

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 30th day of SEPTEMBER 2003, 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:

9:30 A.M.

PRESENT:

GILBERTO HINOJOSA
COUNTY JUDGE

PEDRO "PETE" 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

Mary Robles Deputy Clerk

ABSENT:

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The meeting was called to order by Judge Hinojosa at 9:38 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 September 26, 2003, 3:50 at P.M.:

Judge Hinojosa informed that the County was working with small municipalities to coordinate spraying for mosquitoes and that eleven (11) identified target zones would be sprayed twice a day, adding that maps and schedules were available upon request. He explained that municipalities were using their equipment and personnel in efforts to address current and future mosquito problems. Judge Hinojosa commented that aerial spraying was very costly and not very effective. He reported that pumps pumping water out of Green Valley Farms were having little impact because water continues to flow into the subdivision, that unanticipated flooding in the Los Laureles and FM 510/FM 803 was being alleviated, and that flooding in Olmito had been controlled. Judge Hinojosa noted the need to analyze how flooded areas could be covered by Drainage Districts that would plan how to deal with flooding issues. He stated that he would meet with Drainage Districts No. 1 and No. 3 to review the possibilities of expanding their jurisdictions to include areas around FM 510 and Olmito. Judge Hinojosa stated that a meeting was held in the Military area regarding flooding issues experienced in Rancho Grande, a colonia with nearly 2,000 residents.

Commissioner Tamayo expressed concern with lots being sold in areas where flooding was occurring.

Judge Hinojosa reported that no flooding occurred in Valle Escondido and Valle Hermoso and that very little flooding occurred in Cameron Park. He clarified that consolidation of Drainage Districts was not being suggested, but rather that coordination take place to improve drainage in areas where flooding occurred. Judge Hinojosa stated that an application for Disaster Declaration was filed, but there was little hope of getting significant assistance. He suggested that the County form a task force along with Drainage Districts to develop a strategic plan to resolve flooding issues.

Commissioner Garza informed that numerous problems were experienced in Precinct No. 3, and that a gentleman residing near Los Laureles had a graph indicating that 28.25 inches of rain fell between September 1, 2003 and September 19, 2003, noting that 29 inches of rain was an annual average for the area. He expressed concern with Green Valley Farms being between 12 and 18 inches above the discharge of the drainage system directed into Laguna Atascosa located more than 10 miles away. Commissioner Garza expressed concern with flooded areas that continue to drain into Green Valley Farms.

Commissioner Tamayo noted the need to evaluate the areas and to address flooding issues when possible.

Commissioner Benavides stated that a minor flooding problem in Precinct No. 1 was caused by lack of maintenance to a drainage ditch.

Commissioner Garza stated that trash was the major problem causing flooding in Precinct No. 3.

Commissioner Wood stated that a 12 inch pipe located under the railroad in Olmito was preventing water to flow even though it empties out into a 60 inch pipe located beneath the expressway.

Judge Hinojosa reiterated that he would meet with Drainage Districts No. 1 and No. 3.

Commissioner Garza suggested that Drainage District No. 4 be included, and informed that aerial pictures of the area were in the process of being identified.

PRESENTATION

(1) **PRESENTATION BY THE COUNTY CLERK ON
MINUTE MINDER SOFTWARE SPONSORED BY
LANDATA TECHNOLOGIES, INC.**

Mr. Joe G. Rivera, County Clerk, reported that Commissioners' Court Minutes dated from 2000 through August 2003 were available on the internet and that they would be updated upon being approved by the Court. He thanked Landata Technologies, Inc., the Computer Department, and Mrs. Maricruz Robles, Commissioners' Court Secretary for making this possible. Mr. Rivera presented a brief visual of Minutes pertaining to the West Rail Relocation Project and the Court Order adopted for creation of the Rio Grande Valley Health Services Districts between Cameron and Hidalgo Counties. He explained that the Department was able to go further back and offered to do so if there was an interest.

Judge Hinojosa suggested that five (5) years worth of Minutes be added to the Minutes Minder Software.

Mr. Rivera explained that scanning original documents would be time consuming but could be done.

Judge Hinojosa questioned how difficult it would be to convert the Minutes without scanning original documents.

Mr. Rivera responded that converting the Minutes would not be difficult but would be time consuming and that the process could take about two (2) months. He stated that Minutes dated back to 1991 were available, and clarified that unsigned documents might be found because signed versions had not been scanned, although they were on file.

Mr. Remi Garza, County Administrative Assistant, clarified that the County Clerk's Office was the only Department that could certify Minutes.

