

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 11th day of JUNE 2002, 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

RICHARD VALDEZ
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 5:34 P.M. He then asked Reverend Bob Clark, 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 June 7, 2002, at 2:21 P.M.:

PRESENTATION

**(1) PRESENTATION OF RESOLUTION HONORING
BROWNSVILLE CHIEF OF POLICE CARLOS
GARCIA ON HIS APPOINTMENT TO THE TEXAS
AUTOMOBILE THEFT PREVENTION
AUTHORITY BOARD OF DIRECTORS**

Mr. Tony Yzaguirre, Tax Assessor/Collector, stated that Mr. Carlos Garcia, Chief of the Brownsville Police Department, was appointed by the Governor to the Automobile Theft Prevention Authority (ATPA) Board of Directors. He stated that funding was obtained from the ATPA for the past three (3) years, and that South Texas had been without a Representative for the past three (3) to four (4) years. Mr. Yzaguirre stated that the program began with the support of former Cameron County Sheriff Omar Lucio, Mr. Ben Reyna, Park Ranger, and now Mr. Garcia would assist.

Judge Hinojosa read the resolution at this time, and presented it to Mr. Garcia.

Mr. Carlos Garcia, thanked Judge Hinojosa, the Commissioners, and Mr. Yzaguirre for the honor and privilege of receiving the Resolution. He stated that an appointment like his did not happen everyday and that he would serve faithfully, not only the City of Brownsville, but everybody in South Texas, especially the Counties along the border that had an auto theft problem. Mr. Garcia stated that he would ensure that South Texas receives the fair portion of funding and that auto theft rates be kept at a minimum. He added that his appointment was possible because of the support of the Elected Officials, but more so because of the competent staff of the Brownsville Police Department.

Judge Hinojosa thanked Brownsville Chief of Police Carlos Garcia, and noted that he was very proud of him for dedicating so much time of himself to the Community.

Commissioner Cascos recognized former Sheriff Omar Lucio for his support to the Automobile Theft Prevention Authority.

The Resolution is as follows:

ACTION ITEMS

(2) BUDGET AMENDMENTS AND/OR SALARY SCHEDULES

Upon motion by Commissioner Cascos, seconded by Commissioner Garza and carried unanimously, the 2002-Fiscal Year Budget Amendment No. 2002-26 and the Salary Schedules were approved.

The Budget Amendments and Salary Schedules are as follow:

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- (3) **APPROVAL OF MINUTES:**
A) **MAY 14, 2002-REGULAR; AND**
B) **MAY 14, 2002- SPECIAL.**

Commissioner Cascos moved that the Minutes for the Regular Meeting held May 14, 2002, and of the Special Meeting held May 14, 2002, be approved.

Commissioner Cascos asked if the Rio Hondo issue was consulted with the Texas Natural Resource Conservation Commission (TNRCC) and the Health Department.

Mr. Remi Garza, Administrative Assistant, stated that he had contacted TNRCC and reviewed the files of the Wilbur Ellis Plant. He reported that he had discussed the conditions of the containment shells and of the storage tanks with TNRCC and that they had inspected the Wilbur Ellis Plant, and that all was in order. He stated that the postponed meeting with the Texas Department of Transportation (TxDOT) had subsequently taken place.

Judge Hinojosa stated that Mr. Calixto Garza, Rio Hondo resident, had attended the meeting in which the different potential routes were discussed. He reported that no other truck routes existed because TxDOT had indicated that construction of a bridge across the Arroyo Colorado would be too costly and the maintenance would cost \$500,000.00 per year, adding that Mr. Calixto Garza understood and had accepted the result.

Commissioner Cascos moved that the Minutes of the Regular Meeting held May 14, 2002, and of the Special Meeting held May 14, 2002, be approved.

The motion was seconded by Commissioner Valdez.

Commissioner Garza questioned the date on the Agenda for the Special Meeting of May 14, 2002.

Mr. Garza stated that the date was a clerical error and that it should be approved as it was posted.

