

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 17th day of October 2002, there was conducted a Special Public Meeting of the Honorable Commissioners' Court of Cameron County, Texas, at the Courthouse thereof, in the City of Brownsville, Texas, for the purpose of transacting any and all business that may lawfully be brought before the same.

THE COURT MET AT:

4:30 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, 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 October 11, 2002, at 3:50 P.M.:

PRESENTATION

(2) PRESENTATION AND UPDATE ON THE STATUS OF SCHLITTERBAHN BEACH WATERPARK AND EXPLANATION OF THE PARKS OPERATING SYSTEM

Ms. Sherrie Brammalls, Schlitterbahn Beach Waterpark, highlighted the development history of the Waterpark, and stated that the park had a successful opening in May 2001. She reported that the Waterpark had rapidly rebounded from the negative impact caused by the causeway collapse. Ms. Brammalls added that a boardwalk project connecting the park to the beach was complete. She highlighted the following Advertising and Public Relations Highlights for the Schlitterbahn Beach Waterpark:

At this time, Mr. Joe Tristan, Schlitterbahn Beach Waterpark, stated that the park was conducting educational events on land and water and that the park was available upon request for many type of events.

Ms. Brammalls reported that 181,000 individuals had attended the park during the Year 2001 and that 293,000 individuals had attended the park up to September 2002, adding that an increase in attendance was expected. She stated that based on surveys, approximately 52% of the visitors traveled from major cities in Texas cities specifically to attend the Schlitterbahn Beach Waterpark, the result, direct revenue for the County. Ms. Brammalls stated that during the Year 2001 the Waterpark had generated \$192,000.00 for the County and \$390,000.00 during the Year 2002, totaling \$583,400.00.

Mr. Bob Henry, Schlitterbahn Beach Waterpark, presented the County with a ceremonial check in the amount of \$583,400.00, revenue resulting from the partnership between the Waterpark and the County.

Ms. Brammalls stated that the construction of the Schlitterbahn Beach Waterpark would not have been possible without the support and the tenacity of the County Judge.

Commissioner Cascos questioned the comparison between the actual revenue and the projections.

Ms. Brammalls responded that the projections had been met at this time.

Judge Hinojosa stated that the significant property taxes paid to the County on the improvements to the multimillion-dollar facility were in addition to the \$583,400.00 concession percentage. He explained that the \$583,400.00 would go into the Parks System Fund to fund park related projects, and that the tax revenue would go into the General Fund to assist in balancing the County Budget. Judge Hinojosa stated that the Waterpark provided a recreational facility to the community and very friendly staff. He noted the need for long term plans to be determined in order for the County to better prepare for the future, and that he believed that the remaining County property adjacent to Schlitterbahn Beach Waterpark should be utilized for its expansion.

Ms. Brammalls stated that plans were currently being developed and would be presented to the County by Mr. Jeff Henry in the near future.

Commissioner Benavides questioned the comparison between the Schlitterbahn Beach Waterpark located in New Braunfels and the one located in the South Padre Island.

Ms. Brammalls explained that the parks were not comparable because the one located in New Braunfels was already a well established destination.

Upon motion by Commissioner Cascos, seconded by Commissioner Garza and carried unanimously, the Presentation and update on the status of Schlitterbahn Beach Waterpark and explanation of the Parks Operating System were acknowledged.

The Report is as follows:

[REDACTED]

(1) **PRESENTATION BY HALFF AND ASSOCIATES OF
THE DESIGN FOR BOTH BROWNE ROAD AND
LAGUNA HEIGHTS PROJECT**

Commissioner Benavides stated that he had met with Halff and Associates to discuss the designs, and explained that the park would benefit the community. He explained that the installation of pool was proposed for the future, and requested that as many trees as possible be left unharmed.

Judge Hinojosa noted the need to incorporate a pool in the Master Plan.

Mr. Javier Mendez, Parks System Director, suggested that in the event that a pool was included in the plan that an indoor pool should be considered. He informed that the Parks Advisory Board was present but that there was a concern because proper notice of their meeting had not occurred; therefore, any comments or suggestions could be addressed to him and that he would forward them to the designers.