Commissioner Garza suggested that five (5) additional years be converted without the original documents.

Commissioner Tamayo questioned the process to access the Minutes.

Mr. Marco A. Sanchez, County Web Master, explained that Minutes were available through a link found on the Cameron County Web Page.

Mr. Rivera reported that as of yesterday \$2,025,952.75 was collected by the County Clerk's Collections Department; supervised by Mr. George Moreno, totaling approximately half a million dollars above what was collected last year.

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the Presentation by the County Clerk on Minute Minder Software sponsored by Landata Technologies, Inc., was acknowledged.

The Report is as follows:

**(2) REPORT BY THE COUNTY JUDGE'S OFFICE ON
THE RIO GRANDE VALLEY HEALTH SERVICES
DISTRICT MEETING HELD ON SEPTEMBER 10, 2003**

At this time Mr. Veronica de Lafuente, County Judge's Office, highlighted the following Report:

Ms. De Lafuente suggested that TDH be scheduled to present the Design Plan for the Hospital Facility.

Commissioner Garza questioned if the County's current Indigent Program would be impacted by the Health Services District at this time.

Judge Hinojosa responded negatively.

Commissioner Benavides moved that the Report by the County Judge's Office on the Rio Grande Valley Health Services District Meeting held on September 10, 2003, be acknowledged.

The motion was seconded by Commissioner Tamayo and carried unanimously.

ACTION ITEMS

(3) BUDGET AMENDMENTS AND/OR SALARY SCHEDULES

Mr. Xavier Villarreal, Budget Officer, questioned if deviations from the 3% salary increase on the Salary Schedules must be brought before the Court.

Judge Hinojosa clarified that any deviation from the 3% salary increase must be brought before the Court for approval.

Upon motion by Commissioner Benavides, seconded by Commissioner Wood and carried unanimously, Budget Amendment No. 41 was approved.

The Budget Amendments are as follow:

- (4) **APPROVAL OF MINUTES:**
(A) **AUGUST 12, 2003-REGULAR MEETING**
(B) **AUGUST 19, 2003-REGULAR MEETING**

Commissioner Benavides moved that the Minutes of the Regular Meetings held August 12, 2003, and August 19, 2003, be approved.

The motion was seconded by Commissioner Tamayo and carried unanimously.

(5) **CONSIDERATION AND ACTION ON PRESENTATION
BY MR. RUBEN CABALLERO REGARDING A
MANAGEMENT PROJECT PROPOSAL FOR THE
PUBLIC WORKS DEPARTMENT**

Mr. Ruben Caballero, UTB/TSC, informed that the Project's objectives were divided into three (3) tasks: to determine the capacity of the Department; to identify areas for cost improvements; and, to set a Prototype Microsoft Project Model. He explained that cost estimate would range based on the hours needed for the three (3) tasks, equaling between 51 and 112 hours and a cost between \$10,200.00 and \$20,400.00.

Mr. Cesar Riojas, UTB/TSC, explained that Phase I would determine the current status of the Department and would identify none value activities that might be eliminated to incur savings. He explained that the goal was for employees to be in a proactive mode and to increase capacity to where the workload could be increased with the same staff. Mr. Riojas stated that as methodologies were implemented and improvements occur then constant feedback could be provided to management and to the Court.

Mr. Caballero stated that the investment was about 5% of the total Budget for the Department, and recommended that the Court proceed with the Project.

Commissioner Tamayo asked if the cost would exceed \$20,400.00.

Mr. Caballero responded negatively, and explained that any issues identified in the future would not be addressed until Court approval was obtained.

Judge Hinojosa suggested that the Project be capped at \$20,400.00.

Mr. Riojas stated that the Court could view quantifiable data to determine whether to spend additional funds or to stop the Project prior to spending the \$20,400.00.

Commissioner Wood stated that he believed that the Public Works Department was not capable of carrying out this Management Project. He explained that the Department was currently making changes, that it did not have enough material for UTB to work with, and that it was not ready for these changes.

Judge Hinojosa stated that at the time the Department was consolidated many things were left undone in

order to hurry to build roads. He explained that the Project would review the system, and suggested that the needed analysis be done while the change in leadership takes effect.

Commissioner Garza commented that this was the best time to implement the Management Project.

Commissioner Wood suggested that other people be in place before implementing the Management Project. He stated that he conducted a poll of the Public Works Employees at the Brownsville Workstation and found that employees continue to believe that they work for an individual Precinct versus a consolidated Department.

