

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 13th day of FEBRUARY, 2001, 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

CARLOS H. CASCOS, C.P.A.
COMMISSIONER, PRECINCT NO. 2

DAVID A. GARZA
COMMISSIONER, PRECINCT NO. 3

NATIVIDAD "TIVIE" VALENCIA
COMMISSIONER, PRECINCT NO. 4

Inelda T. Garcia Deputy
COUNTY CLERK

ABSENT:

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The meeting was called to order by Judge Pro tem Carlos H. Cascos at 10:09 A. M., and he asked Commissioner Garza to lead the Court and the audience in reciting the Pledge of Allegiance.

The Court considered the following matters as posted and filed for Record in the Office of the County Clerk on February 9, 2001, at 3:32 P.M.:

PRESENTATION ITEM

(1) PRESENTATION BY MS. TERESA BAIRE, COUNTY EXTENSION AGENT OF THE 2001 AMERICORPS MEMBERS

Ms. Teresa Baires, County Extension Agent, introduced the following 2001 AmeriCorps Members:

Ms. Becky Alanis, Harlingen resident

Mr. Andy Rios, Los Indios,

Mr. Charlie Cavazos, Harlingen,

Ms. Gracie Melendez, Harlingen,

Ms. Lydia Hernandez, Brownsville, and

Mr. Roger Garcia, Brownsville.

Ms. Baires explained that the funding for the Program was through the National AmeriCorps Initiative, and that the members received a stipend of \$750.00 a month, and at the end of their year, the members would have contributed 1700 hours of work and they received \$4,725.00 for their continuing education. She explained that the members worked in the low-income communities and schools and that they taught adults and youth environmental issues, such as recycling, water quality, conservation, gardening and beautification; and solicited additional projects from the Commissioners' Court members.

Commissioner Valencia moved that the presentation by Ms. Teresa Baires, County Extension Agent, of the 2001 AmeriCorps Members Report be acknowledged.

The motion was seconded by Commissioner Benavides and carried unanimously.

TRAVEL

Item 23 q County Extension Agent-Marine Agent to assist in testing and observe Shrimp Trawl and Door Models in a Tow Tank in Shimonoseki, Japan, on March 3-11, 2001.

At this time, Judge Pro tem Cascos, explained that Mr. Tony Reisinger, County Extension Agent, was traveling to Japan and was requesting funding from the County to cover the incidental expenses not covered by Texas A & M.

Commissioner Benavides moved that the travel request for the County Extension Agent - Marine Agent, to assist in the testing and observation of a shrimp trawl and door models in a tow tank in Shimonoseki, Japan, on March 3 - 11, 2001 be approved.

The motion was seconded by Commissioner Valencia and carried unanimously.

ACTION ITEMS

NOTE: JUDGE HINOJOSA JOINED THE MEETING, AT THIS TIME.

(2) APPROVAL OF COUNTY CLAIMS

Commissioner Cascos moved that the County Claims be approved, as presented by the County Auditor.

The motion seconded by Commissioner Valencia and carried as follows:

AYE: Commissioners' Benavides, Cascos, Garza and Valencia

NAY: None

ABSTAINED: Judge Hinojosa, as to Warrant No. 50765, in the amount of \$78,186.64.

(3) APPROVAL OF THE BUDGET AMENDMENTS

AND/OR SALARY SCHEDULES

Commissioner Benavides moved that the 2001 Fiscal Year Budget Amendment No. 2001-10, be approved.

The motion was seconded by Commissioner Cascos and carried unanimously.

The Budget Amendments are as follow:

(4) APPROVAL OF MINUTES OF JANUARY 30, 2001

Upon motion by Commissioner Valencia, seconded by Commissioner Benavides and carried unanimously, the Minutes of the Regular Meeting held January 30, 2001, at 5:30 P.M., were approved.

