

THE STATE OF TEXAS

COUNTY OF CAMERON

BE IT REMEMBERED on the 30th 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 Pro-tem Carlos H. Cascos, C. P. A., at 5:30 P.M. He then asked Rev. Bob Clark, Brownsville resident, for the invocation, and Mr. and Mrs. Frank Yturria, Brownsville residents, 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 26, 2001, at 3:14 P.M.:

ACTION ITEMS

(2) APPROVAL OF BUDGET AMENDMENTS AND SALARY SCHEDULES

Commissioner Benavides moved that the Fiscal Year 2002 Budget Amendment No. 2002-02 and the Salary Schedules for the County Sheriff's Department, Fund No. 100-5600 and the Civil Division, Fund No. 100-4100, be approved.

The motion was seconded by Commissioner Garza and carried unanimously.

The Budget Amendment and Salary Schedules are as follow:

PRESENTATION ITEMS

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

At this time, Ms. Teresa Baires, County Extension Agent, introduced Ms. Laura Diaz, 1999 Texas A&M University graduate with a Bachelor's Degree in Community Health, and highlighted her work experiences, adding that she was scheduled to begin employment November 1, 2001.

(1) **PRESENTATION BY MR. FRANK YTURRIA
REGARDING THE LAGUNA HEIGHTS DRAINAGE
PROJECT**

Mr. Frank Yturria, Brownsville resident, noted his opposition to an open drainage ditch into the Laguna Madre because it would create a hazard in the development of Laguna Heights. He presented maps, drawn by his engineer, that reflected the possible damage to his property and stated that his development could potentially obtain tax revenues for the County. Mr. Yturria proposed that the drainage ditch be rerouted to the Laguna Larga to alleviate dust problems to the Laguna Heights and Laguna Vista areas. He stated that according to a letter sent by Mr. Orlando Cruz, Project Engineer/CEC Consulting Engineers, Inc., to the Program Development and Management Director, the Court instructed him to proceed on the north drainage ditch; although, it was not the preferred option, but it would prevent further delays. He noted that he was not consulted by the Project Engineer or the Court in those regards, and that the associated cost with the crossing of the drainage ditch over Highway 100 would be far in excess as opposed to draining into the Laguna Larga Basin. Mr. Yturria stated that draining into the Laguna Madre would call for clearance permits from the Corps of Engineers, U.S. Fish and Wildlife Commission, Environmental Protection Agency (EPA), and the U.S. Fish and Wildlife Service Marine Division, and noted that draining into the Laguna Larga would only require a clearance permit from the U.S. Fish and Wildlife. Mr. Yturria explained that in a letter sent by the Project Engineer, he claimed that he would have to conduct an additional Engineering Audit in order to determine whether it was feasible to drain into the Laguna Larga, adding that his engineer had conducted the audit, and that he was willing to provide the audit. He indicated that the basin would drain naturally into the Laguna Larga and stated that if the County elected to drain south, he would gift the needed property for the easement to the County, noting that otherwise he would oppose. He requested that the County reconsider and reroute the drainage ditch to the Laguna Larga, noting that according to his engineer, the set deadline could be met within thirty (30) days or less.

Judge Hinojosa clarified that the Court was interested in the option to drain south and stated that it would not only benefit the dust issue but it could benefit a shrimp estuary. He stated that the Fish and Wildlife Commission had

informed the Court that a topographical study would be conducted to prevent flooding to the Laguna Heights area and that the study was promised in July, 2000, but was never provided, noting that the analysis was to verify proper drainage into the Laguna Larga. He noted that the Fish and Wildlife Commission favored draining south because of the creation of a new shrimp estuary, and that the lack of response from said agency conflicted with time lines. He added that two (2) of the grantees had notified the County that not meeting the time restraints would cause the loss of acquired funds and could possibly disqualify the County from obtaining funds from the Texas Department of Housing and Community Affairs and the Community Affairs Block Grant monies in the future. Judge Hinojosa stated that without the proper data and after consulting with the Project Engineer and staff, it was recommended to drain into the Laguna Madre. He recommended that the Project Engineer review the topographical study provided by Mr. Yturria, noting that the Court was guided by the Engineer's recommendations.