Judge Hinojosa suggested that the Management Project be implemented in the Public Works Department and in other County Departments. He stated that an Agenda Item would be placed to commence the process of hiring a new Public Works Director and implementation of the Management Project with the understanding that a new Director would be hired in the next 45 days. Judge Hinojosa agreed with Commissioner Garza that now was the time to inventory the Department to determine the next step.

Mr. Riojas stated that in evaluating the Department the person was not evaluated but rather the position.

Judge Hinojosa explained that Commissioner Wood's concerns were the reason to implement Management Project. He added that the Public Works Department was more efficient when compared to other Counties, although improvements could be made. Judge Hinojosa stated that a big difference could be made by having new personnel grow up in a new system versus being forced into a new system.

Commissioner Garza commented that perhaps for once the best qualified person would be hired rather than someone who was politically connected if the Commissioners Court commits to doing what was needed for County constituents by going through this process.

Judge Hinojosa stated that the Court must be willing to implement recommendations deriving from the analysis made for the Management Project.

Commissioner Garza moved that the Management Project Proposal for the Public Works Department be approved and implemented.

Commissioner Tamayo asked with whom Mr. Riojas and Mr. Caballero communicated.

Mr. Riojas responded that he conversed with Mr. Juan Bernal, County Engineer/Public Works Director, and staff to get a general idea of the Department's weaknesses.

Commissioner Tamayo questioned how long it would take to complete Task No. 1.

Mr. Riojas responded that Task No. 1 could be completed quickly if staff was cooperative and that a Report would be provided upon completion.

Judge Hinojosa stated that the Court did not want for the Management Project to proceed beyond Phase I

until after the new Department Head was hired.

Mr. Caballero responded that such commitment could be done.

Commissioner Garza moved that the Contract with UTB/TSC-IIC for implementation of a Management Review Initiative for the Public Works Department be approved, with the understanding that Tasks No. 2 and No. 3 would not be commenced until the new Public Works Director has been hired, and that the Project be capped \$20,400.00.

Mrs. Dylbia L. Jeffries, Contract Attorney, suggested that the Contractor not proceed until a Notice to Proceed was issued by the Court.

Upon motion duly made by Commissioner Garza that the Contract with UTB/TSC-IIC for implementation of a Management Review Initiative for the Public Works Department be approved, with the understanding that Tasks No. 2 and No. 3 would not be commenced until the new Public Works Director be hired, and that the Project be capped at \$20,400.00.

The motion was seconded by Commissioner Tamayo and carried unanimously.

The Contract is as follows:

(6) **PUBLIC HEARING REGARDING FINAL APPROVAL
OF ORDER ADOPTING REALIGNMENT OF THE
JUSTICE OF THE PEACE AND CONSTABLE
PRECINCTS NOS. 1, 2, 3, 4, 6 AND 7**

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the Public Hearing regarding the final approval of Order adopting realignment of the Justice of the Peace and Constable Precincts Nos. 1, 2, 3, 4, 6, and 7 was opened for Public comment.

Judge Hinojosa reported that a preliminary proposed redistricting plan for Justice of the Peace/Constable Precincts redistricting was adopted two (2) weeks ago, that the proposed realignment was advertised three (3) times in the newspaper, and that this Public Hearing was to discuss final approval. At this time, Judge Hinojosa read the following **Public Notice**:

Mr. Oscar Guerra, County resident, presented petitions opposing the realignment of Precinct No. 7 and expressed concern with the distance to be traveled by Constables in an emergency, in addition to the fact that calling to Rio Hondo required a long distance call. He requested that the Court be sympathetic with the impact to the community.

Judge Hinojosa stated that Santa Rosa was larger than other communities that have County Annexes, yet it has never had a Justice of the Peace/Constable. He stated that the next step was to put a County Annex in Santa Rosa to house a Justice of the Peace and Constable if redistricting was approved, and suggested that a toll free number be obtained for the Rio Hondo Annex. Judge Hinojosa stated that some concerns were legitimate but could be resolved to the benefit of Santa Rosa.

Mr. Guerra noted that the community opposes the realignment.

Mr. Manuel Perez, Democratic Party Chairman, stated that the process being followed by the Court was wrong, that leaving the Precinct as is was a good idea. He commended the Sheriff's Department and the Constables for doing a good job with students, and noted the importance for the Precinct to remain the same.

Commissioner Tamayo questioned the impact on truancy cases.

Mr. Perez responded that he could not respond; however, the Board of Trustees would address the possible re-opening of the school campus, which was closed because a child was nearly raped, adding that more law enforcement would be needed to keep children safe if the campus was re-opened. He requested that the Court consider leaving the Precinct as it was.

