

THE STATE OF TEXAS

COUNTY OF CAMERON

BE IT REMEMBERED on the 16th day of **OCTOBER, 2001**, 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

NATIVIDAD "TIVIE" VALENCIA
COMMISSIONER, PRECINCT NO. 4

Mary Robles **Deputy Clerk**
COUNTY CLERK

ABSENT:

The meeting was called to order by Judge Hinojosa at 6:03 P.M. He then asked Rev. Bob Clark, Brownsville resident, for the invocation and Commissioner Cascos 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 October 12, 2001, at 2:55 P. M.:

PRESENTATIONS

(4) **ACTION OF THE PLACEMENT OF A MONUMENT
AT THE BASE OF THE CAUSEWAY TO HONOR
THE VICTIM OF THE CAUSEWAY COLLAPSE**

Mr. Joe Buck, Port Isabel resident, requested authorization to construct a black granite monument to honor the victims of the causeway collapse, noting that the expenses would be paid with monies collected from fund-raisers.

Upon motion by Commissioner Garza, seconded by Commissioner Cascos and carried unanimously, the placement of a monument at the base of the causeway to honor the victims of the causeway collapse was approved.

(11) **APPROVAL OF ARCHITECTURAL DESIGN FOR
THE CAMERON PARK SHERIFFS SUBSTATION
AND AUTHORIZATION FOR PROJECT
ARCHITECT TO PREPARE CONSTRUCTION
DOCUMENTS AND SPECIFICATIONS**

Commissioner Benavides moved that the Architectural Design for the Cameron Park Sheriff's Substation be approved, and the Project Architect be authorized to prepare construction documents and specifications.

The motion was seconded by Commissioner Cascos and carried unanimously,

(3) **APPROVAL OF BUDGET AMENDMENTS AND
SALARY SCHEDULES**

At this time, Judge Daniel Robles, Court at Law No. 3, requested a pay increase for a County employee performing two (2) jobs that of Court Coordinator and Court Interpreter, to be funded from the Court Appointed Attorney's Funds.

Mr. Xavier Villarreal, Budget Officer, stated that a \$3,600.00 pay increase was approved February 2001, and that Judge Robles was requesting an additional \$3,400.00, in order for the salary to be \$7,000.00.

Upon motion by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, the following Salary Schedules were approved:

County Clerk Department, Fund No. 100-4030;

County Clerk Department, Fund No. 100-4040;

County Clerk Department, Fund No. 100-4250;

County Court at Law No. 1, Fund No. 100-4260;

County Court at Law No. 2, Fund No. 100-4270;

County Court at Law No. 3, Fund No. 100-4280;

J. P. Precinct No. 3 - No. 2, Fund No. 100-4570;

J. P. Precinct No. 4, Fund No. 100-4580;
Constable Precinct No. 1, Fund No. 100-5510;
Constable Precinct No. 7, Fund No. 100-5570;
Extension Service, Fund No. 100-6650;
J. P. Precinct No. 1, Fund No. 100-4009;
J. P. Precinct No. 3 - No. 1, Fund No. 100-4560;
J. P. Precinct No. 7 - No. 2, Fund No. 100-4590;
J. P. Precinct No. 5 - No. 1, Fund No. 100-4600;
M & O Consolidated Precincts, Fund No. 150-6210;
Road & Bridge Engineering, Fund No. 150-6220;
Planning & Inspection, Fund No. 150-6230; and
Judicial Courthouse Security, Fund No. 140-4350.

The Salary Schedules are as follow:

[REDACTED]

IN THE MATTER REGARDING THE SALARY SCHEDULES FOR THE COUNTY SHERIFF, CONSTABLE PRECINCT NO. 5, JUVENILE PROBATION, ATTORNEY GENERAL CHILD SUPPORT-DC, CAPITAL PROJECTS/ADULT PROBATION AND THE JAIL CONSTRUCTION (TABLED)

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

[REDACTED]

(2) PRESENTATION BY MR. DOMINIQUE HALABY, WITH VIDA, IN CONJUNCTION WITH UTB/TSC AND THE EMPOWERMENT ZONE, ARE OFFERING FREE TRAINING TO THOSE LAGUNA MADRE RESIDENTS AFFECTED BY THE CAUSEWAY COLLAPSE

Mr. Dominique Halaby, Valley Initiative for Development and Advancement (VIDA), informed the Court that the Project Valley Initiative for Development and Advancement (VIDA), in conjunction with UTB/TSC and the Empowerment Zone, were offering free training to those residents affected by the causeway collapse, in view of the unemployment rates. He stated that there were fourteen (14) employment tracks scheduled to begin October 24, 2001, through December 14, 2001.