Upon motion duly made by Commissioner Cascos that the Minutes of the Regular Meeting held May 14, 2002 and of the Special Meeting held May 14, 2002, be approved.

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

AYE: Commissioner Benavides, Valdez, and Judge Hinojosa,

NAY: None,

ABSTAIN: Commissioner Garza as to the Minutes for the Special Meeting held May 14, 2002.

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(4) **CONSIDERATION AND POSSIBLE ACTION REGARDING THE SELECTION AND SUBMISSION OF EARLY VOTING LOCATIONS FOR THE NOVEMBER GENERAL ELECTION FOR PRE-CLEARANCE BY THE DEPARTMENT OF JUSTICE**

Commissioner Cascos questioned if the Election Commission had approved the sights.

Robert Mendoza, Elections Division Administrator, responded in the affirmative.

Judge Hinojosa stated that the Early Voting locations were for the General Election, and that the following changes were made: Lopez Super Market had substituted the Southmost Community Network Center; La Feria voting location was minimized to one (1) week; the voting location at University of Texas at Brownsville (UTB) and Texas Southmost Technical College (TSTC) was added for one (1) week; the inclusion of some Churches in Precinct No. 1 for one week; the inclusion of the Flea Market and the Port of Brownsville; and, the Rock the Vote Day.

Commissioner Cascos moved that the selection and submission of Early Voting Locations for the November General Election for Pre-Clearance by the Department of Justice be approved.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Lists are as follow:

(5) **IN THE MATTER REGARDING ADOPTION OF A RESOLUTION REQUESTING FEDERAL EMERGENCY MANAGEMENT ADMINISTRATION TO PERMIT THE CONSTRUCTION OF BATHROOMS IN A-V FLOOD ZONES (TABLED)**

Mr. Remi Garza, Administrative Assistant, requested that this item be tabled in order to review the matter.

Commission Cascos questioned the meaning of the A-V Flood Zone.

Mr. Garza explained that the A-V Flood Zone represented the designations, and that the matter was triggered by the Parks System Director's comment that one (1) of the projects would not be eligible for funding because the bathrooms could not be constructed in the flood zone, adding that he was uncertain of the designations.

Commissioner Cascos questioned if the issue concerning the Riverbend area would be addressed as well, and suggested that the matter be reviewed.

Mr. Garza stated that the Court was free to offer the Resolution requesting changes to incorporate any areas in the designated areas for construction, and that ultimately the Federal Emergency Management Agency (FEMA) would adopt the rules.

Commissioner Cascos questioned if the Resolution covered other areas.

Mr. Garza replied that the Resolution did not cover other areas, but that it could.

Commissioner Cascos questioned the area being considered.

Mr. Garza stated that he was unsure of the areas being classified in the A-V Flood Zone.

Commissioner Cascos moved that this Item be **TABLED**, and requested that the definition of the A-V Flood Zones be made available.

Upon motion duly made by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, this Item was **TABLED**.

(6) **IN THE MATTER REGARDING THE COUNTY ANNEX IN HARLINGEN, TEXAS (TABLED)**

Judge Hinojosa recommended that a new facility be constructed with the \$1 million allocated from the bond issue and the proceeds from the possible sale of the Harlingen Annex. He recommended that a property be located within the City of Harlingen where a new County Annex would be constructed, adding that it would house the main Offices and the Tax Office with an adjacent drive-thru. Judge Hinojosa noted the negative side of the renovation to be the cost and the need to rent Office Space for a ten (10) to twelve (12) month period.

At this time, there was some discussion regarding the suggestion to re-build a high rise facility and the issues related thereto.

Mr. Mark Yates, County Auditor, noted that the County had twenty-four (24) months to expend the bond funds.

Judge Hinojosa suggested that the Court determine the amount the property would be sold for, that the amount be borrowed from the Bridge Fund and reimbursed once the property was sold. He suggested that the \$1 million and the loan from the Bridge Fund be used to start construction now.