Mr. Guerra thanked the Court for listening to the small community, and stated that this was not a political issue to him but rather a personal issue.

Judge Hinojosa commented that Mr. Guerra had a political interest because he was considering running for Justice of the Peace.

Mrs. Irma Guerra, Santa Rosa resident, stated that a good network system was in place between La Feria and Santa Rosa, and requested that the Court reconsider and that their security not be taken away.

Upon motion by Commissioner Benavides, seconded by Commissioner Wood and carried unanimously, the Public Hearing regarding the final approval of Order adopting realignment of the Justice of the Peace and Constable Precincts Nos. 1, 2, 3, 4, 6, and 7 was closed.

The Petitions are as follows:

(7) **CONSIDERATION AND ACTION OF FINAL APPROVAL ON ORDER ADOPTING REALIGNMENT OF THE JUSTICE OF THE PEACE/CONSTABLE PRECINCTS NOS. 1, 2, 3, 4, 6 AND 7**

Commissioner Tamayo moved that the Order adopting Realignments Nos. 1, 3, and 4 be approved for the Justice of the Peace/Constable Precincts Nos. 1, 2, 3, 4, 6, and 7, with exception of realignment of VTD 27 from Justice of the Peace/Constable Precinct No. 7 to Justice of the Peace/Constable Precinct No. 4.

The motion was seconded by Commissioner Garza.

Commissioner Garza asked if Department of Justice Regulations concerning voter concentrations for realignments were followed.

Judge Hinojosa responded that the Department of Justice analysis issues with respect to elections under the Voting Rights Act and on party affiliation.

Mrs. Dylbia L. Jeffries, Contract Attorney, clarified that the map must be approved by the Department of Justice.

Judge Hinojosa moved that the motion be amended to include Realignment No. 2, that being VTD 27 from Justice of the Peace/Constable Precinct No. 7 to Justice of the Peace/Constable Precinct No. 4.

The motion to amend was seconded by Commissioner Wood.

Commissioner Garza asked if the logistics of providing services in Commissioner Precinct No. 1 were reviewed.

Judge Hinojosa stated that County Offices to be opened in Valle Escondido and Valle Hermoso and the County Annex recently opened in Cameron Park would allow Justices of the Peace to provide services.

Commissioner Garza asked if Constable/Justice of the Peace services and additional personnel would be provided.

Judge Hinojosa stated that the matter must be reviewed, and noted that the realignment would benefit the County in the long run.

At this time there was a brief discussion concerning duties and responsibilities of the different Constable Departments.

Judge Hinojosa moved to amend the motion to include Item No. 2, that being VTD 27 from Justice of the Peace/Constable Precinct No. 7 to Justice of the Peace/Constable Precinct No. 4.

The motion to amend was seconded by Commissioner Wood and the vote was as follows:

AYE: Judge Hinojosa and Commissioner Wood,

NAY: Commissioners Garza, Tamayo, and Benavides

Upon motion duly made by Commissioner Tamayo that the Order adopting Realignments Nos. 1, 3, and 4 be approved for the Justice of the Peace/Constable Precincts Nos. 1, 2, 3, 4, 6, and 7, with exception of realignment of VTD 27 from Justice of the Peace/Constable Precinct No. 7 to Justice of the Peace/Constable Precinct No. 4.

The motion was seconded by Commissioner Garza and carried unanimously.

The Order is as follows:

**(8) CONSIDERATION AND ACTION REGARDING
AMIGOS DEL VALLE'S REQUEST FOR AN
INCREASE IN MEMBERSHIP DUES**

Mr. Remi Garza, County Administrative Assistant, informed that \$1,300.00 were needed perhaps from SCAAP Funds and from money freed when not broadcasting a Commissioners' Court Meeting during a Holiday.

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the Amigos Del Valle's Request for an increase in membership dues was approved, subject to funding.

