

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 24<sup>th</sup> day of February 2009, there was conducted a SPECIAL 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:

PRESENT:

8:30 A.M.

CARLOS H. CASCOS, CPA  
COUNTY JUDGE

SOFIA C. BENAVIDES  
COMMISSIONER PRECINCT NO. 1

JOHN WOOD  
COMMISSIONER PRECINCT NO. 2

DAVID A. GARZA  
COMMISSIONER, PRECINCT NO. 3

EDNA TAMAYO  
COMMISSIONER, PRECINCT NO. 4

JOE G. RIVERA  
COUNTY CLERK

Aide A. Trejo Deputy Clerk

ABSENT:  

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The meeting was called to order by Judge Cascos at 8:30 A.M. He asked Brother Albert Phillipp for the invocation. Mr. Frank Bejarano, PD&M Director, then led the Court and audience in reciting the Pledge of Allegiance and the Pledge of Allegiance to the State Flag.

The Court considered the following matters as posted and filed for Record in the Office of the County Clerk on February 20, 2009 at 3:08 P.M.:

## **EXECUTIVE SESSION**

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the Court met in Executive Session at 8:34 A.M. to discuss the following matters:

**(1) EXECUTIVE SESSION:**

- (A) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING JOE R. JONES INTERIOR RENOVATION CONTRACT FOR DISCUSSION AND POSSIBLE SETTLEMENT, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071 (1)(A) & (B).**
- (B) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL ON POSSIBLE LITIGATION WITH SOUTH PADRE ISLAND BEACH SERVICES INVOLVING CONTRACT ISSUES, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071 (1) (A).**
- (C) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING JAVIER ALEJANDRO GARZA VS. THE UNITED STATES MARSHAL'S SERVICE, THE CAMERON COUNTY SHERIFF'S DEPT., COSME MARTINEZ, MICHAEL DAVID SAAVEDRA, SGT. JOSE ALEJANDRO GARCIA, JOHN ROY HARRIS, JOSE YBARRA, AND LETICIA ANDRADE, INDIVIDUALLY AND IN THEIR OFFICIAL CAPACITIES; CASE NO. 07-CV-52, FOR AUTHORITY TO MEDIATE AND POSSIBLE SETTLEMENT, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071 (1) (A) & (B) & (2).**
- (D) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING ISSUES RELATING TO POSSIBLE ACQUISITION OF REAL PROPERTY FOR THE USE OF COUNTY OFFICES REGARDING LOT 12, BLOCK NUMBER 122, ORIGINAL TOWNSITE OF BROWNSVILLE, CAMERON COUNTY, TEXAS, ACCORDING TO PLAT THEREOF RECORDED IN VOLUME 5, PAGE 13, MAP RECORDS OF CAMERON COUNTY, TEXAS, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**
- (E) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING DIANA ARRIAGA VS. CAMERON COUNTY, TEXAS, BOARD OF JUDGES OF CAMERON COUNTY, TEXAS, CAMERON COUNTY AUDITOR, MARTHA GALARZA AND ROBERT A. ALMON, II; CAUSE NO. 2009-02-1050-B AT 138<sup>TH</sup> JUDICIAL COURT, FOR AUTHORITY TO REPRESENT CAMERON COUNTY, BOARD OF JUDGES AND MARTHA GALARZA AS CAMERON COUNTY AUDITOR AND INDIVIDUALLY, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071(A)&(2).**
- (F) DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 15(E), FOR RIGHT OF WAY FOR FM 511 DRAINAGE OUTFALLS PROJECT, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**
- (G) DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 17(E), FOR RIGHT OF WAY FOR FM 511 DRAINAGE OUTFALLS PROJECT, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**
- (H) DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 18(E), FOR RIGHT OF WAY FOR FM 511 DRAINAGE OUTFALLS PROJECT, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**
- (I) DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 25(E), FOR RIGHT OF WAY FOR FM 511 DRAINAGE OUTFALLS PROJECT, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**

- (J) **DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 21, FOR RIGHT OF WAY FOR FM 732, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**

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Upon motion by Commissioner Benavides, seconded by Commissioner Wood and carried unanimously, the Court reconvened into Regular Session at 8:57 A.M. to discuss the following matters:

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

- (A) **CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING JOE R. JONES INTERIOR RENOVATION CONTRACT FOR DISCUSSION AND POSSIBLE SETTLEMENT, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071 (1)(A) & (B). (TABLED)**

Commissioner Wood motioned to TABLE Executive Session Item No. 2 (A).