Mr. Lenny Hughes, Halff and Associates, stated that the Preliminary Plan for the Laguna Heights Recreational Park included the following components: a walking trail, parking lot, covered basketball pavilion, a wood playground structure, picnic pavilion, restroom facility, a fishing peer, and bird watching area with a nature area being preserved. He stated that space for expansion was available due to the clean-up of debris and the dirt fill completed by the County. Mr. Hughes stated that vegetation would be incorporated to provide shading for the public, while preserving open space for other activities.

Judge Hinojosa questioned whether three (3) acres were available for the Laguna Heights Park.

Mr. Joe Vega, Parks System Director, clarified that the property available for the Laguna Heights Park was less than an acre, including the additional space made available by the County.

Mr. Hughes explained that the components considered in the park concept could be constructed within the available property.

Mr. Mendez reported that the Interim Maintenance Director had visited the property to determine whether a playground similar to the one located in Cameron Park and Santa Rosa could be constructed and that he had suggested the pavilion be centered on the property due to the limited space. He stated that it was questioned if an existing concrete slab could be utilized but was suggested that it not be used due to its unknown origin.

At this time, Mr. Hughes stated that the County had worked with the Texas Parks and Wildlife and acquired a grant. During the grant process the need to include the following items in the park were identified; a bird watching area; utilization of wildflower/xeriscape gardens to be placed within the park; an adult softball field; and, a baseball field. He stated that the project had been divided into Phase I and II, and explained that Phase I incorporated the items indicated

throughout the grant process, adding that the parking lot in Phase I could be used for the expansion of Phase II, which included soccer fields. He stated that there were good size trees present; therefore, a Nature Study area was being suggested. Mr. Hughes stated that a playground would be incorporated into the plans, and stated that there were stand pipes for the irrigation canals located within the park, adding that the stand feature could be incorporated into an architectural element throughout the park.

Commissioner Garza questioned whether the splash fountain was part of Phase I.

Mr. Hughes explained that the inclusion of the zero depth splash fountain into Phase I could be reviewed and that the fountain would require low cost and maintenance, adding that it could be set to recycle the water or to direct it into the drainage system.

Judge Hinojosa stated that he favored Concept-B because the location of the playground enabled the parents to supervise the children while participating in other activities.

Mr. Hughes explained that Phase II of Concept-A was a sports concept and that Concept-B was a family-oriented plan with quick access to sports fields.

Judge Hinojosa stated that the advantage of Concept-B was that it would be inexpensive to expand the availability of baseball and soccer fields, adding that upon construction of the park the development of organized baseball and soccer would be seen.

Commissioner Cascos questioned the number of parking spaces in Concept-B.

Mr. Hughes stated that the number had not been calculated and that the attempt was to obtain input from the Court and the public in order to begin the next phase which entailed more detail.

Mr. Michael Black, Halfff and Associates, explained that approximately 50 parking spaces would be available per ball field.

Judge Hinojosa stated that Browne Road was a County road that leads into a Colonia; therefore, could qualify for Proposition II Funds. He suggested that widening of Browne Road, 1.5 miles, be included in the next phase of construction with Proposition II Funding, and noted the need for a road shoulder to be constructed for the use of the park, adding that otherwise the widening should be done by the County.

Commissioner Garza informed that State had designated funds for construction of sidewalks leading to schools and suggested that the County Engineer inquire about the possible funding.

Judge Hinojosa stated that the matter would be placed on the Agenda in the future to provide further direction.

Mrs. JuaNita Brodecky, Rio Hondo resident, questioned whether the County Budget would have sufficient funds to provide insurance for the proposed pool.

Judge Hinojosa stated that the pool would not be constructed at this time and that the liability and insurance issues would be considered within the budgetary constraints being face at that time.

Commissioner Cascos clarified that the tight Budget adopted by the County represented the General Fund and not the Parks System Fund.

Mr. Mendez explained that the Parks System took extra safety precautions during the opening of County pools.

Judge Hinojosa stated that Commissioner Precinct No. 1 was the only precinct in the Cameron County without a County Parks.

Commissioner Garza moved that the Presentation by Halff and Associates of the design for both Browne Road and Laguna Heights Project be acknowledged.

The motion was seconded by Commissioner Cascos and carried unanimously.