Commissioner Cascos questioned whether there was a need to acquire an extension from the Empowerment Zone Funding.

Mr. Frank Bejarano, Program Development and Management Director, stated that the Empowerment Zone Funding Contract would expire June 2002.

Upon motion by Commissioner Benavides, seconded by Commissioner Valencia and carried unanimously, the presentation by Mr. Frank Yturria, Brownsville resident, regarding the Laguna Heights Drainage Project, was acknowledged.

The Letter is as follows:

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(5) **IN THE MATTER OF ADOPTION OF A RESOLUTION RELATING TO THE POSSIBLE CONSTRUCTION OF ALTERNATIVE ACCESS POINT BETWEEN PORT ISABEL AND SOUTH PADRE ISLAND, TEXAS (NO ACTION TAKEN)**

Commissioner Cascos clarified that there were two (2) Resolutions concerning the construction of an alternative access points to South Padre Island, one prepared by Mr. John Haywood, Port Isabel City Attorney, and one prepared by the County Judge's Office.

Judge Hinojosa explained that the alternative Resolution requested that the Texas Department of Transportation review all available access being considered, in order to provide recommendations based upon the most practical and environmentally sound basis. He stated that it was most appropriate to allow TxDOT to conduct the studies and noted that they were aware of the need to establish an alternative access to the Island as soon as possible.

Mr. Remi Garza, Administrative Assistant, indicated that the difference between the Resolution presented by the City of Port Isabel requested that the Court support their Resolution, which opposed the Holly Beach access option, and that the one from the Judge's Office was neither in favor nor against any available option.

At this time, Commissioner Cascos suggested that Mr. John Haywood, Port Isabel City Attorney, be allowed time to review the new Resolution.

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(3) **POSSIBLE ACTION REGARDING MODIFICATIONS, ADDITIONS AND/OR DELETIONS AT THE CAMERON COUNTY DETENTION FACILITY AND SHERIFF'S DEPARTMENT AND ISSUES RELATED THERETO**

Mr. Randy Haas, Landmark Organization, reported that the new Jail facility was ninety-six (96) percent complete and that the completion date was scheduled for December 31, 2001. He stated that the month of November was scheduled for miscellaneous items and the month of December was scheduled to conduct testing. He reported that a letter received from the Texas Jail Commission approved the removal of the sprinklers heads and a copy of the letter was sent to Mr. Joe Santa Petro, Architect, adding that a meeting was scheduled with the County Engineer, the Fire Marshal and the Sheriff to discuss the letter.

Commissioner Cascos moved that the Report regarding modifications, additions and/or deletions at the Cameron County Detention Facility and Sheriff's Department and issues related thereto, be acknowledged.

The motion was seconded by Commissioner Valencia.

Mr. Juan Bernal, County Engineer-Public Works Director, stated that the Cameron County Sheriff Conrado Cantu requested that the back parking lot be fenced.

Captain Rumaldo Rodriguez, Sheriff's Department, presented a map and the bids relating to the security fence being requested for the back parking lot, noting that the lowest bid was that of Villanueva Fencing Company, in the amount of \$6,600.00 for a chain-link fence.

At this time, Mr. Doug Wright, Commissioners-Court Legal Counsel, stated that the information was not being provided to the Clerk nor himself, and that it was impossible for him to provide legal advise under those circumstances. He suggested that the Court develop a process that instructed that seven (7) copies be provided, noting that all documentation provided to the Court became a part of the Court's records.

Commissioner Cascos suggested that the information be placed in the packet prior to approval.

