that the procurement be pursued through the Request for Qualification (RFQ) process or the Request for Proposals (RFP) process.

Judge Hinojosa stated that he did not know what the legal terms concerning whether the County could authorize Siemens Building Technologies to conduct the feasibility study. He explained that Mr. Krog was suggesting that Siemens Building Technologies be authorized to conduct a feasibility study and that if the study indicated the need for improvements that could result in savings, that the County obtain proposals, adding that the infrastructure improvements would be funded through the savings generated. Judge Hinojosa stated that he assumed that the proposals would include the improvements and the financing of the same. He asked if there was a need to obtain a Request for Proposal (RFP) for the feasibility study.

Mr. John Olson, Commissioners' Court Legal Counsel, expressed concern with the request to do business with the County, as well as with other companies who might indicate that they could provide the same service at no cost.

Commissioner Garza suggested that this Item be approved and that other companies be invited to prepare Energy Conservation Reviews.

Judge Hinojosa suggested that proposals be solicited by which the Court would determine what firm would be hired to implement the infrastructure improvements generated by the Energy Conservation Reviews.

Mr. Krog stated that the feasibility study worked better when the County knew what could be accomplished internally prior to soliciting proposals.

Commissioner Garza suggested that the feasibility study not be too stringent in energy conservation that might cause mold growth.

Upon motion by Commissioner Garza, seconded by Commissioner Benavides and carried unanimously, the initiation of an Energy Conservation Feasibility Review was authorized and the solicitation of Request for Proposals (RFP) to conduct a Feasibility Study with a view towards possibly hiring a company to implement energy conservation measures in Cameron County Buildings was authorized.

Mr. Remi Garza, Administrative Assistant, stated that the Purchasing Agent and he would essentially invite other companies to prepare an Energy Conservation Study (in the form of an RFP).

Judge Hinojosa suggested that completion of the Energy Conservation Study be requested within a 60 day period.

[REDACTED]

(7) **IN THE MATTER REGARDING CONSIDERATION AND AUTHORIZATION TO ISSUE A DUNE PROTECTION PERMIT TO APPLICANT HERB HOUSTON AND QUIXOTE ESTATES, INC., (TABLED)**

Judge Hinojosa explained that when this Item was previously discussed the main issue was the direction of the discharge pipe and that the Parks System Director opposed draining into the ocean. He asked if modifications were made.

Mr. Javier Mendez, Parks System Director, stated that the direction of the discharge pipe was excluded from the plan being considered today.

Commissioner Garza stated that he would like to read the information before approving it, and informed that concerns regarding the direction of the discharge pipe were brought to his attention.

At this time, Commissioner Garza moved that this Item be **TABLED**.

Mr. Mendez recommended that the permit be approved, and clarified that the discharge pipe was not part of the permit at this time.

Upon motion duly made by Commissioner Garza, seconded by Commissioner Benavides and carried unanimously, this Item was **TABLED** for two (2) weeks.

Mr. Herb Houston, Applicant, clarified that the direction of the discharge pipe would be considered at a later time.

[REDACTED]

(9) **CONSIDERATION AND AUTHORIZATION TO PURCHASE MOBILE AND PORTABLE RADIOS UTILIZING THREE (3) INFORMAL BIDS**

Mr. Mike Forbes, Purchasing Agent, clarified that the purchase was under \$25,000.00; therefore, was permitted by Statute with Commissioners' Court approval.

Commissioner Garza moved that the low bid be approved for the purchase of mobile and portable radios utilizing three (3) informal bids.

The motion was seconded by Commissioner Valdez and carried unanimously.

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. 10: Commissioner Garza questioned the purchase of metal spoons. Captain Robert Lopez, Sheriff's Department, explained that the spoons being purchased were serving spoons for the Detention Centers. Mr. Rob Olson, Assistant County Auditor, presented the following late claim: Warrant No. 00087657, loan to Fund No. 59, in the amount of \$500.00.

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

The motion was seconded by Commissioner Garza and carried unanimously.