The Plans are as follows:

ACTION ITEMS

(3) APPROVAL OF THE BUDGET AMENDMENTS AND/OR SALARY SCHEDULES

Upon motion by Commissioner Cascos, seconded by Commissioner Garza and carried unanimously, the Salary Schedules were approved

The Salary Schedules are as follow:

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(4) APPROVAL OF MINUTES FOR THE REGULAR MEETING HELD SEPTEMBER 10, 2002

Commissioner Valdez moved that the Minutes for the Regular Meeting held on September 10, 2002, be approved.

The motion was seconded by Commissioner Garza and carried unanimously.

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(5) CONSIDERATION AND AUTHORIZATION TO HOLD A PUBLIC HEARING FOR THE PARK SYSTEMS PERTAINING TO THE INCREASE OF RATES AND FEES FOR THE CAMERON COUNTY PARK SYSTEM

Upon motion by Commissioner Valdez, seconded by Commissioner Garza and carried unanimously, the Public Hearing for the Park Systems pertaining to the increase of rates and fees for the Cameron County Parks System was opened for public comment.

Mr. Javier Mendez, Parks System Director, presented two (2) options and explained that Option No. 2 had been modified to incorporate a 15% increase instead of a flat rate, resulting in a difference of an additional \$42,000.00. He stated that the \$210.00 monthly General Fee at Thomae park was for the area near the Wildlife Refuge.

Judge Hinojosa recommended that the increases be approved on a basis percentage instead of a lump sum amount.

Mr. Mendez recommended a \$30.00 increase for the R.V. Rentals of properties next to the refuge and a \$50.00 increase of the R.V. Rentals of properties adjacent to the arroyo. He recommended increases to the annual pass, the 90 day passes, and the boat launching fee, adding that a fee increase had not taken effect within the past seven (7) years. He stated that the fee increases were proposed about two (2) weeks ago due to complaints presented by other R.V. Rental owners, claiming that the County was not being competitive, since the County's rates were nearly 50% lower than theirs.

Judge Hinojosa questioned the recommendation of Park Advisory Board.

Mr. Mendez responded that the proposed increase had not been presented to the Park Advisory Board.

Judge Hinojosa noted the need to meet with the Park Advisory Board prior to approving the proposed rates and fees increases.

Commissioner Garza questioned whether an annual pass was valid at all County Parks.

Mr. Mendez responded that most of the passes were valid at all County Parks.

Commissioner Cascos requested clarification of the boat launching fee.

Mr. Mendez explained that the boat launching fee would be increased from \$1.00 to \$2.00 and was valid for the entire day.

Commissioner Garza stated that the lowest fee increase, by percentage, pertained to R.V. Rentals, and questioned the comparison to other R.V. Rentals' fees.

Mr. Mendez stated that the R.V. Rental fee for a County premier site was of about \$335.00 and an inside lodge at about \$290.00, adding that other R.V. Rental fees were of about \$680.00 for premier sites and \$555.00 for an inside lodge.

Judge Hinojosa stated that any increases should be made gradually.

Commissioner Benavides expressed his concern with the conditions of the boat ramp located in South Padre Island and suggested that a new boat ramp be built.

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the Public Hearing for the Park Systems pertaining to the increase of rates and fee's for the Cameron County Park System was closed.

[REDACTED]

(6) **IN THE MATTER REGARDING ACTION RELATING TO THE POSSIBLE INCREASE OF RATES AND FEES FOR THE CAMERON COUNTY PARKS SYSTEMS (TABLED)**

Upon motion by Commissioner Cascos, seconded by Commissioner Valdez and carried unanimously, this Item was **TABLED** for two (2) weeks.

[REDACTED]

(7) **IN THE MATTER REGARDING AUTHORIZATION TO DISTRIBUTE PROPOSITION II COLONIA CONTRACT WORK TO S&B INFRASTRUCTURE, TEDSI AND L&G (TABLED)**

Judge Hinojosa explained that the concern was that the Contract had been awarded with the understanding that the work would be divided on a percentage basis among the Team members, S&B Infrastructure, TEDSI, and L&G. He stated that the Team had an obligation to divide the work according to the agreement, and suggested that the County Engineer meet with the Team to develop recommendation to be presented before the Court. Judge Hinojosa stated that he believed that it was inappropriate for the Court to dictate what portion of the project each Team member should complete. He stated that it was appropriate to inform the Team that it must abide by the Contract and the understanding concerning the manner in which the work would be divided.