(5) SELECTION OF CONSULTANT FOR FOREIGN TRADE ZONE SERVICES AND AUTHORIZATION TO PROCEED WITH NEGOTIATIONS OF CONTRACT

At this time, Mr. Pete Sepulveda, Bridge Systems Director, explained that two (2) Requests for Quotations (RFQ's) were received for the consulting services needed, and the committee recommended that the contract be awarded to the Firm of Lamb & Lerch. He explained that the firm would assist with a boundary modification request, and that the majority of the work would consist of preparing the permanent application to extend the Foreign Trade Zone to the Free Trade Bridge area.

Commissioner Cascos moved that the Firm of Lamb&Lerch, New York, be selected as the consultant for Foreign Trade Zone Services and that the authorization to proceed with the negotiations of the contract be approved.

The motion was seconded by Commissioner Garza and carried unanimously.

(6) APPROVAL OF LICENSE AGREEMENT BETWEEN CAMERON COUNTY AND THE PACE BAND BOOSTER ASSOCIATION INC. FOR THE USE OF DANCY PARK DURING CHARRO DAYS FESTIVITIES AND AUTHORIZE COUNTY JUDGE TO ENTER INTO SIMILAR AGREEMENTS WITH OTHER ORGANIZATIONS FOR THE SAME TIME PERIOD

Upon motion by Commissioner Garza, seconded by Commissioner Benavides and carried unanimously, the License Agreement between Cameron County and the Pace Band Booster Association Inc., for the use of Dancy Park during Charro Days Festivities was approved, and the County Judge was authorized to enter into similar agreements with other organizations for the same time period, subject to a final Report to Commissioners' Court.

The Agreement is as follows:

[REDACTED]

(7) **APPROVAL OF AN INTER-LOCAL AGREEMENT
BETWEEN CAMERON COUNTY, THE CITY OF
BROWNSVILLE AND THE BROWNSVILLE
NAVIGATION DISTRICT REGARDING THE WEST
RAIL RELOCATION PROJECT**

Commissioner Valencia moved that the Inter-Local Agreement between Cameron County, the City of Brownsville, and the Brownsville Navigation District, regarding the West Rail Relocation Project, be approved.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Agreement is as follow:

(8) ACTION REGARDING PRELIMINARY BUDGET FOR PROPOSED PRECINCT NO. 1 PARK

Mr. Javier Mendez, Parks Systems Director, presented a preliminary budget in the amount of \$500,000.00 for the acquisition of land for the Park for Precinct No. 1.

At this time, Commissioner Cascos requested a detailed budget of the funding sources and matching funds for the proposed park.

Judge Hinojosa explained that numerous entities had been consulted to form partnership, including Texas A & M, in order to develop a multi-service center similar to the one in Cameron Park. He explained that Texas A & M had committed to provide the services of the Planning & Architecture Department, to develop the Land Use Plan for the application to Texas Parks and Wildlife, for a waiver of the matching amount towards the purchase of the land. He added that the Brownsville Boys and Girls Club and Nino, Inc. were also interested in creating units.

Commissioner Benavides expressed his gratitude to the Commissioners' Court and explained the proposed development of the park, which would include picnic areas, soccer fields and a multi-service center, and the final plans would be presented for Court approval.

Commissioner Garza questioned "surplus" funds, and Mr. Mendez explained that the surplus was from the Bond amount that had been allocated several years ago.

Upon motion by Commissioner Valencia, seconded by Commissioner Garza and carried unanimously, the Preliminary Budget for the proposed Precinct No. 1 Park, was approved.

(9) APPROVAL OF A PROFESSIONAL SERVICE AGREEMENT BETWEEN CAMERON COUNTY AND AMBIOTEC FOR SURVEYING SERVICES FOR THE PROPOSED PRECINCT NO. 1 PARK

Commissioner Cascos moved that the Professional Service Agreement between Cameron County and Ambiotec for Surveying Services for the proposed Precinct No. 1 Park be approved.

The motion was seconded by Commissioner Valencia and carried unanimously.