- (10) **APPROVAL OF CLAIMS;**
- (11) **RENEWAL OF LEASE CONTRACT BETWEEN CAMERON COUNTY AND OUR HEAVENLY FATHER CHURCH TO RENT SPACE FOR THE WIC PROGRAM;**
The Contract follows:
- (12) **APPROVAL OF TWO (2) TEACHER CONTRACTS FOR THE TITLE V PROGRAM;**
The Contracts follow:
- (13) **ACCEPTANCE OF SUPPLEMENTAL GRANT AWARD FOR THE CAMERON COUNTY DRUG ENFORCEMENT TASK FORCE;**
The Acceptance notice follows:
- (14) **RESOLUTION AUTHORIZING THE SUBMISSION OF THE CONTINUATION APPLICATION FOR THE JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT TO THE GOVERNOR'S OFFICE CRIMINAL JUSTICE DIVISION; AND**
The Resolution follows:
- (15) **RESOLUTION HONORING MR. RICHARD HAGAN ON THE OCCASION OF HIS RETIREMENT FROM THE NATIONAL WEATHER SERVICE OFFICE IN BROWNSVILLE, TEXAS.**
The Resolution follows:

TRAVEL ITEMS

- (16) **AUTHORIZATION TO TRAVEL/OR APPROVAL OF TRAVEL EXPENSE FOR THE FOLLOWING (PLEASE NOTE: TRAVEL REQUESTS ARE SUBJECT TO ALL APPLICABLE COUNTY POLICIES):**
 - (a) Personnel/Safety Risk employee to attend the "Continuing Education Courses (Up-dates)", in Austin, Texas, December 7, 2002; and
 - (b) County Judge Office's employee to attend the "Vital Statistics Conference", in Austin, Texas, December 8-10, 2002.

- (10) RENEWAL OF LEASE CONTRACT BETWEEN CAMERON COUNTY AND OUR HEAVENLY FATHER CHURCH TO RENT SPACE FOR THE WIC PROGRAM.
The Contract is as follows:**

- (12) APPROVAL OF TWO (2) TEACHER CONTRACTS FOR THE TITLE V PROGRAM.
The Contracts are as follow:**

- (13) ACCEPTANCE OF SUPPLEMENTAL GRANT AWARD FOR THE CAMERON COUNTY
DRUG ENFORCEMENT TASK FORCE.
The Notice is as follows:**

- (14) **RESOLUTION AUTHORIZING THE SUBMISSION OF THE CONTINUATION APPLICATION FOR THE JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT TO THE GOVERNOR'S OFFICE CRIMINAL JUSTICE DIVISION.**
The Resolution is as follows:

- (15) **RESOLUTION HONORING MR. RICHARD HAGAN ON THE OCCASION OF HIS RETIREMENT FROM THE NATIONAL WEATHER SERVICE OFFICE IN BROWNSVILLE, TEXAS.**
The Resolution is as follows:

EXECUTIVE SESSION

(17) **EXECUTIVE SESSION:**

Upon motion by Commissioner Benavides, seconded by Commissioner Garza and carried unanimously, the Court met in Executive Session at 11:10 A.M., to discuss the following matters:

- (a) Confer with Commissioners' Court Legal Counsel relating to Fire Code enforcement in unincorporated areas of Cameron County; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.071(2); and
- (b) Deliberation regarding Real Property concerning the possible lease of office space in Harlingen for the Cameron County Health Department; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.072.

Upon motion by Commissioner Benavides, seconded by Commissioner Valdez and carried unanimously, the Court reconvened in Regular Session at 11:22 A.M.

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

- (a) **Confer with Commissioners' Court Legal Counsel relating to Fire Code enforcement in unincorporated areas of Cameron County.**

Commissioner Garza moved that the Status Report by Mr. Juan Bernal, County Engineer/Public Works Director, relating to Fire Code enforcement in the unincorporated areas of Cameron County be acknowledged.

The motion was seconded by Commissioner Valdez and carried unanimously.

- (b) **In the matter regarding deliberation regarding Real Property concerning the possible lease of office space in Harlingen for the Cameron County Health Department. (TABLED)**

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

(8) **CONSIDERATION AND POSSIBLE ACTION REGARDING CAMERON COUNTY'S LEGISLATIVE AGENDA FOR 2003 THE LEGISLATIVE SESSION**

Judge Hinojosa stated that the County had prepared a Legislative Agenda for State Legislators to promote during the upcoming Legislative Session. He informed that this meeting was intended to solicit agenda items and that a Workshop would be held to review each item in detail. Judge Hinojosa added that his Office had sent letters to all governmental entities and Memorandums to Elected Officials and Department Heads requesting that Legislative Agenda Items be submitted. He highlighted the Legislative Agenda he prepared, one item being the need for the County to have

the ability to enforce zoning issues in unincorporated areas. Judge Hinojosa noted that a critical issue related to water conservation and the need to form a Regional Water Authorities for the same.