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

CONSENT ITEMS

ALL ITEMS UNDER THE CONSENT AGENDA ITEMS WERE HEARD COLLECTIVELY UNLESS OPPOSITION WAS PRESENTED, IN WHICH CASE THE CONTESTED ITEM WAS CONSIDERED, DISCUSSED, AND APPROPRIATE ACTION TAKEN SEPARATELY.

DISCUSSION CONCERNING CONSENT AGENDA ITEMS:

At this time Mr. Mark Yates, County Auditor, presented and highlighted the following Report concerning the Health Insurance Fund:

ITEM NO. 7: Mr. Mark Yates, County Auditor, presented the following late claims:
Warrant No. 00077704, as to Controller's Account, in the amount of \$704.38; Warrant No. 00077705, as to GE Credit Equipment, in the amount \$30,000.00; Warrant No. 00077706, as to Rio Grande Valley Inc., in the amount of \$135,371.58; Warrant No. 00077707, as to the Marshal's Office, in the amount of \$4,808.63.

Commissioner Benavides moved that the following "Consent and Travel Items" be approved.

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

AYE: Commissioners Benavides, Cascos, and Valdez,

NAY: None,

ABSTAIN: Judge Hinojosa as to Warrant No. 00077540, payable to Laguna Madre Water District, in the amount of \$184.08; Commissioner Garza as to Warrant No. 00077570, payable to the Medicine Shoppe, in the amount of \$834.64.

- (7) **APPROVAL OF CLAIMS;**
The Affidavits follow:
- (8) **AUTHORIZATION TO EXECUTE A CONTRACT WITH HALFF AND ASSOCIATES INC., TO SUBMIT AN INDOOR GRANT APPLICATION TO THE TEXAS PARKS AND WILDLIFE DEPARTMENT;**
The Application follows:
- (9) **ADOPTION OF THE POLICY AND PROCEDURE MANUAL AND THE RACIAL BASED PROFILING POLICY FOR THE CAMERON COUNTY PARK RANGERS DIVISION;**
The Policy and Manual follow:
- (10) **AUTHORIZATION TO ENTER INTO A BEACH CLEANING AND MAINTENANCE ASSISTANCE AGREEMENT WITH THE TEXAS GENERAL LAND OFFICE FOR STATE FINANCIAL ASSISTANCE FOR 2003 FISCAL YEAR;**
The Agreement follows:
- (11) **HIDTA CONTRACTUAL EMPLOYEE CONTRACTS FOR 2002 FISCAL YEAR;**
The Contracts follow:
- (12) **ACCEPTANCE OF THE PARCELS NO. 5, NO. 25A AND NO. 25B, FOR FM 106;**
- (13) **OPENING OF THE FOLLOWING BIDS/PROPOSAL:**
A) **FOOD: MEATS - ANNUAL BID NO. 2170-3.**
- (14) **AWARDING OF THE FOLLOWING BID:**
A) **INTERNATIONAL BRIDGES INSURANCE - ANNUAL BID NO. 1458.**
SMITH REAGAN INSURANCE AGENCY, San Benito, Texas, \$81,180.00

TRAVEL ITEMS

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

- (a) District Attorney employee to attend the "Southwest Border HIDTA Executive Meeting" in El Paso, Texas, June 12-13, 2002;
- (b) Engineering employee to attend the "Dealing with Mold Related Problems in Buildings", in Madison, Wisconsin, June 10-13, 2002;
- (c) Project Development and Management Coordinator to attend the "LRGVDC Professional Advisory Review Panel (PARP) Meeting", in Pharr, Texas, June 12, 2002;
- (d) Juvenile Probation employee to attend the "Texas Behavior Support Initiatives Training", in Houston, Texas, June 10-12, 2002;
- E. Two (2) Sheriff's Department employees to attend the "Training with Bexar County Sheriff's Department Corrections Emergency Response Team", in San Antonio, Texas, June 5-7, 2002;
- F. International Bridge System Director to meet with the State of Tamaulipas, Secretaria de Economia y Desarrollo Urbano in Mexico City, Mexico, June 4, 2002;
- G. Project Development and Management Coordinator to attend the "Preconstruction Conference Regarding TCDP Projects 720205 and 721102", in Edinburg, Texas, June 7, 2002;
- H. Project Development and Management Coordinator to attend the "2003/2004 Texas Community Development Program Application Workshop" in Hebronville, Texas, June 18, 2002;
- I. Two (2) Health Department Employees to attend the "Adult Patient", in South Padre Island, Texas, June 24-28, 2002;
- J. Commissioner Precinct No. 3 to attend the "South Texas County Judges' and Commissioners' Association 68th Annual Conference", in Corpus Christi, Texas, June 18-19, 2002; and
- K. Election Administrator to attend the "Professional Education Certification Program Course", in Annapolis, Maryland, July 13-15, 2002.