Commissioner Cascos questioned if the Contract indicated that the work and compensation would be equally divided among the three (3) companies.

Mr. Juan Bernal, County Engineer/Public Works Director, responded in the affirmative.

Commissioner Cascos questioned why the matter was being discussed if it was already addressed in the Contract.

Commissioner Garza explained that he had placed the matter on the Agenda after discussing it with Mr. Bernal and the Texas Department of Transportation (TxDOT). He added that the Proposition II Program entailed approximately \$10.2 million with a work scope of one (1) large project and many little projects. Commissioner Garza stated that L&G was working with the Cities of Harlingen and San Benito; therefore, was familiar with the area. He stated that he would like for the projects to be completed in a timely manner; however, this was not occurring. Commissioner Garza recommended that the projects be assigned to individuals who were familiar with the areas. Commissioner Cascos reiterated that the Contract called for equal distribution of the work and compensation.

Commissioner Garza explained that his recommendation was based on the firms' familiarity with the areas and on his belief that this could simplify the process.

Commissioner Benavides questioned the experience of S&B Infrastructure, TEDSI, and L&G.

Judge Hinojosa stated that the three (3) companies were highly experienced, and that he believed that the Court should allow them to determine a work plan for the projects. He clarified that the cost for fringe benefits for new hires would be funded through the Proposition II Program.

Commissioner Garza questioned whether Mr. Mario Jorge Riojas, TxDOT District Engineer, had met to with TEDSI and L&G.

Mr. Mario Jorge Riojas, TxDOT District Engineer, explained that he was waiting on approval of the Contract and that the work order authorizing them to proceed remained on pending status.

Commissioner Garza stated that he would like to encourage that his recommendation be followed, and noted the need for the Commissioners to be involved with the work being conducted within their respective Commissioner Precincts.

Judge Hinojosa stated that the Court could not legally dictate the work to be conducted by each firm.

Mr. Doug Wright, Commissioners' Court Legal Counsel, noted the need to abide by the existing Contract.

Commissioner Garza questioned whether the firms could be encouraged to examine the possibility of dividing the work according to his recommendation.

Mr. Wright responded in the affirmative.

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



**(8) CONSIDERATION AND AUTHORIZATION TO
AMEND CONTRACT WITH S&B
INFRASTRUCTURE FOR THE PROPOSITION II
COLONIA PROJECTS**

Mr. Juan Bernal, County Engineer/Public Works Director, informed that the original Contract included a 9% fee plus additional services.

Commissioner Garza moved that the Amendment of the Contract with S&B Infrastructure for the Proposition II Colonia Projects of eleven percent (11%) be approved.

The motion was seconded by Commissioner Cascos and carried unanimously.

The Amendment is as follows:

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(9) **CONSIDERATION AND AUTHORIZATION TO PURCHASE ONE (1) 2002 COMPACT PICKUP TRUCK EXTENDED CAB FOR THE BUILDING AND INSPECTIONS DEPARTMENT UTILIZING THE HOUSTON GALVESTON AREA COUNCIL OF GOVERNMENT INTERLOCAL COOPERATIVE PURCHASING AGREEMENT**

Upon motion by Commissioner Cascos, seconded by Commissioner Garza and carried unanimously, the purchase of one (1) 2002 Compact Pickup Truck Extended Cab for the Building and Inspections Department utilizing the Houston/Galveston area Council of Government Interlocal Cooperative Purchasing Agreement was approved.

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(10) **CONSIDERATION AND APPROVAL OF INTERLOCAL AGREEMENT BETWEEN CAMERON COUNTY AND DRAINAGE DISTRICT NO. 3**

Commissioner Garza moved that the Interlocal Agreement between Cameron County and Drainage District No. 3 be approved.

The motion was seconded by Commissioner Valdez and carried unanimously.