The motion was seconded by Commissioner Tamayo and carried unanimously.

- (B) **CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL ON POSSIBLE LITIGATION WITH SOUTH PADRE ISLAND BEACH SERVICES INVOLVING CONTRACT ISSUES, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071 (1) (A).**

Commissioner Benavides motioned to acknowledge the Report by Legal Counsel and to proceed along the terms and conditions as discussed in Executive Session.

The motion was seconded by Commissioner Tamayo and carried unanimously.

- (C) **CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING JAVIER ALEJANDRO GARZA VS. THE UNITED STATES MARSHAL'S SERVICE, THE CAMERON COUNTY SHERIFF'S DEPT., COSME MARTINEZ, MICHAEL DAVID SAAVEDRA, SGT. JOSE ALEJANDRO GARCIA, JOHN ROY HARRIS, JOSE YBARRA, AND LETICIA ANDRADE, INDIVIDUALLY AND IN THEIR OFFICIAL CAPACITIES; CASE NO. 07-CV-52, FOR AUTHORITY TO MEDIATE AND POSSIBLE SETTLEMENT, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071 (1) (A) & (B) & (2).**

Commissioner Garza motioned to acknowledge the Report by Legal Counsel.

The motion was seconded by Commissioner Tamayo and carried unanimously.

- (D) **CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING ISSUES RELATING TO POSSIBLE ACQUISITION OF REAL PROPERTY FOR THE USE OF COUNTY OFFICES REGARDING LOT 12, BLOCK NUMBER 122, ORIGINAL TOWNSITE OF BROWNSVILLE, CAMERON COUNTY, TEXAS, ACCORDING TO PLAT THEREOF RECORDED IN VOLUME 5, PAGE 13, MAP RECORDS OF CAMERON COUNTY, TEXAS, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**

Upon motion by Commissioner Benavides, seconded by Commissioner Wood and carried unanimously, the Report by Mr. Pete Sepulveda, County Administrator, was acknowledged and authorization to submit an offer was approved.

- (E) **CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING DIANA ARRIAGA VS. CAMERON COUNTY, TEXAS, BOARD OF JUDGES OF CAMERON COUNTY, TEXAS, CAMERON COUNTY AUDITOR, MARTHA GALARZA AND ROBERT A. ALMON, II; CAUSE NO. 2009-02-1050-B AT 138<sup>TH</sup> JUDICIAL COURT, FOR AUTHORITY TO REPRESENT**

**CAMERON COUNTY, BOARD OF JUDGES AND MARTHA GALARZA AS CAMERON COUNTY AUDITOR AND INDIVIDUALLY, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071(A)&(2).**

Commissioner Tamayo motioned to acknowledge the Report by Legal Counsel and to authorize representation of the Board of Judges, Ms. Martha Galarza, County Auditor, and Cameron County.

The motion was seconded by Commissioner Wood and carried unanimously.

**(F) DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 15(E), FOR RIGHT OF WAY FOR FM 511 DRAINAGE OUTFALLS PROJECT, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**

Commissioner Garza motioned to accept the counteroffer in the amount of \$26,270.

The motion was seconded by Commissioner Tamayo and carried unanimously.

**(G) DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 17(E), FOR RIGHT OF WAY FOR FM 511 DRAINAGE OUTFALLS PROJECT, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072. (TABLED)**

**(H) DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 18(E), FOR RIGHT OF WAY FOR FM 511 DRAINAGE OUTFALLS PROJECT, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072. (TABLED)**

Commissioner Wood motioned to TABLE Executive Session Items No. 2 (G) and (H).

The motion was seconded by Commissioner Tamayo and carried unanimously.

**(I) DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 25(E), FOR RIGHT OF WAY FOR FM 511 DRAINAGE OUTFALLS PROJECT, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**

Commissioner Garza motioned to accept the counteroffer in the amount of \$40,624.50.

The motion was seconded by Commissioner Tamayo and carried unanimously.