The Agreement is as follows:

(10) APPROVAL OF MODIFICATIONS AND THE SELECTION OF TILE AND OUTSIDE TRIM COLORS FOR THE NEW SHERIFF'S OFFICE AND THE COUNTY JAIL FACILITIES

At this time, Commissioner Valencia questioned whether changes were being made to the structures that were going to result in jeopardizing the original plans, and Mr. Juan Bernal, County Engineer/Public Works Director, explained that would not be the case.

Commissioner Cascos noted the memorandum from Sheriff Cantu and questioned why work areas were being eliminated in the Sheriff's Facility.

Judge Hinojosa noted that changes being recommended could be accomplished, and that at certain point, no more changes would be made.

There was a lengthy discussion concerning the approval of changes that had already occurred, prior to Court approval, and the need to have Landmark receive Court approval prior to changes being made, and the impact of the changes to the budget.

Mr. Bernal assured the court that there would be no more surprises, and he was requested to provide a listing of the changes made and the costs or savings to the budget, in order to determine the final costs to the contract.

Commissioner Cascos moved that the modifications and the selection of the two tiles, originally presented unless presented in writing that they could not be obtained, and the outside trim colors for the new Sheriff's Office and the County Jail Facilities be approved, subject to a listing/accounting of the modification and changes in relation to the costs be provided at the next meeting.

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

AYE: Commissioners Benavides, Cascos and Garza,

NAY: None,

ABSTAIN: Commissioner Valencia.

At this time, Mr. Mark Yates, County Auditor, clarified that the "green" color approved on the multi-color sheet was readily available, but was slightly different than one selected by the architect, and if the color selected was readily available, it would prevent further delays.

Commissioner Garza stated that he did not see the selection of colors on this.

Commissioner Cascos noted that it was on the selection of tile and outside trim colors being shown to the court.

Mr. Yates noted that the change of carpet to tile was item no. 4 on the list.

Commissioner Garza noted that the ceramic tile was approved, but he did not see the “fuchia” color being presented anywhere in the agenda.

Mr. Bernal noted that it said cream color for the Judiciary Offices.????

Commissioner Cascos noted that it was not on the back-up information but it was on Item No. 10.

Judge Hinojosa questioned if they were alright with the color and noted that he liked “this color” better.

Mr. Yates stated that the color was a special order.

Remi noted that the color was one recommended by the Architect, but difficult to obtain and would delay the project.

Commissioner Garza noted that the county should keep the same color.

Judge Hinojosa noted the color was a prettier color, the one on the right and requested that Remi tell them to try to find it, and to confirm to the court in writing, from the manufacture, the delay that it would entail.

Remi asked that the motion include the two tiles, with this being the border, and this being the inside.

Commissioner Garza noted that the Agenda Item Request should reflect what the Agenda Item listed, and Remi noted, that on occasion, the Office modified the agenda item request so that the Court can accomplish the task that the department is actually asking for and what the direction that the Court is looking for. He noted that request from individual Commissioner have request that no modifications be made, and would be happy to honor that request, noting that at time Department heads had to be asked what they were trying to state on their requests.

(11) **AUTHORIZATION TO ENTER INTO A SUB-LEASE AGREEMENT WITH DEXTER SAFETY AND INDUSTRIAL PRODUCTS, INC., FOR OFFICE/WAREHOUSE SPACE FOR THE DISTRICT CLERK’S CRIMINAL AND CIVIL DISPOSED RECORDS**

Commissioner Valencia moved that the Sub-Lease Agreement with Dexter Safety and Industrial Products, Inc., for office/warehouse space for the District Clerk’s Criminal and Civil Disposed Records be approved.

The motion was seconded by Commissioner Garza and carried unanimously.

The Agreement is as follows:

(12) **APPOINTMENT OF DEPUTY CONSTABLE(S) IN COMPLIANCE WITH THE STATE OF TEXAS CIVIL STATUE 86.011 AND 86.012**

At this time, Mr. Manuel Villarreal, Personnel Department, explained that the new Constable in Precinct No. 6 was requesting the appointment of the current deputies, that being Johnny Cavazos, Avaristo Alvarez, Jr. and Juan Murillo, and the new appointments of Richard Anzaldua and Issac Villegas.