Mr. Mark Yates, County Auditor, recommended a preliminary review of the proposed project to confirm that it was adequate to the style of the building and in accordance with the City of Brownsville's requirements.

Judge Hinojosa stated that security was needed in the parking lot and that he believed an access gate would be most appropriate, noting that a fence without the proper gate security would defeat the purpose. He suggested that it be postponed in order to obtain recommendation from the designers of the building and that Captain Rodriguez and Mr. Mike Forbes, Purchasing Agent, meet to discuss the bids for the proximity cards.

Commissioner Cascos suggested that the changes be addressed with the County Auditor, Purchasing Agent, and the Budget Officer for clearance prior to being presented to the Court.

Judge Hinojosa recommended that the project be postponed for two (2) weeks, in order to obtain a recommendation from the designers of the construction and to obtain cost estimates on the security system and the fence, in the event it was not a chain link fence.

Upon motion duly made by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, the Report regarding the modifications, additions and/or deletions at the Cameron County Detention Facility and Sheriff's Department and issues related thereto, was acknowledged.

The Report is as follows:

[REDACTED]

(4) **POSSIBLE ACTION REGARDING CAMERON COUNTY AND CITIES CHALLENGING CENSUS 2000 COUNTS AND ISSUES RELATED THERETO**

Mr. Remi Garza, Administrative Assistant, reported that there was an issue presented by the Civil Division and the County Auditor regarding the reimbursement from the small cities and the funding formulas passed by each of the cities, and requested direction to begin the reimbursement process from the cities. He stated that he had requested Mr. Rolando Rios, Attorney at Law, to make a presentation to inform the small cities of the progress on the case.

Judge Hinojosa recommended to invoice the cities when enough bills were available and stated that there was a formula based on the total population of each of the cities. He stated that it was his understanding that the figures were approved with the Interlocal Agreement and that the Budget Officer had the pro-rated formulas to be followed.

Upon motion by Commissioner Valencia, seconded by Commissioner Benavides and carried unanimously, the Status Report regarding the Cameron County and Cities challenging Census 2000 Counts, and issues related thereto, was acknowledged.

[REDACTED]

(5) **ADOPTION OF A RESOLUTION RELATING TO THE POSSIBLE CONSTRUCTION OF ALTERNATIVE ACCESS POINT BETWEEN PORT ISABEL AND SOUTH PADRE ISLAND, TEXAS**

Judge Hinojosa stated that he had sent a letter to TxDOT requesting that they study not only the Holly Beach access option but other options as well. He stated that the car ferry option was a proposed solution that he would not consider as an alternative access point to the Island and that TxDOT was to fund the construction of a new causeway, noting that he believed that the impact to the Laguna Madre area would be similar in the event the accident was repeated, regardless of a permanent car ferry.

Mr. John Haywood, Port Isabel City Attorney, stated that it appeared that the Queen Isabella Causeway would be completed by December 1, 2001, and that adequate ferry landings that could accommodate seventy-five (75) vehicle ferries were needed immediately for an emergency at the old causeway site. He stated that fenders were needed, on both sides, for an additional 1,000 feet, and that the lights were not the cause of the accident.

Judge Hinojosa stated that there was a meeting scheduled to discuss the issue with TxDOT, the Brownsville Navigation District, the Engineers who made the initial proposal, and the Long Island residents.

Mr. Haywood stated that the rerouting could result in the Swing Bridge becoming a fixed bridge and that it could eliminate a \$300,000.00 annual expense. He stated that he agreed to ninety-eight (98) percent of the substitute Resolution and that they opposed the Holly Beach Causeway concept. He highlighted the advantages of a causeway in the Port Isabel area and the disadvantages and high cost of a bridge at Holly Beach.

Commissioner Cascos questioned what the impact would be on traffic in the event that TxDOT decided to construct a bridge next to the Queen Isabella Causeway.

Judge Hinojosa responded that the County was working with Mr. John Hudson, Traffic Engineer, on an alternative bypass around Port Isabel and that studies were being conducted for all alternative access points.