**(9) CONSIDERATION AND ACTION ON PRESENTATION
OF CAMERON COUNTY SOLID WASTE
MANAGEMENT STUDY-FINAL REPORT
SEPTEMBER 2003**

Ms. Ruth Abee, Brown, Vence & Associates, informed that the passage of SB 352 allows Counties to impose garbage collection in rural areas and to bill services through utility districts. She stated that the County initiated the process by identifying the need to provide a solid waste collection system in rural areas, followed by the North American Development Bank (NADBank) providing funding to do the study, and then Brown, Vence & Associates was hired to conduct the study. Ms. Abee stated that providing county wide collection services for rural areas through private collectors contracted with the County was most efficient and economically feasible. She explained that some identified issues relate to approximately 20,000 residents without waste collection services and to illegal dumping in rural areas. Ms. Abee stated that the proposed county wide collection system envisions weekly solid waste collections for rural residents that could be best served by shared service, in addition to periodic brush and bulky weight collection to prevent illegal dumping. She recommended that the County be divided into service areas for the collection procurement to maximize service providers' access to the County system and to have more competition. Ms. Abee stated that the billing system was researched and that water supply corporations were in favor of billing for the County after billing a service fee. Ms. Abee stated that the recommended service areas were divided west, east, and south after reviewing the water supply corporation, the billing entities, and the concentration of households in the areas. She explained that boundaries of the water supply corporations should be contiguous with the services areas to simplify billing techniques. Ms. Abee highlighted the lines of the service areas and indicated that the County might want to adjust them according to the final configuration of the billing entities that would participate in the Waste Collection System. She stated that the Cameron County Solid Waste Management Study was the concept of what was feasible and what would make a good district for the service providers. Ms.

Abee stated that cities were consulted concerning their waste collection systems, and suggested that the County partner with cities that have contractual services to enhance the economic feasibility of providing services.

Commissioner Garza questioned the number of households per service area.

Mr Mike Greenburg, Brown, Vence & Associates, responded that there was between 6,000 and 7,000 households per services area.

Ms. Abee clarified that competitive rates might not be obtained by having one service provider as opposed to having several service providers, and that such comparison could be done by bidding both scenarios.

Mr. Greenburg highlighted the Action Plan, Phase I concerning initial set-up and Phase II concerning ongoing responsibilities. He informed that drafts of an Interlocal Agreement, RFP, and a contract were included for possible use after being reviewed by County Counsel. Mr. Greenburg recommended adoption of a Resolution to control disposal of construction & demolition wastes and to implement public outreach and educational plans for a County Recycling Guide. He stated that auditing and monitoring would be needed periodically to ensure that adequate services were provided, that educational programs were practiced regularly, and that recycling programs were implemented.

Judge Hinojosa stated that the Solid Waste Management Proposal was an excellent proposal, and recommended that a Consultant be hired to put the Solid Waste Collection System together for Cameron County. He suggested that collection fees be used to fund the staffed Department, the Waste Collection System, and the Consulting Services. Judge Hinojosa stated that the County must adopt the Resolution, set up a Budget, and ultimately hire staff to operate the Department.

Mr. Greenburg suggested that private fees be used to pay for Consultant Services.

Commissioner Garza questioned the average cost per residence for Waste Collection Services.

Mr. Greenburg responded that the average cost was between \$12.00 and \$18.00.

Judge Hinojosa suggested that proposals indicate that the service providers could service more customers if the County enters into Interlocal Agreements with small cities that have contracts about to expire with other service providers.

Commissioner Garza moved that the Solid Waste Management Study-Final Report September 2003 be approved.

The motion was seconded by Commissioner Tamayo.

Judge Hinojosa recommended that the next action be to hire a Consultant Firm to prepare the needed Resolution and to put together the Solid Waste Collection System, adding that the Auditor could book based upon projected revenues.

Mr. Mark Yates, County Auditor, questioned if the Consulting Services would be RFQ.

Judge Hinojosa responded in the affirmative.

Mr. Yates noted that the next step would be to RFQ the Consulting Services.

Commissioner Garza noted that the county would have an obvious impact by setting this plan in place because the Public Works Department spends endless time and money disposing of waste.

Upon motion duly made by Commissioner Garza, that the Solid Waste Management Study-Final Report September 2003 be approved.

The motion was seconded by Commissioner Tamayo and carried unanimously.

The Study is as follows:

(10) CONSIDERATION AND APPROVAL OF A REQUEST TO THE PUBLIC WORKS DEPARTMENT TO PURCHASE A SANDBAGGER TO BE USED FOR DISASTER EMERGENCIES

Judge Hinojosa clarified that the one (1) sandbagger to be purchased would be centralized.

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the request to the Public Works Department to purchase of a Sandbagger to be used for disaster emergencies was approved.

The Pamphlet is as follows:

(11) **CONSIDERATION AND AUTHORIZATION TO NEGOTIATE A PROFESSIONAL SERVICE CONTRACT WITH JEFFERY S. WARD & ASSOCIATES FOR FLOOD MITIGATION AND BUYOUT CONSULTING SERVICES**

Mrs. Grace Salinas, County Judge's Office, informed that Buyout Consulting Services were needed to handle the Cost Analysis Worksheets required by FEMA for the 44 structures in Del Mar Heights in order to proceed to the stage where they will consider awarding the contract for the full amount requested by the County. She explained that the total cost was of \$35,200.00, including everything needed to carry out the project to completion, and that FEMA would cover 75% of cost and the County must cover the remaining 25%. Mrs. Salinas stated that coordination with **ORCA** was being sought to possibly fund the 25% match.