**(J) DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 21, FOR RIGHT OF WAY FOR FM 732, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**

Commissioner Garza motioned to acknowledge the Report by Mr. Pete Sepulveda, County Administrator, and to proceed along the terms and conditions as discussed in Executive Session including condemnation proceedings.

The motion was seconded by Commissioner Benavides and carried unanimously.

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**(3) PUBLIC COMMENTS.**

Commissioner Garza presented a report regarding the I-69 Corridor that was completed by the Corridor Advisory Committee and noted that the report will be presented to the Texas Transportation Commission for approval.

**The Documentation is as follows:**

## **PRESENTATIONS**

**(4) PRESENTATIONS/RESOLUTIONS.**

**(A) PRESENTATION AND DISCUSSION ON THE ALLOCATION, DISTRIBUTION, AND USE OF DISASTER ASSISTANCE FUNDS FOR CAMERON COUNTY FROM THE OFFICE OF RURAL COMMUNITY AFFAIRS. (FB-PD&M)**

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the Presentation and Discussion on the Allocation, Distribution, and Use of Disaster Assistance Funds for Cameron County from the Office of Rural Community Affairs was acknowledged.

**The Documentation is as follows:**

## CONSENT ITEMS

- (5) **ALL ITEMS UNDER THE CONSENT AGENDA ARE HEARD COLLECTIVELY UNLESS OPPOSITION IS PRESENTED, IN WHICH CASE THE CONTESTED ITEM WILL BE CONSIDERED, DISCUSSED, AND APPROPRIATE ACTION TAKEN SEPARATELY.**

DISCUSSION CONCERNING CONSENT ITEMS:

**Consent Item No. 5 (D):**

Ms. Dylbia Jeffries-Vega, Legal Counsel, informed the Court that language has been added to the Contract and noted that a clean copy of the contract is pending from AT&T.

Commissioner Benavides motioned to approve the "Consent and Travel Items", with Consent Item No. 5 (D) being approved subject to Legal Counsel.

The motion was seconded by Commissioner Tamayo and carried unanimously.

- (A) **CONSIDERATION AND AUTHORIZATION TO ACCEPT RIGHT OF ENTRY AND POSSESSION FOR PARCEL 2(E), FOR FM 511 DRAINAGE OUTFALL EASEMENTS BETWEEN FM 1847 AND STATE HIGHWAY 48. (PSJ-ADMINISTRATOR) (Contract No. 2009C02111)**  
The Documentation is as follows:
- (B) **CONSIDERATION AND AUTHORIZATION TO ACCEPT RIGHT OF ENTRY AND POSSESSION FOR PARCEL 15(E), FOR FM 511 DRAINAGE OUTFALL EASEMENTS BETWEEN FM 1847 AND STATE HIGHWAY 48. (PSJ-ADMINISTRATOR) (Contract No. 2009C02113)**  
The Documentation is as follows:
- (C) **CONSIDERATION AND AUTHORIZATION TO ACCEPT RIGHT OF ENTRY AND POSSESSION FOR PARCEL 18(E), FOR FM 511 DRAINAGE OUTFALL EASEMENTS BETWEEN FM 1847 AND STATE HIGHWAY 48. (PSJ-ADMINISTRATOR)**
- (D) **CONSIDERATION AND POSSIBLE APPROVAL OF AT&T EQUIPMENT SOLUTIONS-VOICE CPE SUPPORT SERVICES ADDENDUM TO MASTER AGREEMENT. (DJV-LEGAL) (Contract No. 2009C02112)**  
The Documentation is as follows:
- (E) **CONSIDERATION AND AUTHORIZATION TO PURCHASE EMERGENCY EQUIPMENT FOR JAIL DIVISION UTILIZING THE SCAAP FUNDING. (OL-SHERIFF)**  
The Documentation is as follows:
- (F) **CONSIDERATION AND AUTHORIZATION TO ALLOW COMPASS BANK TO RELEASE SECURITIES PLEDGED AS COLLATERAL BY THE FEDERAL RESERVE BANK ON THE COUNTY'S BEHALF. (DAB-TREASURER)**  
The Documentation is as follows:

## TRAVEL ITEMS

- (6) **CONSIDERATIONS AND AUTHORIZATION TO TRAVEL/OR APPROVAL OF TRAVEL EXPENSE FOR THE FOLLOWING (PLEASE NOTE: TRAVEL REQUESTS ARE SUBJECT TO ALL APPLICABLE COUNTY POLICIES):**
- (A) **BUILDING MAINTENANCE STAFF (1) TO TRAVEL TO McALLEN, TEXAS, ON 3/16/09, TO ATTEND AN EXCEL SEMINAR.**

- (B) EMERGENCY MANAGEMENT STAFF (3) TO TRAVEL TO SAN ANTONIO, TEXAS, ON 3/23 TO 3/26/09, TO ATTEND THE TEXAS HOMELAND SECURITY AND 2009 HURRICANE CONFERENCE.**
- (C) EXTENSION OFFICE STAFF (1) TO TRAVEL TO SAN ANTONIO, TEXAS ON 2/20 TO 2/22/09, TO ACCOMPANY AND SUPPORT 4-HR'S AT THE SAN ANTONIO STOCK SHOW.**
- (D) HEALTH DEPARTMENT STAFF (1) TO TRAVEL TO GALVESTON, TEXAS, ON 3/2 TO 3/5/09, TO ATTEND THE 2009 SPRING CONFERENCE FOR VETERANS SERVICE OFFICERS.**
- (E) HUMAN RESOURCES STAFF (1) TO TRAVEL TO AUSTIN, TEXAS, ON 4/14 TO 4/16/09, TO ATTEND THE 2009 COUNTY MANAGEMENT INSTITUTE CONFERENCE.**

- (A) CONSIDERATION AND AUTHORIZATION TO ACCEPT RIGHT OF ENTRY AND POSSESSION FOR PARCEL 2(E), FOR FM 511 DRAINAGE OUTFALL EASEMENTS BETWEEN FM 1847 AND STATE HIGHWAY 48. (PSJ-ADMINISTRATOR) (Contract No. 2009C02111)**  
**The Documentation is as follows:**



- (B) CONSIDERATION AND AUTHORIZATION TO ACCEPT RIGHT OF ENTRY AND POSSESSION FOR PARCEL 15(E), FOR FM 511 DRAINAGE OUTFALL EASEMENTS BETWEEN FM 1847 AND STATE HIGHWAY 48. (PSJ-ADMINISTRATOR) (Contract No. 2009C02113)**  
**The Documentation is as follows:**

- (D) CONSIDERATION AND POSSIBLE APPROVAL OF AT&T EQUIPMENT SOLUTIONS-VOICE CPE SUPPORT SERVICES ADDENDUM TO MASTER AGREEMENT. (DJV-LEGAL) (Contract No. 2009C02112)**  
**The Documentation is as follows:**

**(E) CONSIDERATION AND AUTHORIZATION TO PURCHASE EMERGENCY EQUIPMENT FOR JAIL DIVISION UTILIZING THE SCAAP FUNDING. (OL-SHERIFF)**

**The Documentation is as follows:**

- (F) CONSIDERATION AND AUTHORIZATION TO ALLOW COMPASS BANK TO RELEASE SECURITIES PLEDGED AS COLLATERAL BY THE FEDERAL RESERVE BANK ON THE COUNTY'S BEHALF. (DAB-TREASURER)**  
**The Documentation is as follows:**

## **ACTION ITEMS**

**(7) ACTION ITEMS.**

**(A) BUDGET AMENDMENTS, LINE ITEM TRANSFERS  
AND/OR SALARY SCHEDULES.**

Judge Cascos asked that a correction be made to the budget amendment on page (2) for “Constable Pct 1” to read “Constable Pct 1 and 4”.

Ms. Martha Galarza, County Auditor, noted that Constable Pct 4 is Fund 100-5540.

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the Budget Amendments, Line Item Transfers and/or Salary Schedules were approved.

**The Budget Amendments, Line Item Transfers and/or Salary Schedules are as follows:**

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**(B) APPROVAL OF CLAIMS.**

Commissioner Benavides motioned that the Claims be approved.

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

AYE: Commissioner Benavides, Commissioner Wood, Commissioner Garza and Commissioner Tamayo

NAY: None

ABSTAIN: Judge Cascos as to Warrant No. 00215353, made payable to Harlingen Waterworks System, in the amount of \$195.90 and Warrant No. 00215416, made payable to Public Utilities Board, in the amount of \$4,720.67.