Commissioner Benavides asked if the entrance to the Swing Bridge was privately owned.

Mr. Haywood responded that it was owned by the Long Island Homeowners Association and Mr. Patrick Martin, who maintained the Swing Bridge, adding that he believed that they would be willing to provide the needed right-of-way for the construction of a bridge, and that the other end was County property. He requested that the Resolution he presented be adopted or that the substitute Resolution exclude the Holly Beach access.

Commissioner Garza moved that the substitute Resolution relating to the possible construction of alternative access point between Port Isabel and South Padre Island, Texas, be adopted, excluding the Holly Beach access point option.

The motion was seconded by Commissioner Cascos.

Commissioner Garza questioned whether a study was being conducted for Port Isabel.

Judge Hinojosa stated that he had met with Mr. Amadeo Saenz, TxDOT, and Dannenbaum Engineering to discuss the proposed route study.

At this time, there was discussion regarding the proposed route study, possible oppositions, and the advantages and disadvantages of another causeway away from Port Isabel.

Upon motion duly made by Commissioner Garza, seconded by Commissioner Cascos, the adoption of the substituted Resolution relating to the possible construction of alternative access point between Port Isabel and South Padre Island, Texas, excluding the Holly Beach access point, carried as follows:

Aye: Commissioners Cascos, Garza and Judge Hinojosa,

Nay: None,

Abstain: Commissioners Benavides and Valencia.

The Resolution is as follows:

NOTE: COMMISSIONER BENAVIDES LEFT THE MEETING AT THIS TIME.

(6) AUTHORIZATION TO HOLD PUBLIC HEARING TO PRESENT A FIVE (5) YEAR WRITTEN PLAN FOR THE FUNDING OF THE PRESERVATION AND RESTORATION OF THE COUNTY CLERK-S RECORDS ARCHIVE

Upon motion by Commissioner Valencia, seconded by Commissioner Garza and carried unanimously, the Hearing to present a five (5) year written Plan for the funding of the preservation and restoration of the County Clerk-s Records Archive, was opened for public comment.

Mr. Joe G. Rivera, County Clerk, noted that a five (5) dollar restoration fee had been approved September 2001, as per House Bill No. 370, and that the imaging program in the County Clerk-s Offices was initiated in 1991. He stated that the Plan would allow work from 1991 and back to be imaged and that it would permit a paperless operation in a five (5) year period, adding that the goal was to restore all Real Property Records. Mr. Rivera reported that Request for Proposals (RFP-s) would be solicited to obtain the most convenient price for the County and that microfilms from 1926 through 1971 would be converted to images to be inputted into the Computer System, and added that the Probate records would be microfilmed from the original handwritten books and ultimately computerized. He noted that the \$260,000.00 projected annual revenue was a very conservative figure.

Commissioner Cascos clarified that the revenues would go into the Records Management Account at the discretion of the County Clerk.

Mr. Rivera indicated that any expenditures associated with the Plan would require Court approval and informed that experts in the field had been consulted and presented the written plan.

Hearing and sensing no further comments, upon motion by Commissioner Valencia, seconded by Commissioner Cascos and carried unanimously, the Public Hearing to present a five (5) year written Plan for the funding of the preservation and restoration of the County Clerk-s Records Archive was closed.



(7) ADOPTION OF A FIVE YEAR WRITTEN PLAN FOR THE FUNDING OF THE PRESERVATION AND RESTORATION OF THE COUNTY CLERK-S RECORDS ARCHIVE

Commissioner Valencia moved that the five (5) year written Plan for the funding of the preservation and restoration of the County Clerk-s Records Archive, be adopted.

The motion was seconded by Commissioner Garza.

Commissioner Garza questioned the differences between the projected completion date in the plan from what was stated.