Commissioner Garza questioned the process utilized by the Personnel Department in doing background checks prior to the employment of individuals, and the suggestion was made to have a workshop regarding said matter.

Judge Hinojosa clarified that it was his understanding that the Personnel Department was supposed to handle the background check, rather than having an affidavit from the Constable. He noted that the Personnel Department could make the request to the Sheriff's Office or through the District Attorney's Office.

Upon motion by Commissioner Benavides, seconded by Commissioner Valencia and carried unanimously, the appointments of Deputy Constables, Johnny Cavazos, Avaristo Alvarez, Jr., Juan Murillo, Richard Anzaldua and Issac Villegas, in compliance with the State of Texas Civil Statue 86.011 and 86.012, were approved.

(13) **APPROVAL FOR RESERVE DEPUTIES ISIDRO ARREOLA, HERSHEL PRICE AND SERGIO VASQUES FOR PRECINCT NO. 2 AND BOND RENEWALS**

Commissioner Cascos moved that the appointments of Reserve Deputies Isidro Arreola, Hershell Price and Sergio Vasquez for Precinct No. 2 and Bond Renewals be approved.

The motion was seconded by Commissioner Garza and carried unanimously.

The Bonds are as follows:

(14) AUTHORIZATION TO ADD POSITIONS TO JUVENILE PROBATION AND UPGRADE ONE POSITION

At this time, Mr. Mark Yates, County Auditor, explained that the Juvenile Facility was build to house thirty-two (32) juveniles, but consistently served between thirty-eight (38) to forty (40) juveniles. He stated that State certification required that the County increase the number of childcare workers or reduce the number of juveniles, and that the Juvenile Probation Director was requesting three (3) additional positions and an upgrade position to Shift Supervisor, said funding to be allocated from Lapsed Salaries.

Judge Hinojosa suggested that two (2) positions be approved at this time, and the additional position at the next fiscal year.

Upon motion by Commissioner Valencia, seconded by Commissioner Garza and carried unanimously, the addition of two (2) positions to Juvenile Probation and one upgrade position, were approved, said funding to be allocated from lapsed salaries.

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CONSENT AGENDA ITEM

THE FOLLOWING ITEMS WERE RECOMMENDED FOR “CONSENT” AND WERE EITHER RECOMMENDED BY THE DEPARTMENT HEAD, WITHIN BUDGET OR AWARDED TO THE LOW BIDDER:

At this time, Commissioner Garza questioned whether the County had a “Applicable County Policy” Handbook which contained all the policies approved by the Court. The suggestion was made to have the Ms. Grace Salinas, Executive Assistant, meet with the County Auditor and review the Minutes to obtain copies for a policy handbook to be completed within a month.

Upon motion by Commissioner Valencia, seconded by Commissioner Garza and carried unanimously, the “Consent” Agenda Items were approved as follow:

(15) A PROCLAMATION DECLARING THE WEEK OF FEBRUARY 18-24, 2001, AS NATIONAL ENGINEERS WEEK, IN CAMERON COUNTY TEXAS
The Proclamation is as follows:

(16) LOW BID TO THE 5125 COMPANY FOR CERTAIN SANITARY SEWER IMPROVEMENTS IN THE FM/803 - SH100 AREA (TCDP CONTRACT NO. 719095)

The 5125 Company, from Mission, Texas;

- (17) **CONTRACT (RENEWAL) BETWEEN CAMERON COUNTY JUVENILE PROBATION DEPARTMENT AND RESIDENTIAL CHILD CARE SERVICES;**
The Contracts follows:
- (18) **ACCEPT MARIETTE COURT LOCATED IN BIXBY CANAL ESTATES NO. 2, PRECINCT NO. 4, INTO THE COUNTY ROAD SYSTEM;**
- (19) **AN EVALUATION COMMITTEE FOR RFP No. 001102 WIC OFFICE LEASE;**
- (20) **TO OPEN BIDS FOR THE FOLLOWING:**
A. Pick-Up Truck 4x4 4 door (in stock) - Park Rangers.
- (21) **CONTINUING EDUCATION CREDIT FOR COMMISSIONER, PRECINCT NO. 3; AND**
The Certificate follows:
- (22) **A STATIONARY VENDOR'S PERMIT TO RICHARD W. CLINE D/B/A COWBOY'S.**
The Resolution and documents follow:

(15) PROCLAMATION DECLARING THE WEEK OF FEBRUARY 18-24,2001, AS
NATIONAL ENGINEERS WEEK, IN CAMERON COUNTY TEXAS.