**The Claims and Affidavits are as follows:**

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**(C) CONSIDERATION AND POSSIBLE ACTION ON THE ALLOCATION, DISTRIBUTION, AND USE OF DISASTER ASSISTANCE FUNDS FOR CAMERON COUNTY FROM THE OFFICE OF RURAL COMMUNITY AFFAIRS. (FB-PD&M)**

Mr. Frank Bejarano, PD&M Director, recommended that 25% be allocated to "Housing".

Commissioner Tamayo motioned to allocate 25% of the \$12,375,000 towards "Housing".

The motion was seconded by Commissioner Garza and carried unanimously.

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Mr. Bejarano advised the Court that a percentage must be allocated toward "Administration".

Commissioner Wood motioned to allocate 5% to "Administration".

The motion was seconded by Commissioner Garza and carried unanimously.

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Commissioner Garza motioned to set a minimum application amount at \$150,000 and a maximum application amount at \$1 million.

The motion was seconded by Commissioner Wood and carried unanimously.

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Mr. Bejarano asked for a recommendation as to how to assign "Damage" points.

Commissioner Tamayo motioned to award up to 25 points towards the "Damage Assessment Model".

The motion was seconded by Commissioner Garza and carried unanimously.

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Commissioner Garza motioned to eliminate any "Applicant Match Amount".

The motion was seconded by Commissioner Tamayo and carried unanimously.

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Mr. Bejarano asked for direction as to how to handle any monies allocated to Rangerville and recommended that the Court request that Mr. Ken Jones reallocate any monies for Rangerville back to Cameron County.

Commissioner Tamayo motioned that any unused funds be returned to the Cameron County pool.

The motion was seconded by Commissioner Wood and carried unanimously.

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Mr. Bejarano asked for direction as to the creation of an Advisory Committee to review applications.

Judge Cascos recommended that each member of the Court be authorized to appointment one member to the Committee and that each appointee represent that Court members' respective Precinct.

Commissioner Garza recommended that an additional member be added to the Committee to be from the Laguna Madre area as that area is often overlooked with said member to be appointed by the County Judge.

Commissioner Garza motioned that each member of the Court be authorized to appointment one member to the Advisory Committee, with each appointee representing that Court members' respective Precinct, and that one additional appointment be made by the County Judge with said appointee representing the Laguna Madre area.

The motion was seconded by Commissioner Tamayo.

Judge Cascos clarified that the Committee will be made up of (6) persons and that he will appoint two persons to the Committee with one appointee to represent the Laguna Madre area.

Commissioner Tamayo expressed concern for any potential tied votes as the Committee is even-numbered.

Judge Cascos recommended that any tied votes be brought to Commissioners' Court.

Commissioner Garza motioned that each member of the Court be authorized to appointment one member to the Advisory Committee, with each appointee representing that Court members' respective Precinct, and that one additional appointment be made by the County Judge with said appointee representing the Laguna Madre area.

The motion was seconded by Commissioner Tamayo and carried unanimously.

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**(D) CONSIDERATION AND AUTHORIZATION TO ADD TWO LINES AND PURCHASE TWO iC502 NEXTEL CELL PHONES FROM HGAC/SPRINT STATE CONTRACT. (PA-CONSTABLE PCT. 2) tabled 2/19/09**

Ms. Martha Galarza, County Auditor, stated that the Office of the Constable for Precinct 2 currently has one phone line and the request is to add two additional phone lines, one to be used as a fax line, and to purchase two Nextel cell phones. She advised the Court that one cell phone would be assigned to one of the deputy constables.

Judge Cascos asked if other deputy constables are allowed cell phones.

Ms. Galarza replied in the negative.

Judge Cascos called for a motion to add the two additional phone lines and asked for a recommendation as to the approval of the two Nextel cell phones.

Commissioner Garza recommended that the issue of the cell phones be addressed during the budgetary process.

Ms. Galarza informed the Court that the approved budgets for the Constables do not allot funding for additional cell phones.

Upon motion by Commissioner Garza, seconded by Commissioner Benavides and carried unanimously, authorization to add the two lines was approved.