Mr. Rivera responded that the fee could be collected for a seven (7) year period and that in the event the work was not completed within the five (5) year period another written Plan would be presented for an additional two (2) year period, adding that if the work was completed the fee would be discontinued. He noted that the Bill applied only to the Border Counties and that Mr. J. D. Salinas, Hidalgo County Clerk, and himself had participated in the legislative process of getting the Bill passed.

Commissioner Cascos clarified that the two (2) clerks listed under personnel were for a total salary of \$34,000.00 plus fringe, rather than each at \$34,000.00.

Mr. Rivera stated that the intent was to spend as minimal as possible in personnel and that it was decided that the work could be accomplished with two (2) clerks.

Commissioner Valencia moved that the five (5) year written Plan for the funding of the preservation and restoration of the County Clerk's Records Archive, be adopted.

The motion was seconded by Commissioner Garza and carried unanimously.

The Order and Plan are as follow:

(8) APPROVAL OF CONTRACT NO. 696A2310060 BETWEEN TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CAMERON COUNTY, AND THE FOOD BANK OF THE RIO GRANDE VALLEY, INC., REGARDING THE PROVISION OF TEXAS DEPARTMENT OF CRIMINAL JUSTICE OFFENDER LABOR TO HARVEST AND CRATE VEGETABLES FROM PRIVATELY OWNED FIELDS LOCATED IN CAMERON COUNTY

Commissioner Garza moved that Contract No. 696A2310060 between Texas Department of Criminal Justice, Cameron County, and the Food Bank of the Rio Grande Valley, Inc., regarding the provision of Texas Department of Criminal Justice Offender Labor, to harvest and crate vegetables from privately owned fields located in Cameron County, be approved.

The motion was seconded by Commissioner Cascos and carried unanimously.

The Contract is as follows:

(9) **POSSIBLE ACTION RELATING TO THE
COMMISSIONING OF LAW ENFORCEMENT
OFFICERS AND PATROL OF CAMERON COUNTY
CONSTABLE PRECINCT NO. 7**

Mr. Doug Wright, Commissioners= Court Legal Counsel, recommended that the Executive Session be considered prior to action on the Item.

At this time, Judge Hinojosa introduced the newly appointed Constable for Precinct No. 7, Mr. Jaime Vasquez, noting that he was a former Lieutenant with the Mercedes Police Department, and that Chief Jose H. Flores III, would join the department as a Deputy Constable.

(10) **APPROVAL OF CHANGE ORDER NO. 3 FOR THE
CAMERON COUNTY RE-ROOF PROJECT**

Commissioner Garza moved that the Change Order No. 3 for the Cameron County Re-Roof Project, be approved, as recommended by the County Engineer.

The motion was seconded by Commissioner Valencia and carried unanimously.

(11) **IN THE MATTER REGARDING THE CHANGE
ORDER NO. 4 FOR THE LA FERIA BUILDING
(TABLED)**

Mr. Juan Bernal, County Engineer-Public Works Director, reported that Judge Arturo Salas, Precinct No. 7, had requested a Judge's bench and that it was to be constructed by the County Carpenters when their schedule permitted.

Commissioner Cascos clarified that the building was scheduled for completion November, 2001.

Upon motion by Commissioner Cascos, seconded by Commissioner Garza and carried unanimously, this Item was **TABLED** for one (1) week.

(12) **IN THE MATTER TO AWARD CONTRACT TO THE
ESPARZA PEST CONTROL FOR THE TREATMENT OF
THE DANCY BUILDING (TABLED)**

Mr. Juan Bernal, County Engineer-Public Works Director, stated that Esparza Pest Control was the lowest bid and that the Contract had been reviewed by the Civil Division, adding that there was a question regarding the payments, noting that the standard procedure was for the company to send monthly invoices.

Mr. Mike Forbes, Purchasing Agent, explained that the pest treatments would be done in four (4) phases that would be in accordance to the process of the construction.