Commissioner Garza highlighted the Legislative Agenda he prepared. He noted the need to ensure that the County got its equitable amount of Transportation Funds, and for better infrastructures in the County's International Bridges.

State Senator Eddie Lucio Jr., stated that he appreciated the tentative Legislative Agendas submitted by Judge Hinojosa and Commissioner Garza. He noted the need to ensure that Cameron County receives its fair share of funding, and stated that a \$5 billion deficit was being projected to merely maintain the services provided by State at this time. Senator Lucio stated the County Officials must work with our Legislative Delegation to ensure that the County receives the same amount of funding. He stated that some of the difficult issues to be addressed during the Legislative Session included: Public School financing; increasing insurance costs; and, the budget shortfalls. Senator Lucio stated that having limited ordinance ability would benefit County Government and that he would help the County to address illegal dumping in rural areas.

Judge Hinojosa stated that Senator Lucio had helped pass legislation to allow the County to contract with Rural Water Supply Corporations to collect the fees for a Trash Collection System, adding that the County was in the process of implementing the said system.

Senator Lucio thanked Commissioner Garza for accepting the Chairmanship of the Advisory Committee of the infrastructure taking place in colonias. He informed that he would request the new Lieutenant Governor to consider appointing him to the State Affairs Committee where transportation issues are addressed, and that he was a member of the Business and Commerce, the Finance, and the Natural Resources Committees. He stated that Senate Bill 1615, passed in the 76th Legislative Session, permitted two (2) or more Hospital Districts to pool resources by forming a Health District with a goal to provide health services to those in most need. Senator Lucio highlighted the listing of issues to be addressed in the Legislative Session.

Judge Hinojosa stated that the County was attempting to work with State in developing a desalinization plant to be operated by the Regional Water Authority, noting that the Governor was supporting this issue.

Senator Lucio continued to highlight issues, housing being one of those issues, and stated that the Texas A&M Program needed of additional funding.

Judge Hinojosa noted the need to have the Texas A&M Program available in Colonia Community Centers within County Commissioner Precincts No. 1 and No. 4.

Senator Lucio stated that Education would be another issue to be considered since Border residents lack adequate education; therefore, limiting access to better paying employment opportunities. He stated that he was looking

forward to a very productive Legislative Session that would require partnerships between local units of government and State Officials.

Judge Hinojosa stated that the Senator's Leadership was appreciated in all issues, specifically in the water shortage issue due to the importance and impact that it represented to the growth of Cameron County.

Senator Lucio stated that he felt that the County had people in the right places to assist, and that his main priority was to clean the Rio Grande River, noting that he would address the issues presented by constituents to local governments.

Mr. John Wood, Commissioner Precinct No. 2 Elect, stated that the issues covered were the same issues generally needed. He stated that the people representing Cameron County in Austin, like Senator Lucio, were respected and would be very effective. Mr. Wood noted the need for County Elected Officials to work with Senator Lucio and Elected Representatives because it proved to be very beneficial to our County.

Commissioner Valdez moved that the discussion regarding Cameron County's Legislative Agenda for 2003-Legislative Session, be acknowledged.

The motion was seconded by Commissioner Garza and carried unanimously.

The Agendas are as follow:

PRESENTATION

(1) **IN THE MATTER REGARDING PRESENTATION
BY REPRESENTATIVE OF ALLSTATE FINANCIAL
INSURANCE COMPANY REGARDING
SUPPLEMENTAL INSURANCE (TABLED)**

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

There being no further business to come before the Court, upon motion by Commissioner Valdez, seconded by Commissioner Garza and carried unanimously, the meeting was **ADJOURNED** at 12:05 P.M.

APPROVED this 14th day of **January 2003**.

**GILBERTO HINOJOSA
COUNTY JUDGE**

ATTEST:

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