The Agreement is as follows:

[REDACTED]

(11) CONSIDERATION AND AUTHORIZATION FOR ROOF REPAIRS OF DETENTION CENTER II AS EMERGENCY DECLARATION (MINIMUM 3 QUOTES ASAP) AND APPROVAL OF REDIRECT EXISTING BOND FUNDS AS BUDGET SOURCE

Mr. Mark Yates, County Auditor, stated that the roof leaks were made present shortly after the facility opened in 1994 and briefed the Court as to its construction history. He explained that the extent of the damage, and informed that some of the personnel and inmates had been relocated to the Detention Center in Olmito. Mr. Yates reported that Fund No. 6 had resources of approximately \$1,060,000.00 out of which \$1,032,932.98 were appropriated, resulting in an available balance of \$26, 273.98. He stated that he anticipated the expenses for the roof repairs to exceed the \$26,273.98; therefore, suggested that portion of the appropriation for other projects be deferred until completion of the roof repairs.

Judge Hinojosa questioned which projects could be deferred.

Mr. Yates stated that the Vehicle Maintenance Boulevard and Fuel Site Project was most flexible since architectural services were not contracted, and explained that he would consult with Commissioners' Court Legal Counsel to verify whether major repairs to the detention facility would qualify under the Bond Funds. He noted the need to preserve the facility or to do away with it.

Judge Hinojosa questioned what the agricultural improvement to the County Jail in the amount of \$24,950.00 pertained to and whether the funds were expended.

Mr. Yates explained that the expenses pertained to a sprinkler system and landscaping as required by City Ordinance and that the funds were committed. He explained that the landscaping was required by the City for the proposed expansion of the jail facility

Mr. Juan Bernal, County Engineer/Public Works Director, explained that the landscaping pertained to the existing jail facility.

Judge Hinojosa questioned the need to landscape an area for the proposed project.

Mr. Yates explained that the City required that the vacant area be landscaped.

Mr. Bernal stated that ten (10) percent of the property required landscaping, equaling about four (4) acres.

Judge Hinojosa questioned the need for the \$24,950.00.

Mr. Bernal stated that the \$24,950.00 would be utilized to fund the irrigation system and the landscaping for the existing jail facility.

Mr. Yates stated that the funds had been encumbered for the project and that the services could have been contracted out but the payment might be on pending status. He noted the need for \$75,000.00 aside from the \$26,273.00 already available.

Commissioner Cascos questioned what the Miscellaneous Shelving and Equipment Project pertained to.

Mr. Yates explained that the shelving was intended for the metal warehouse facility.

Judge Hinojosa questioned the location of the bathroom project.

Mr. Yates stated that the bathroom was intended for the metal warehouse facility if Records Management was conducted at that site. He clarified that construction of the bathroom was not needed at this time, that the insulation was intended in the event that staff was assigned to that facility, and that the brick might be required by the City of Brownsville

Judge Hinojosa suggested that the funding for the bathroom, wall insulation, front brick to top, and the miscellaneous shelving and equipment be added to the \$26,000.00 and set aside, that bids be obtained for the metal roof as recommended by the Interim Maintenance Supervisor, and that the funding allocation be reviewed in the future to identify additional funds.

Mr. Marcelino Ibarra, Interim Maintenance Supervisor, suggested that the repairs be considered as an emergency basis in order to expedite the repairs.

Judge Hinojosa stated that Mr. Ibarra had suggested that bid for a metal roof be obtained in order to minimize the loss of revenue for housing Federal Inmates.

Commissioner Cascos requested written documentation from Commissioners' Legal Counsel approving that the Purchasing Regulations be bypassed due to an emergency situation.

Mr. Yates stated that he believed that the loss of revenue would not qualify as an emergency but the housing of inmates might.

Mr. Mike Forbes, Purchasing Agent, stated that the bid process would not be required upon Commissioners' Court approving the need for repair as an emergency.

Judge Hinojosa suggested that the bid be advertised for a three (3) week period and that the site be prepared.

Mr. Ibarra stated that the repairs would take about six (6) weeks.

Commissioner Garza moved that the roof repair of Detention Center II be considered as Emergency Declaration (Minimum 3 Quotes ASAP) and redirection of the existing Bond Funds as Budget Source be approved.

The motion was seconded by Commissioner Cascos and carried unanimously.

Judge Hinojosa suggested that a two (2) week time line be indicated in the bid.

Mr. Yates requested assistance from the County Engineer to develop specifications.