Commissioner Garza questioned whether the services would conflict with unemployment benefits and who would be eligible.

Mr. Halaby stated that it would not conflict, but that it would differ on a case by case basis, noting that the residents of Laguna Madre would qualify automatically, and that other County residents would have to apply, due to limited funds.

Upon motion by Commissioner Garza, seconded by Commissioner Benavides and carried unanimously, the presentation by Mr. Dominique Halaby, with Project VIDA, in conjunction with UTB/TSC and the Empowerment Zone, regarding the free training being offered to those Laguna Madre residents affected by the Causeway Collapse, was acknowledged.

The Press Release is as follows:

(1) **PRESENTATION OF THE FOURTH QUARTER
REPORT OF THE INTERNATIONAL BRIDGE
SYSTEM BY THE INTERNATIONAL BRIDGE
SYSTEM DIRECTOR**

Mr. Pete Sepulveda, International Bridge System Director, highlighted the Fourth Quarter Report and noted that the International Bridge System's total loss was \$186,000.00, as a result of the September 11th incident, and that the County's portion was approximately \$134,000.00. He noted that the Bridge collapse, the Laser Visa issue and the U. S. attacks on October 7, 2001, had adversely affected the Bridge System's revenues.

Commissioner Cascos questioned what was being done to minimize expenditures.

Mr. Sepulveda responded that the work schedules were being adjusted and that the vacant positions were not being filled unless necessary.

Commissioner Cascos moved that the presentation of the Fourth Quarter Report of the International Bridge System by the International Bridge System Director, be acknowledged.

The motion was seconded by Commissioner Valencia and carried unanimously.

The Report is as follows:

ACTION ITEMS

**(5) ADOPTION OF RESOLUTION REGARDING
COUNTY TRAVEL POLICY**

Judge Hinojosa explained that the Court recommended that the Emergency Travel Policy adopted four (4) months prior to the fiscal year ending, be implemented on a permanent basis. He stated that the policy would allow essential travel needed for required certifications, relevant County business, and travel to be funded by other sources, other than the County.

There was discussion concerning monitoring of the hours required for certification, staff attendance to Meetings that did not provide certification and the suggestion was made that the Travel Requests should provide adequate explanations, in order for the Budget Officer to approve the travel.

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the Resolution regarding County Travel Policy was adopted.

The Resolution is as follows:

(6) **ENDORSEMENT OF CAMERON COUNTY
ANNUAL HEALTH FAIR FOR THE EMPLOYEES
ON OCTOBER 22 AND 23, 2001**

Commissioner Cascos moved that the endorsement of Cameron County Annual Health fair for the employees on October 22 and 23, 2001, as coordinated by the Personnel and Health Departments, be approved.

The motion was seconded by Commissioner Benavides and carried unanimously.

(7) **ACCEPTANCE OF COMMITTEE
RECOMMENDATION ON DESIGN, LOCATION,
AND SELECTION OF MS. EILEEN BARRY-
SCULPTOR FOR THE MR. JOSE LOPEZ STATUE**

Mr. Jared Hockema, County Judge's Office, reported that the Committee had met with the Artist, reviewed the locations available, and presented the final version of the model statue for the Court's approval as to the location and design.

Commissioner Benavides questioned why the weapon was not in place.

Judge Hinojosa responded that the Committee was concerned regarding the Aim® of the gun and had decided against the weapon.

Commissioner Cascos questioned whether the item qualified to go out for bids or as a professional service.

Mr. Mike Forbes, Purchasing Agent, stated that it was a professional service, because it was an artist and that twelve (12) information packages had been received, noting that said sculptor was being recommended unanimously.

Mr. Hockema stated that Ms. Eileen Barry, Sculptor, was familiar with the special needs involved, as to vibration, corrosion, and the costs associated, adding that her fees were part of the negotiations.

Commissioner Cascos moved that the Committee's recommendation be accepted as to the design, location, and selection of Ms. Eileen Barry, Sculptor, for the Mr. Jose Lopez Statue.