Commissioner Wood questioned who would have ownership of the property after the process.

Mrs. Salinas responded that the property would belong to the County; however, structures could not be constructed.

Judge Hinojosa questioned the cost and the funding source.

Mrs. Salinas stated that the Benefit Cost Analysis would cost \$1,320.00 and that the County's share was \$320.00, adding that the \$800.00 per parcel could be addressed in the future.

Commissioner Tamayo moved that the Professional Service Contract with Jeffery S. Ward & Associates for Flood Mitigation and Buyout Consulting Services be approved.

The motion was seconded by Commissioner Garza and carried unanimously.

Mr. Mark Yates, County Auditor, suggested that an ultimate user for the land be sought, perhaps the U.S. Fish & Wildlife, to accommodate the 25% match.

Judge Hinojosa noted the funding source to be SCAAP Funds.

The Contract is as follows:

(12) **CONSIDERATION AND POSSIBLE ACTION
REGARDING CONTRACT BETWEEN CAMERON
COUNTY AND YOUNGER AND ASSOCIATES**

Judge Hinojosa explained that the Contract was for realignment of the Intra Coastal Canal.

Mr. Remi Garza, County Administrative Assistant, stated that this Agenda Item was to clarify confusion regarding the terms of the Contract. He stated that the Budget Officer was under the impression that the County's success in getting \$100,000.00 from the Corps of Engineers in Galveston to study whether or not they would do a restudy was the end of the project; however, the County was in the process of obtaining additional funds to do the actual study. Mr. Garza stated that a copy of a Report was included regarding the status of the additional \$300,000.00 being worked to place them in the appropriations budget to be announced February 2004. He stated that the Contract was capped at \$18,000.00, yet to date only \$9,757.00 has been spent, and that the current claim was for \$6,800.00. Mr. Garza requested that it be clarified that the Contract was for the remainder of the project or until the \$18,000.00 were exhausted.

Judge Hinojosa stated that Younger and Associates obtained \$100,000.00 for the County with only half of the \$9,000.00 worth of efforts; therefore, encouraged that the Court approve this Item. He briefed that the purpose of the project was to eliminate dangers associated with the curve located where Long Island connects with Port Isabel by straightening the Intra Coastal Canal.

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the Contract between Cameron County and Younger and Associates was approved.

The Contract is as follows:

(13) **CONSIDERATION AND POSSIBLE ACTION REGARDING POSSIBLE VEHICLE REPAIRS FOR COUNTY AND PUBLIC WORKS EMPLOYEE(S) AS A RESULT OF FLOODING ON SEPTEMBER 18TH THROUGH SEPTEMBER 21ST**

Commissioner Benavides moved that vehicle repairs be approved for the County and Public Works Employee (s) as a result of flooding on September 18th through September 21st.

The motion was seconded by Commissioner Tamayo and carried unanimously.

(14) **CONSIDERATION AND ADOPTION OF A RESOLUTION ACKNOWLEDGING THE OBSERVANCE OF HISPANIC HERITAGE MONTH**

Commissioner Tamayo requested that Mrs. Irma Rangel be included in the Resolution.

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the Resolution acknowledging the observance of Hispanic Heritage Month was adopted.

The Resolution is as follows:

CONSENT ITEMS

ALL ITEMS UNDER THE CONSENT AGENDA ITEMS WERE HEARD COLLECTELY 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 27-e: Mr. Remi Garza, County Administrative Assistant, clarified that one (1) Justice of the Peace Employee would travel.

ITEM 15: Mr. Mark Yates, County Auditor, presented the following late claims: Warrant No. 00103839, payable to Jury Fund, in the amount of \$244.50; Warrant No. 00103840, payable to Hammer Enterprises, in the amount of \$6,000.00; and, Warrant No. 00103841, payable to Alfredo Padilla, in the amount of \$5,500.00.

ITEM 26-a: Mr. Juan Bernal, County Engineer/Public Works Director, noted that the following language was missing in the Agenda Item: "And 0.43 acres being out of all of Lot 5, Lot 3, 400 Subdivision Cameron County, Texas."
Judge Hinojosa questioned if the item could be approved with the additional information.
Mr. Doug Wright, Commissioners' Court Legal Counsel, responded in the affirmative.