Mr. Doug Wright, Commissioners=Court Legal Counsel, stated that he had some problems as to the language of the Contract relating to the County-s payment obligations, and that he needed more time to review the Contract.

At this time, there was some discussion regarding the budgeted amount, the time frame of the contract, the warranties, and the suggestion was made to table the matter.

Upon motion by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, this Item was **TABLED** for one (1) week.

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 Garza moved that the AConsent@Agenda Items be approved as follow, with the exception of Item 15c which was tabled:

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

AYE: Commissioners Benavides, Cascos, Garza and Valencia,

Nay: None,

ABSTAIN: Judge Hinojosa as to Laguna Madre Water District, Warrant No. 64984, in the amount of \$30,301.50, and as to Southwest Key Program, Warrant No. 64875, in the amount of \$14,788.00.

(13) **APPROVAL OF CLAIMS;**
The Affidavits follow:

(14) **APPROVAL OF MINUTES;**
a) **September 11, 2001-Regular;**
b) **September 15, 2001-Special; and**
c) **September 18, 2001-Regular.**

(15) **AWARD THE FOLLOWING BIDS/PROPOSALS;**
a) **Automotive: Tires - Vehicles and Patrol - Annual Bid No. 1997;**
FIRESTONE, Brownsville, Texas
b) **Tires: Off Road and Heavy Duty Machinery - Annual Bid No. 1998; and**
FIRESTONE, Brownsville, Texas
c) **In the matter of defibrillators: Annual Request for Proposal No. 0350-010801.**
(TABLED - 2 weeks)

(16) **FINAL APPROVAL;**
a) **Precinct No. 3 - San Jose Resaca View Subdivision Phase I - A**
32.923 acre tract of land more or less being out of
Share No. 14 of the Espiritu Santo Grant, in
Cameron County, Texas, out of a certain 1048.8

acre tract conveyed by Charles Armstrong, Steward L. Armstrong, and H. Julia Armstrong Jitkoff.

- (17) **PRELIMINARY AND FINAL APPROVAL;**
b) **Precinct No. 3 - Blas Hernandez Subdivision - A 1.37 acre tract of land out of Lots No. 5 and No. 6, Block 1, Los Ranchitos Subdivision, No. 1**
- (18) **PURCHASE WITHOUT A PURCHASE ORDER;**
a) **Zarsky Lumber Company - \$ 267.79; and**
b) **Town of South Padre Island - \$ 576.67.**
c)
- (19) **OPEN THE FOLLOWING PROPOSAL AND APPROVAL OF RECOMMENDED COMMITTEE;**
a) **Auctioneer Services - Annual RFP No. 1200.**
Committee:
Mr. Mike Forbes, Purchasing Agent
Mr. Lee Lozano, Vehicle Maintenance
Mr. Ruben Martinez, and
Mr. Tom Gozdilski.

TRAVEL ITEMS

- (20) **AUTHORIZATION TO TRAVEL/OR APPROVAL OF TRAVEL EXPENSE FOR THE FOLLOWING: (PLEASE NOTE: TRAVEL REQUESTS ARE SUBJECT TO ALL APPLICABLE COUNTY POLICIES)**
- a) County Clerk and two (2) Deputy Clerks to attend the A47th Annual Bureau of Vital Statistics Conference®, in Austin, Texas, December 2-3, 2001;
- b) Three (3) Public Works employees to attend the AWorkshops on the Special Border Area Laws on Planting and Selling Residential Lots®, in Harlingen, Texas, October 31, 2001;
- c) District Attorney to attend the AFourth U. S. - Mexico Bi-National Drug Demand Reduction Conference®, in Mexico City, Mexico, November 14-16, 2001;
- d) Three (3) Tax Department employees to attend the ATexas Automobile Theft Prevention Authority Border Solutions Committee Meeting®, in Laredo, Texas, November 1-2, 2001;
- e) Assistant County Auditor to deliver retirement documents, in Austin, Texas, October 15, 2001;
- f) Two (2) Sheriff-s Department employees to attend the AWages and Pay Seminar Workshop®, in Harlingen, Texas, November 15, 2001;
- g) WIC Director to attend the AMandatory Texas Association of Local WIC Directors Board Meeting®, in Austin, Texas, November 14-15, 2001; and
- h) Maintenance Carpentry Supervisor and two (2) employees to study and take measurements of the City of Corpus Christi Playground Area for the purpose of possibly constructing a similar one at the Cameron Park Community Center Complex, in Corpus Christi, Texas, October 31, 2001.