The motion was seconded by Commissioner Benavides and carried unanimously.

At this time, Mr. Doug Wright, Commissioners-Court Legal Counsel, clarified that the motion was to authorize negotiations and approve the Committee's recommendations.

Upon motion duly made by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the Committee's recommendation on design, location, and selection of Ms. Eileen Barry, Sculptor, were accepted, for the Mr. Jose Lopez Statue, and the Committee was authorized to begin negotiations.

The Recommendations are as follow:

[REDACTED]

**(8) POSSIBLE ADOPTION OF CAMERON COUNTY
EMERGENCY MANAGEMENT PLAN ANNEX V-
TERRORIST INCIDENT RESPONSE**

Judge Hinojosa reported that the Annex-V Conceptual Plan was developed and that a workshop would be held to review other pending projects. He stated that the Purchasing Agent would obtain cost estimates on needed equipment for a bio-chemical terrorist attack and a metal detector for the Administrative Building. He noted that the County Sheriff would assign a Deputy Sheriff to man the metal detector, and that the back door had been closed and that keys would be provided. He stated that the Plan would be expanded by considering the input from other governmental entities, hospitals and other interested parties, adding that training sessions would be held after the Final Plan was approved. He stated that he had consulted with Dr. Victor Gonzalez, Health Department, to train medical personnel to quickly identify bio-agents or chemical agents, and that internal plans were being developed on procedures to handle mail, bomb threats and terrorist attacks.

Commissioner Garza questioned whether a third party was available to provide the same services or as consultants.

Judge Hinojosa responded that the State had training and consultants available but that the County had not been contacted by them. He stated that the County had to determine the specific needs of the Rio Grande Valley, and that although input would be obtained from the State level; his Office was working on the Plan.

Commissioner Garza questioned whether the matter was being considered with the City of Brownsville.

Judge Hinojosa stated that joint meetings were being attended and that the City's input would be part of a County-wide Regional Terrorist Response Plan.

Commissioner Garza questioned whether there was a need to hire a third party, noting that his concern was not the resources, but rather the expertise on the matter.

Judge Hinojosa responded that a third party was not needed and that State resources were available, adding that if after exhausting available resources the need still existed, the matter would be considered.

Mr. Mark Yates, County Auditor, recommended that the Office work with the Emergency Management Coordinator, and develop procedures similar to those used for Hurricane preparedness, such as the pre-positioned contracts, and the education for the first responders, that being the Sheriff's Department, Constables and Health Department.

Mr. Jose Almazan, County resident, expressed his concerns with the lack of information available, the need to educate the citizens and the procedures to take in response to terrorist events. He added that the emergency phone numbers, such as the Sheriff's Department, needed to be publicized and made available.

Commissioner Cascos moved that the Cameron County Emergency Management Plan Annex V-Terrorist Incident Response, be adopted.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Plan draft is as follows:

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(9) **POSSIBLE ACTION REGARDING SPECIAL TEMPORARY AUTHORITY TO OPERATE LOW POWER FM STATIONS ON SOUTH PADRE ISLAND FOR PUBLIC SAFETY PURPOSES DURING THE REPAIR OF THE CAUSEWAY**

Commissioner Cascos moved that the special temporary authority to operate low power FM stations on South Padre Island for public safety purposes during the repair of the causeway, be approved.

The motion was seconded by Commissioner Valencia.

Judge Hinojosa explained that the equipment associated with the operation of low power FM stations on South Padre Island for the public safety could possibly be reimbursed, or partially reimbursed, from the U. S. Texas Department of Transportation (TxDot) Disaster Declaration Funding being received by the South Padre Island and Port Isabel area. He noted that the FM stations would assist with the congestion at the Island and keep the public informed as to the schedules and updates on needed information.

Upon motion duly made by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, the special temporary authority to operate low power FM Stations on South Padre Island, for the public safety purposes during the repair of the causeway, was approved.

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(10) **APPOINTMENT OF INTERIM CAMERON COUNTY LAW LIBRARIAN**

Judge Hinojosa moved that Ms. Monica Gonzalez, County employee, be appointed as the Interim Cameron County Law Librarian.

The motion was seconded by Commissioner Benavides and carried unanimously.

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(12) **AUTHORIZATION TO RENEW ANNUAL SOFTWARE MAINTENANCE AGREEMENT WITH HEWLETT-PACKARD FOR \$12,600.00**

Commissioner Garza moved that the renewal of the Annual Software Maintenance Agreement with Hewlett-Packard for \$12,600.00, be approved.