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

- (8) AUTHORIZATION TO EXECUTE A CONTRACT WITH HALFF AND ASSOCIATES INC., TO SUBMIT AN INDOOR GRANT APPLICATION TO THE TEXAS PARKS AND WILDLIFE DEPARTMENT.
The Contract is as follows:**

- (9) **ADOPTION OF THE POLICY AND PROCEDURE MANUAL AND THE RACIAL
BASED PROFILING POLICY FOR THE CAMERON COUNTY PARK RANGERS
DIVISION.**
The Policy and Manual are as follow:

- (10) AUTHORIZATION TO ENTER INTO A BEACH CLEANING AND MAINTENANCE ASSISTANCE AGREEMENT WITH THE TEXAS GENERAL LAND OFFICE FOR STATE FINANCIAL ASSISTANCE FOR 2003 FISCAL YEAR.
The Agreement is as follows:**

- (11) **HIDTA CONTRACTUAL EMPLOYEE CONTRACTS FOR 2002 FISCAL YEAR.**
The Contracts are as follow:

EXECUTIVE SESSION

(16) EXECUTIVE SESSION

Upon motion by Commissioner Benavides, seconded by Commissioner Garza and carried unanimously, the Court met in Executive Session at 6:07 P.M., to discuss the following matters:

- (a) Deliberation regarding Real Property concerning the possible land donation to Cameron County of the following property: Abstract No. 2 - Rio Grande Lot No. 53, Block C 6.9600 acres, Account No. 78-0150-0030-0530-00; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section, 551.072.
- (b) Deliberation regarding Real Property concerning the License Agreement between Coastal Bend Region of the Porsche Club of America, Inc., and Cameron County for the use of mutually agreeable area at the Port Isabel - Cameron County Airport; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section, 551.072.
- (c) Deliberation regarding Real Property concerning the possible sale of Cameron County Trustee Property known as Abstract No. 2 - Monte Grande No.1, Block No. 72, 5 Acres, Account No.76-8710-0720-0010-00; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section, 551.072.
- (d) Confer with Commissioners' Court Legal Counsel concerning the case styled Ms. Maria Longoria on behalf of the Estate of Juan Longoria, Deceased, et. al., versus Cameron County, et. al. Civil Action No. B-01-062, for discussion and authority to hire Counsel; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.071(2).
- (e) Deliberation regarding Real Property concerning the possible Lease of Office Space for the Unidos Podemos Program or other County Departments; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.072.
- (f) Deliberation regarding Real Property concerning authorization to negotiate the possible acquisition of various properties adjacent to the Dancy Building; 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 7:00 P.M.

NOTE: JUDGE HINOJOSA LEFT THE MEETING AT THIS TIME.

(17) ACTION RELATIVE TO EXECUTIVE SESSION:

- (a) Deliberation regarding Real Property concerning the possible land donation to Cameron County of the following property Abstract No. 2 - Rio Grande Lot No. 53, Block C 6.9600 acres, Account No. 78-0150-0030-0530-00.**

Commissioner Valdez moved that the land donation to Cameron County of the following property, Abstract No. 2 - Rio Grande Lot No. 53, Block C 6.9600 acres, Account No. 78-0150-0030-0530-00 be accepted, subject to Mr. Joseph Ardito, Property Manager, doing a windshield inspection of the property to make sure that there are no environmental issues or other issues that the County is not aware of.