- (13) **APPROVAL OF CLAIMS.**
 The Affidavits follow:

EXECUTIVE SESSION

(21) EXECUTIVE SESSION:

Upon motion by Commissioner Valencia, seconded by Commissioner Garza and carried unanimously, the Court met in Executive Session at 7:10 P.M. to discuss the following matters:

- a) Confer with Commissioners= Court Legal Counsel on matters relating to Constable Precinct No. 7, in which the duty of the attorney to the governmental body, under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, clearly conflicts with the Open Meetings Act; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(2);
- b) Deliberation regarding real property concerning the possible sale of Cameron County Trustee Property known as: Brownsville - La Lomita Section II, Lot 13, Block 7, 04-2120-0070-0130-00; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- c) Deliberation regarding real property concerning the possible temporary License Agreement between Cameron County Airport and the Coastal Bend Region Porsche Club of America; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072; and
- d) Deliberation regarding real property concerning possible lease between Niños Inc. and Cameron County for the Southmost Park; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.207.

Upon motion by Commissioner Garza, seconded by Commissioner Valencia and carried unanimously, the Court reconvened in Regular Session at 7:47 P.M.

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(22) ACTION RELATIVE TO EXECUTIVE SESSION:

- a) **Confer with Commissioners= Court Legal Counsel on matters relating to Constable Precinct No. 7, in which the duty of the attorney to the governmental body, under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, clearly conflicts with the Open Meeting Act.**

Upon motion by Commissioner Garza, seconded by Commissioner Valencia and Carried unanimously, the Status Report presented by Commissioners= Court Legal Counsel on matters relating to Constable Precinct No. 7, in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, clearly conflict with the Open Meetings Act, was acknowledged.

- b) **Deliberation regarding real property concerning the possible sale of Cameron County Trustee Property known as: Brownsville - La Lomita Section II, Lot 13, Block 7, 04-2120-0070-0130-00.**

Upon motion by Commissioner Garza, seconded by Commissioner Valencia and carried unanimously, the proposal presented in Executive Session regarding the possible sale of Cameron County Trustee Property, known as Brownsville La Lomita Section II, Lot No. 13, Block No. 7, 04-2120-0070-0130, was accepted.

- c) **Deliberation regarding real property concerning the possible temporary License Agreement between Cameron County Airport and the Coastal Bend Region Porsche Club of America.**

Commissioner Garza moved that the possible temporary License Agreement between Cameron County Airport and the Coastal Bend Region Porsche Club of America be approved, subject to legal review.

The motion was seconded by Commissioner Valencia and carried unanimously.

- [REDACTED]**
d) **Deliberation regarding real property concerning the possible lease between Niños Inc. and Cameron County for the Southmost Park.**

Upon motion by Commissioner Valencia, seconded by Commissioner Garza and carried unanimously, the negotiations regarding real property concerning the possible lease between Niños Inc. and Cameron County for the Southmost Park be authorized.

- [REDACTED]**
(9) **IN THE MATTER RELATING TO THE COMMISSIONING OF LAW ENFORCEMENT OFFICERS AND PATROL OF CAMERON COUNTY CONSTABLE PRECINCT NO. 7 (TABLED)**

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

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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 7:54 P. M.

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APPROVED this 4th day of **December, 2001**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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