Commissioner Benavides moved that the following "Consent and Travel Items", be approved, inclusive of the late claims.

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

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

NAY: Commissioner Wood as to Item No. 19.

(15) APPROVAL OF CLAIMS;

**(16) AUTHORIZATION FOR COUNTY JUDGE TO EXECUTE LETTER OF INTENT REQUESTING TXDOT FINANCIAL ASSISTANCE FOR AN UPDATED AIRPORT LAYOUT PLAN AND AIRPORT ACTION PLAN;
The Letter follows:**

(17) ACTION FOR THE APPOINTMENT OF CHARLES SANDELL DEPUTY CONSTABLES FOR PRECINCT NO. 4 IN COMPLIANCE WITH THE FINDING THAT IT IS NECESSARY TO APPOINT THE DEPUTY IN ORDER TO PROPERLY HANDLE THE BUSINESS OF THE CONSTABLE'S OFFICE THAT ORIGINATES IN THE CONSTABLE'S PRECINCT AND THAT THE APPOINTMENT WAS VALID ONLY THROUGH THE END OF THE FISCAL YEAR IN WHICH THE APPOINTMENT WAS MADE OR THE CURRENT TERM OF THE ELECTED CONSTABLE WHICH EVER ENDS SOONER;

(18) ACTION FOR THE APPOINTMENT OF NATHAN GARZA DEPUTY CONSTABLES FOR PRECINCT NO. 4 IN COMPLIANCE WITH THE FINDING THAT IT IS NECESSARY TO APPOINT THE DEPUTY IN ORDER TO PROPERLY HANDLE THE BUSINESS OF THE CONSTABLE'S OFFICE THAT ORIGINATES IN THE CONSTABLE'S PRECINCT AND THAT THE APPOINTMENT BE VALID ONLY THROUGH THE END OF THE FISCAL YEAR IN WHICH THE APPOINTMENT WAS MADE OR THE CURRENT TERM OF THE ELECTED CONSTABLE WHICH EVER ENDS SOONER;

- (19) **AUTHORIZATION TO HIRE ONE LICENSED VOCATIONAL NURSE FOR THE JAIL INFIRMARY;**
- (20) **APPROVAL OF EZ-TAX CPU BASED LICENSE AGREEMENT TO 100 USER BASED LICENSE UPGRADE BETWEEN CAMERON COUNTY AND HAMER ENTERPRISES FOR REAL ESTATE AND PERSONAL PROPERTY TAX ADMINISTRATION, BILLING, COLLECTION, AND DISTRIBUTION SYSTEM;
The Agreement follows:**
- (21) **AUTHORIZATION TO AWARD THE FOLLOWING BIDS/PROPOSALS:**
 - (A) **FOOD: MEATS-QUARTERLY BID NO. 2170-4**
The Tabulation follows:
- (22) **AUTHORIZATION TO OPEN THE FOLLOWING BIDS/RFP'S:**
 - (A) **W.I.C. OFFICE SPACE RENTAL-BID NO. 030802**
 - (B) **PHARMACEUTICAL SERVICES-PRICING-ANNUAL RFP NO. 1610**
- (23) **APPROVAL FOR PAYMENT ON PURCHASE ORDER NO. 62422 TO CITY OF BROWNSVILLE LANDFILL IN THE AMOUNT OF \$7,063.78;**
- (24) **AUTHORIZATION FOR APPROVAL OF A PURCHASE WITHOUT A PURCHASE ORDER NUMBER FOR ARROW MAGNOLIA IN THE AMOUNT OF \$254.23;**
- (25) **AUTHORIZATION TO ACCEPT WEST LA PALOMA CIRCLE OUT OF WEST LA PALOMA SUBDIVISION PHASE II, PRECINCT NO. 4, INTO THE COUNTY ROAD SYSTEM;**
- (26) **AUTHORIZATION FOR PRELIMINARY APPROVAL:**
 - (A) **PRECINCT 2- EL ESTABLO SUBDIVISION, SECTION 1, BEING A 19.78 ACRES COMPRISED OF 19.35 ACRES OUT OF A 56.934 ACRE TRACT OUT OF A CERTAIN 1,008.10 ACRE LAND IN SHARE 22, ESPIRITU SANTO GRANT, CAMERON COUNTY, TEXAS.**
 - (B) **PRECINCT 4-WILCOX ACRES, BEING THE SOUTH 7.00 ACRES OUT OF BLOCK NO. 34 WILSON TRACT SUBDIVISION, CAMERON COUNTY, TEXAS.**