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**(E) CONSIDERATION AND AUTHORIZATION TO SUPPORT THE TEXAS SENATE COMMITTEE ON INTERNATIONAL RELATIONS AND TRADE INTERIM REPORT TO THE 81ST LEGISLATURE AND ITS RECOMMENDATION TO REVERSE THE PAST “STRIP ANNEXATION” THAT HAS LAND-LOCKED SMALLER COMMUNITIES ALONG THE LOWER RIO GRANDE VALLEY AND WHICH HAS SELECTIVELY BYPASSED DISTRESSED COMMUNITIES AND PREVENTS SMALLER COMMUNITIES FROM GROWING. (DAG-COMM. PCT. 3) (Resolution No. 2009R03059)**

Commissioner Garza presented to the Court part of a report by the Texas Senate Committee on International Relations and Trade to the 81<sup>st</sup> Legislature regarding past “strip annexation” that has land-locked smaller communities along the lower Rio Grande Valley.

Commissioner Wood recommended that a Workshop be facilitated with those smaller communities and the City of Brownsville in order to discuss any issues.

Mayor of the City of Brownsville, Pat Ahumada, stated that the City of Brownville has invited the City of Laguna Vista, City of Port Isabel and the City of Los Fresnos to discuss this issue within the past year and they have failed to respond. He expressed that the City of Brownsville would be happy to facilitate a Workshop. He informed the Court that reversing the past annexations would cause irreparable harm to the City of Brownsville.

Mr. Ben Medina, City of Brownsville Planning Director, noted that City Staff has already met with the communities of Port Isabel, Laguna Vista and Los Fresnos since November 2008.

Commissioner Garza expressed his belief that Texas Local Government Code Section 43.0545 needs to be revisited legislatively in order to allow protection to smaller communities concerning economic development.

Mr. Rolando Vela, City of Laguna Vista City Manager, highlighted the fact that if one were to drive from Expressway 77 to Laguna Vista, you would drive in and out of the City of Brownsville (5) times. He asked the Court to approve the Resolution supporting the findings and recommendations of the Senate Committee on International Relations and Trade Interim Report for the 81<sup>st</sup> Legislature.

Mr. Edward Meza, City of Port Isabel City Manager, acknowledged that the City of Brownsville did meet with City of Port Isabel Staff regarding this issue and noted that information was expected to be emailed by Mr. Ben Medina and that information has yet to be received.

Mr. Mark Milum, City of Los Fresnos City Manager, stated that the City of Los Fresnos has met with the City of Brownsville twice regarding the issue of annexation and noted that he also was expecting to receive communication from the City of Brownsville in January 2009 and they have yet to send any correspondence.

Mayor Ahumada assured the Court that the City of Brownsville will hold a Workshop to discuss this issue.

Commissioner Victor Garza, City of San Benito, commented on how the City of San Benito is unable to grow as the City of Brownsville has expanded their ETJ to FM 732 and asked the Court to support the Resolution.

Commissioner Garza motioned to approve the Resolution supporting the findings and recommendations of the Senate Committee on International Relations and Trade Interim Report for the 81<sup>st</sup> Legislature.

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

AYE: Commissioner Benavides, Commissioner Garza, Commissioner Tamayo and Judge Cascos

NAY: none

ABSTAIN: Commissioner Wood

**The Documentation is as follows:**

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**(F) CONSIDERATION AND POSSIBLE ACTION REGARDING REIMBURSEMENTS FROM FEMA. (PSJ-ADMINISTRATOR)**

Mr. Robert L. Lopez, Director of Administrative Services, reported that there has been no activity since the prior Report was presented to Commissioners' Court.

Commissioner Garza motioned to acknowledge that there has been no change regarding the reimbursements from FEMA.

The motion was seconded by Commissioner Tamayo and carried unanimously.

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There being no further business to come before the Court, upon motion by Commissioner Wood, seconded by Commissioner Tamayo, and carried unanimously, the meeting was **ADJOURNED** at 11:28 A.M.

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**APPROVED** this 16<sup>th</sup> day of **April 2009**

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**DAVID A. GARZA**  
**COUNTY JUDGE**  
**PRO-TEM**

**ATTEST:**

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