The motion was seconded by Commissioner Valencia and carried unanimously.

The Contract is as follows:

[REDACTED]

(13) **AUTHORIZATION TO RELEASE A SECURITY TO LONE STAR NATIONAL BANK FOR A TOTAL OF \$1,000,000.00, AT PAR, FROM THE COLLATERAL PACKAGE SECURING THE DEPOSITS OF THE COUNTY**

Upon motion by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, the release of a security to Lone Star National Bank, for a total amount of \$1,000,000.00, at par, from the collateral package securing the deposits of the County, was approved.

[REDACTED]

(14) **APPROVAL TO PROMOTE FROM RESERVE DEPUTY TO DEPUTY CONSTABLE, PRECINCT NO. 7 DANIEL E. CRUZ AND RUBEN SILVA, AND APPOINTMENT OF MR. ERNESTO GONZALEZ DEPUTY CONSTABLE PRECINCT NO. 7**

Mr. Manuel Villarreal, Personnel Director, explained that a background check was done and that Mr. Daniel E. Cruz had decided to remain as a Reserve.

Judge Hinojosa asked why three (3) deputies were being appointed.

Mr. Villarreal responded that three (3) deputies had been terminated, and that one of the appointees was the former Warrant Officer for the County Clerks Office, Mr. Ernesto Gonzalez.

Commissioner Cascos moved that the appointments of Deputy Constables to Precinct No. 7, that being Mr. Ruben Silva and Mr. Ernesto Gonzalez, be approved.

The motion was seconded by Commissioner Benavides.

Commissioner Garza clarified that Reserve Deputies were able to perform the duties of a Regular Deputy.

Upon motion duly made by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the appointments of Mr. Ruben Silva and Mr. Ernesto Gonzalez, as Deputy Constables Precinct No. 7, were approved.

[REDACTED]

CONSENT ITEMS

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.

Commissioner Benavides moved that the following Consent Agenda Items be approved:

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

AYE: Commissioners Benavides, Cascos, Garza and Valencia,

NAY: None,

ABSTAIN: Judge Hinojosa as to Southwest Key Program La Esperanza, Warrant No. 00063993, in the amount of \$44,284.50, and as to Laguna Madre Water District, Warrant No. 00063943, in the amount of \$151.66.

DISCUSSION CONCERNING CONSENT AGENDA ITEMS:

ITEMS NOS.16 and 17- Mrs. JuaNita Brodecky, Rio Hondo resident, questioned whether the subdivisions were located within the old Precinct Jurisdictions. Judge Hinojosa noted that his Office had been notified by Mr. Rolando Rios, Attorney at Law, that the Justice Department had approved the County Redistricting Plan.

ITEM NO. 19 B -Commissioner Cascos noted that he believed it to be more appropriate for the County Judge to meet with the State Department Federal Highway Administration and lobbyist from the City of Brownsville. Mr. Remi Garza stated that the meeting was at staff level.

(15) APPROVAL OF COUNTY CLAIMS;

The Affidavits follow:

(16) PRELIMINARY AND FINAL APPROVAL:

- a) **Precinct No. 3 - Resaca de Carricitos Phase II Subdivision - A 14.877 Acre Tract of land, more or less, being 0.645 acres in Block No. 228, and 14.232 Acres in Block No. 229, San Benito Land and Water Company; and**
- b) **Precinct No. 2 - Falling Star Subdivision - A 3.353 Acres of land, more or less, being all of the reserve area of Ambering Ashes Subdivision.**

(17) FINAL APPROVAL:

- a) **Precinct No. 4 - Limon del Valle Subdivision - Being 5.51 acres out of the North Half of Block No. 16, Orange Grove Park Subdivision.**

(18) ADVERTISE FOR THE FOLLOWING ANNUAL BIDS:

- a) **RADIOS: Mobiles and portable VHF and 800 MHZ - Annual Bid No. 0620; and**
- a) **POLICE SUPPLIES - Annual Bid No. 2505.**

TRAVEL ITEMS

(19) AUTHORIZATION TO TRAVEL/OR APPROVAL OF TRAVEL EXPENSE FOR THE FOLLOWING (PLEASE NOTE: TRAVEL REQUESTS ARE SUBJECT TO ALL APPLICABLE COUNTY POLICIES):