- (16) APPROVAL TO AWARD LOW BID TO THE 5125 COMPANY FOR CERTAIN SANITARY SEWER IMPROVEMENTS IN THE FM803 - SH100 AREA (TCDP CONTRACT NO. 719095)**

- (17) CONTRACT RENEWAL BETWEEN CAMERON COUNTY
JUVENILE PROBATION DEPARTMENT AND CHILD CARE
SERVICES.**

- (21) ACKNOWLEDGMENT OF CONTINUING EDUCATION CREDIT FOR
COMMISSIONER, PRECINCT NO . 3**

**(22) STATIONARY VENDOR'S PERMIT TO RICHARD W. CLINE
D/B/A COWBOY'S**

TRAVEL

(23) TRAVEL AND/OR TRAVEL EXPENSES FOR THE FOLLOWING, SUBJECT TO FUNDS IN THEIR BUDGET AND ALL APPLICABLE COUNTY POLICIES:

- a) Unit Director to attend the “South Texas HIDTA Meeting” in El Paso, Texas, on February 12-14, 2001;
- b) Assistant District Attorney to interview a state witness, Case No. 00-CR-653-C in Corpus Christi, Texas, on February 1, 2001;
- c) Program Development & Management Community Development Coordinator to attend the “Lower Rio Grande Valley Development Council Professional Advisory Review Panel (PARP) Meeting” in Weslaco, Texas, on February 14, 2001;
- d) County Treasurer to attend the “County Treasurer’s Continuing Education Conference” in College Station, Texas on April 16-19, 2001;
- e) International Bridge System Director to attend the “Border Trade Alliance International Conference” in Mexico City, Mexico, on February 24-26, 2001;
- f) Vehicle Maintenance Director to take two (2) vehicles for auction to Falfurrias, Texas, on February 1-2, 2001;
- g) County Court at Law No. 1 Judge and Administrator to attend the “Regional Meeting for Texas Probation Judges and Staff” in South Padre Island, Texas, on March 29-30, 2001;
- h) Sheriff’s Department Employee to attend the “Child Injury and Child Death Investigation” in South Padre Island, Texas, on February 6-7, 2001;
- I) County Court at Law Judge No. 3 to attend the “8th Annual Advanced Medical Malpractice Course” in Santa Fe, New Mexico, on March 14-16, 2001;
- j) Two (2) Deputy Constable Precinct No. 6 to attend the “Civil Process Training School” in Corpus Christi, Texas, on March 11-14, 2001;
- k) Assistant County Administrator to attend the “Legislative Meetings” in Austin, Texas, on February 19-23, 2001;
- l) Members of the Cameron County Commissioners Court to attend the “Legislative Meetings” in Austin, Texas, on February 13-16, 2001 and February 19-23, 2001;
- m) Four (4) Park employees to attend the “South Professional Turf Management Conference” in Portland, Texas, on February 5-6, 2001;
- n) Commissioner Precinct No. 4 and Office Manager to attend the “A Redistricting Symposium hosted by LULAC, MALDEF, NALEO and William C. Velasquez Institute (WCVI), in Austin, Texas, on February 16-17, 2001;
- o) Commissioner Precinct No. 3 to attend the “43rd Annual County Judges and Commissioners Continuing Education Conference and Educational Exposition” in College Station, Texas, on February 6-8, 2001; and
- p) County Extension Agent-Marine Agent to attend the “Marine Advisory Meeting” in Ingleside, Texas, on February 13-14, 2001.