The motion was seconded by Commissioner Garza and carried unanimously.

- (b) Deliberation regarding Real Property Concerning the License Agreement between Coastal Bend Region of the Porsche Club of America, Inc., and Cameron County for the use of mutually agreeable area at the Port Isabel - Cameron County Airport.**

Commissioner Garza moved that the Status Report by Mr. Joseph Ardito, Property Manager, be acknowledged concerning the License Agreement between Coastal Bend Region of the Porsche Club of America, Inc., and Cameron County for the use of mutually agreeable area at the Port Isabel - Cameron County Airport.

The motion was seconded by Commissioner Benavides and carried unanimously.

- (c) Deliberation regarding Real Property concerning the possible sale of Cameron County Trustee Property known as Abstract No. 2 - Monte Grande No.1, Block No. 72, 5 Acres, Account No.76-8710-0720-0010-00.**

Commissioner Benavides moved that the sale, in the amount of \$4,502.07, of Cameron County Trustee Property known as Abstract No. 2 - Monte Grande No.1, Block No. 72, 5 Acres, Account No.76-8710-0720-0010-00 be approved.

The motion was seconded by Commissioner Garza and carried unanimously.

- (d) Confer with Commissioners' Court Legal Counsel concerning Ms. Maria Longoria on behalf of the Estate of Juan Longoria, Deceased, et. al., versus Cameron County, et. al. Civil Action No. B-01-062, for discussion and authority to hire Counsel.**

Commissioner Benavides moved that Mr. Doug Wright, Commissioners' Court Legal Counsel, be authorized to contact the District Attorney to arrange Representation of the individual in the case styled Ms. Maria Longoria on behalf of the Estate of Juan Longoria, deceased, et. al., versus Cameron County, et. al. Civil Action No. B-01-062.

The motion was seconded by Commissioner Garza and carried unanimously.

[REDACTED]

(e) Deliberation regarding Real Property concerning the possible Lease of Office Space for the Unidos Podemos Program or other County Departments.

Commissioner Benavides moved that Lease of Office Space for the Unidos Podemos Program or other County Departments, be approved, subject to legal review.

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

AYE: Commissioner Benavides, Valdez, and Judge Pro-tem Cascos,

NAY: Commissioner Garza.

[REDACTED]

(f) Deliberation Regarding Real Property concerning authorization to negotiate the possible acquisition of various properties adjacent to the Dancy Building.

Upon motion by Commissioner Valdez, seconded by Commissioner Garza and carried unanimously, the Status Report by Mr. Joseph Ardito, Property Manager, was acknowledged concerning negotiations of the possible acquisition of various properties adjacent to the Dancy Building.

[REDACTED]

(6) IN THE MATTER REGARDING THE COUNTY ANNEX IN HARLINGEN, TEXAS (TABLED)

Judge Pro-tem Cascos stated that Mr. Tony Yzaguirre, Tax Assessor/Collector, had asked if the proposed sale of the Harlingen Annex included the Tax Office.

Mr. Joseph Ardito, Property Manager, responded negatively, and explained that he would request that the Real Estate Brokers provide a marketable analysis for both buildings and the land or that an appraisal be made. He stated that based on the information available, the Sheriff's building could sell for approximately \$500,000.00, which equaled approximately \$65.00 per square foot, in addition to the land.

Commissioner Garza stated that when Judge Hinojosa made reference of the sale, it was inclusive of the whole area, including the Tax Office.

Commissioner Cascos stated that Judge Hinojosa had indicated that the intent was to consolidate all of the offices, and stated that Mr. Yzaguirre needed to know in order to make arrangements due to the daily generated revenue, and clarified that the Tax Office was included in the proposed sale.

There being no further business to come before the Court, upon motion by Commissioner Valdez, seconded by Commissioner Garza and carried unanimously, the meeting was **ADJOURNED** at 7:07 P.M.

APPROVED this 2nd day of **JULY 2002**.

**GILBERTO HINOJOSA
COUNTY JUDGE**

ATTEST:

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