- a) Nine (9) Unidos Podemos employees and Board Members, to attend the AState Comprehensive Strategy Meeting®, in Corpus Christi, Texas, October 21-23, 2001;
- b) International Bridge System Director to meet with Officials from the State Department Federal Highway Administration, and Lobbyist from the City of Brownsville, regarding the West Rail Relocation, in Washington, D. C., October 17-19, 2001;
- c) Justice of the Peace, Precinct No. 3 - Place No. 1 Clerk to attend the ANew Clerk Personnel Training Seminar®, in Austin, Texas, October 20-24, 2001;
- d) Health Administrator to attend the ALocal Health Department Directors Meeting®, in Beeville, Texas, October 30, 2001;
- e) Two (2) Justice of the Peace Precinct No. 5 - Place No. 2 Clerks to attend the ANew Clerk Personnel Training Seminar®, in Austin, Texas, October 20-24, 2001;
- f) District Attorney to attend the ASouthwest Border HIDTA Executive Meeting®, in San Antonio, Texas, October 23, 2001;
- g) County Treasurer to attend the ACounty Treasurer-s Continuing Education®, in Houston, Texas, November 14-16, 2001;
- h) Six (6) Juvenile Probation employees to attend the ATexas Juvenile Detention Association and Juvenile Justice Association of Texas Stepping into the Future Together 2nd Annual Co-Conference®, in South Padre Island, Texas, October 28-31, 2001;
- i) Unit Director to attend the ASouth Texas Region HIDTA Meeting®, in San Antonio, Texas, October 22-24, 2001; and
- j) Cameron County District Attorney to attend the ASouth Texas Region HIDTA Executive Meeting®, in San Antonio, Texas, October 22-24, 2001;
- k) Three (3) County Extension Agents to attend the ADistrict 12-4 H Gold Star Awards Banquet®, in Kingsville, Texas, October 13, 2001;
- l) Three (3) County Extension Agents to attend the ASpecialist Scheduling Meeting®, in Port Mansfield, Texas, September 19-20, 2001; and
- m) County Extension Agent to attend the ADistrict 12 4-H Professional Development and Planning Workshop®, in Port Aransas, Texas, September 26-28, 2001.

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

EXECUTIVE SESSION

(20) EXECUTIVE SESSION:

Upon motion by Commissioner Valencia, seconded by Commissioner Garza and carried unanimously, the Court met in Executive Session at 7:13 P.M. to discuss the following matters:

- a) Deliberation regarding real property concerning Temporary License Agreement between Cameron County Airport and the Coastal Bend Region Porsche Club; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072; and
- b) Deliberation regarding real property concerning the possible the corrected Lease Agreement with B.G.S. Naraindas, Inc., for Women, Infants and Children (WIC) Services at Garden Plaza, 1225 North Expressway, Brownsville, Texas; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072.

Upon motion by Commissioner Benavides, seconded by Commissioner Garza and carried unanimously, the Court reconvened in Regular Session at 7:24 P.M.

(37) ACTION RELATIVE TO EXECUTIVE SESSION:

- a) **Deliberation regarding real property concerning the possible Temporary License Agreement between Cameron County Airport and the Coastal Bend Region Porsche Club.**

Commissioner Garza moved that the Temporary License Agreement between Cameron County Airport and the Coastal Bend Region Porsche Club be approved, subject to approval of the Federal Aviation Administration (FAA) and Texas Department of Transportation (TxDot).

The motion was seconded by Commissioner Benavides and carried unanimously.

- b) **Deliberation regarding real property concerning the possible the corrected Lease Agreement with B. G. S. Naraindas, Inc., for Women, Infants and Children (WIC) Services at Garden Plaza, 1225 North Expressway, Brownsville, Texas.**

Commissioner Benavides moved that the corrected Lease Agreement with B.G.S. Naraindas, Inc., for Women, Infants and Children (WIC) Services at Garden Plaza, 1225 North Expressway, Brownsville, Texas, be approved.

The motion was seconded by Commissioner Valencia and carried unanimously.

The Agreement is as follows:

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There being no further business to come before the Court, upon motion by Commissioner Benavides, by Commissioner Garza and carried unanimously the meeting was **ADJOURNED** at 7:27 P. M.

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APPROVED this 13th day of November, 2001.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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