24) **EXECUTIVE SESSION**

Upon motion by Commissioner Garza, seconded by Commissioner Benavides and carried unanimously, the Court met in Executive Session at 11:56 A.M. to discuss the following matters:

- a) Confer with County Counsel on the case styled Ruben Pena vs. Jose A. Jimenez, et. al., Cause No. B-99-084, in the United States District Court for the Southern District of Texas, Brownsville Division; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A)
- b) Deliberation regarding the Real Property concerning possible Amendments to the Assignment Concession Agreement with South Padre Island Waterpark, LTD; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072; and
- c) Deliberation regarding the Real Property concerning the possible sale of Cameron County Trustee Properties listed below to the City of Brownsville Housing Authority; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072.
 - *Brownsville-Garden Parks Subdivision, Lot No. 10, Block No. 1 - 03-3310-0010-0100-00,
 - *Brownsville - Colonia Victoria Lots No. 107-108 - 07-2930-0000-1070-00,
 - *Brownsville - Colonia Victoria Lot No. 885 - 07-2930-0000-8850-00,
 - *Brownsville - East Brownsville Addition Lot No. 7, Block No. 43, 02-5610-00430-0070-00,
 - *Brownsville - Acacia Lake Gardens Block No. 62 - 01-0500-0620-0020-00,
 - * Brownsville - Gardens Parks Lot No. 8, Block No. 20 - 03-3310-0200-0080-00 and
 - * Brownsville - Gardens Parks Lot No. 3, Block No. 5 - 03-3310-0050-0030-00.

Upon motion by Commissioner Valencia, seconded by Commissioner Cascos and carried unanimously, the Court reconvened in Regular Session at 12:16 P.M.

(25) **ACTION RELATIVE TO EXECUTIVE SESSION**

- a) **Confer with County Counsel on the case styled Ruben Pena vs. Jose A. Jimenez, et. al., Cause No. B-99-084, in the United States District Court for the Southern District of Texas, Brownsville Division.**

Upon motion by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, the Report by County Counsel was acknowledged, concerning the case styled Ruben Pena vs. Jose A. Jimenez, et. al., Cause No. B-99-084, in the United States District Court for the Southern District of Texas, Brownsville Division.

- b) **Deliberation regarding the Real Property concerning possible Amendments to the Assignment Concession Agreement with South Padre Island Waterpark, LTD.**

Commissioner Cascos moved that the Status Reports by County Counsel and the Property Management Director be acknowledged, and that the re-adjustments to the metes and bounds description be authorized, to comply with the negotiations.

The motion was seconded by Commissioner Benavides and carried unanimously.

c) **Deliberation regarding the Real Property concerning the possible sale of Cameron County Trustee Properties listed below to the City of Brownsville Housing Authority.**

Upon motion by Commissioner Valencia, seconded by Commissioner Garza and carried unanimously, the Property Manager was authorized to proceed with the possible sale of Cameron County Trustee Properties on the following properties to the City of Brownsville Housing Authority, provided that the other entities provide a Resolution authorizing the sale price of twenty-five cents to the dollar:

Brownsville-Garden Parks Subdivision, Lot No. 10, Block No. 1 - 03-3310-0010-0100-00;

Brownsville - Colonia Victoria Lots No. 107-108 - 07-2930-0000-1070-00;

Brownsville - Colonia Victoria Lot No. 885 - 07-2930-0000-8850-00;

Brownsville - East Brownsville Addition Lot No. 7, Block No. 43, 02-5610-00430-0070-00;

Brownsville - Acacia Lake Gardens Block No. 62 - 01-0500-0620-0020-00;

Brownsville - Gardens Parks Lot No. 8, Block No. 20 - 03-3310-0200-0080-00; and

Brownsville - Gardens Parks Lot No. 3, Block No. 5 - 03-3310-0050-0030-00.

There being no further business to come before the Court, upon motion by Commissioner Garza, seconded by Commissioner Cascos and carried unanimously, the meeting was **ADJOURNED** at 12:22 P.M.

APPROVED this **13th** day of **MARCH, 2001**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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