TRAVEL ITEMS

- (27) **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) Extension Office Employee to attend a "Sea Grant Research Conference and Texas Shrimp Association Convention", in Galveston, Texas, September 24-27, 2003;
 - (b) Extension Office Employee to attend the "District 12 4-H Gold Star Awards", in Kingsville, Texas, October 18, 2003;
 - (c) Park System Chief of Police and Sergeant to attend a free training on "State and Local Anti-Terrorism Training (SLATT) given by FBI National Academy Associates, Inc.," Mercedes, Texas, September 24, 2003;
 - (d) Seven (7) Drug Enforcement Task Force Agents to attend a "DPS In Service Training", in Corpus Christi, Texas, October 27-30, 2003;
 - (e) Justice of the Peace Precinct No.7, Place No.2, to attend a "Continuing Education Board Meeting", in South Padre Island, Texas, October 2, 2003;

- (f) WIC Director to attend “Continuing Education for ADA Food & Nutrition Conference & Expo”, in San Antonio, Texas, October 25-28, 2003;
 - (g) Infirmity Supervisor and Nurse Practitioner to attend the “National Conference on Correctional Health Care”, in Austin, Texas, October 3-8, 2003; and
 - (h) Two (2) Juvenile Probation Officers, Weed and Seed Coordinator, and a Brownsville Police Lieutenant, to attend the “National Crime Prevention Council National Conference”, in Washington, DC, October 11-14, 2003.
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- (16) **AUTHORIZATION FOR COUNTY JUDGE TO EXECUTE LETTER OF INTENT REQUESTING TXDOT FINANCIAL ASSISTANCE FOR AN UPDATED AIRPORT LAYOUT PLAN AND AIRPORT ACTION PLAN.
The Letter is as follows:**

- (20) **APPROVAL OF EZ-TAX CPU BASED LICENSE AGREEMENT TO 100 USER BASED LICENSE UPGRADE BETWEEN CAMERON COUNTY AND HAMER ENTERPRISES FOR REAL ESTATE AND PERSONAL PROPERTY TAX ADMINISTRATION, BILLING, COLLECTION, AND DISTRIBUTION SYSTEM.**

The Agreement is as follows:

- (21) **AUTHORIZATION TO AWARD THE FOLLOWING BIDS/PROPOSALS:**
A. **FOOD: MEATS-QUARTERLY BID NO. 2170-4.**
The Tabulation is as follows:

EXECUTIVE SESSION

(28) EXECUTIVE SESSION:

Upon motion by Commissioner Benavides, seconded by Commissioner Garza and carried unanimously, the Court met in Executive Session at 12:34 P.M., to discuss the following matters:

- (a) Confer with Commissioners' Court Legal Counsel on Contract with Office of Rural Community Affairs for 2003-2005 Colonia Self-Help Center; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.071(2).
- (b) Deliberation regarding Real Property concerning the possible donation to Cameron County of various properties (see attached); pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.072.
- (c) Deliberate the evaluation, reassignment and duties of the Property Management Coordinator/Airport Manager; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.074(A) (1).

Upon motion by Commissioner Wood, seconded by Commissioner Tamayo and carried unanimously, the Court reconvened in Regular Session at 1:32 P.M.

NOTE: JUDGE HINOJOSA AND COMMISSIONER GARZA LEFT THE MEETING AT THIS TIME.

(29) ACTION RELATIVE TO EXECUTIVE SESSION:

- (a) **Confer with Commissioners' Court Legal Counsel on Contract with Office of Rural Community Affairs for 2003-2005 Colonia Self-Help Center.**

Commissioner Wood moved that the County continue working with the local Contractor pending finalization of the new Contract with the Office of Rural Community Affairs.

The motion was seconded by Commissioner Tamayo and carried unanimously.

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- (b) **Deliberation regarding Real Property concerning the possible donation to Cameron County of various properties (see attached).**

Commissioner Tamayo moved that the donation to Cameron County of various properties be authorized and that they proceed with the donation deed.

The motion was seconded by Commissioner Wood and carried unanimously.

The List is as follows:

(c) **Deliberate the evaluation, reassignment, and duties of the Property Management Coordinator/Airport Manager.**

Upon motion by Commissioner Tamayo, seconded by Commissioner Wood and carried unanimously, the Property Management Coordinator/Airport Manager was authorized to continue with his duties as he is in his current position pending relocation of working environment.

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 1:34 P.M.

APPROVED this 4th day of **November** 2003.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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