The Report is as follows:

(13) CONSIDERATION AND APPOINTMENT OF MR. JUAN J. GARCIA TO DEPUTY CONSTABLE PRECINCT NO. 1 AND FINDING THAT IT IS NECESSARY TO APPOINT THE DEPUTY IN ORDER TO PROPERLY HANDLE THE BUSINESS OF THE CONSTABLE'S OFFICE THAT ORIGINATES THROUGH THE END OF THE FISCAL YEAR IN WHICH THE APPOINTMENT IS MADE OR THE CURRENT TERM OF THE ELECTED CONSTABLE, WHICHEVER ENDS SOONER

Commissioner Cascos moved that the appointment of Mr. Juan J. Garcia to Deputy Constable Precinct No. 1 and finding that it is necessary to appoint the Deputy in order to properly handle the business of the Constable's Office that originates through the end of the Fiscal Year in which the appointment is made or the current term of the Elected Constable, whichever ends sooner be approved.

Judge Hinojosa noted the need for this Item to be considered in Executive Session.

Commissioner Cascos questioned whether additional information was available.

Mr. Doug Wright, Commissioners' Court Legal Counsel, stated that many issues were present that must be discussed in Executive Session.

Commissioner Garza expressed his concern with the lack of a Physician release.

Mr. Manuel Villarreal, Personnel/Safety Risk Director, explained that only the information enclosed could be made public.

Constable Mike Barbarena, Precinct No. 1, stated that the Department was in need of the Officer and that he was fed up with Politics. He expressed his concern for the lack of funding for his Precinct was, and requested that action in favor or against this item be taken at this time. Constable Barbarena noted that Mr. Juan J. Garcia was qualified under Law.

Judge Hinojosa spoke against approval of this Item and requested that it be tabled.

Upon motion duly made by Commissioner Cascos that the appointment of Mr. Juan J. Garcia to Deputy Constable Precinct No. 1 and finding that it is necessary to appoint the Deputy in order to properly handle the business of the Constable's Office that originates through the end of the Fiscal Year in which the appointment is made or the current term of the Elected Constable, whichever ends sooner, be approved.

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

AYE: Commissioners Benavides, Cascos, and Garza,

NAY: Commissioner Valdez and Judge Hinojosa.

(14) CONSIDERATION AND APPROVAL OF RECLASSIFICATION OF THREE (3) SHERIFF'S DEPUTIES POSITIONS

Mr. Rinaldo Rodriguez, Sheriff Department, stated that funding was available.

Commissioner Cascos questioned if overtime funding would be affected.

Mr. Xavier Villarreal, Budget Officer, stated that funding was not available and that he did not recommend approval, adding that an additional \$9,000.00 would be needed for overtime due to the expenses being incurred.

Commissioner Cascos questioned why the County Sheriff was not ever present to address budget and/or other issues.

Commissioner Garza stated that he would approve of this item if the overtime was not adversely affected.

Upon motion by Commissioner Cascos, seconded by Commissioner Garza and carried unanimously, the reclassification of three (3) Sheriff's Deputies Positions was approved.



(15) CONSIDERATION AND APPOINTMENT TO THE CENTRAL COUNTING STATION FOR THE NOVEMBER 5, 2002, GENERAL ELECTION IN ACCORDANCE WITH THE TEXAS ELECTION CODE SECTION 127.001 THROUGH 127.006

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the following individuals were appointment to the Central Counting Station for the November 5, 2002, General Election in accordance with the Texas Election Code Section 127.001 through 127.006:

Mrs. Christina Brooks Presiding Judge of Central Counting Station;

Mr. Roger Ortiz Counting Station Manager;

Mr. Manuel Saenz Tabulating Supervisor;

And an additional 50 other technical and clerical personnel.

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 WAS TAKEN SEPARATELY.

DISCUSSION CONCERNING CONSENT AGENDA ITEMS:

ITEM NO. 17: Mr. Doug Wright, Commissioners' Court Legal Counsel, recommended that this item be approved subject to legal review in order to modify the Contract.

ITEM NO. 22: Commissioner Garza questioned what would be provided to the County. Captain Robert Lopez, Sheriff's Department, clarified that the U.S. Customs would donate another trained narcotic canine to be handled by another Sheriff Deputy.

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides, and carried unanimously, the following "Consent and Travel Items" were approved, and Item No. 17 was approved subject to legal review.

- (16) **APPROVAL OF CLAIMS;**
- (17) **AUTHORIZATION FOR THE DEPARTMENT OF ELECTIONS AND VOTER REGISTRATION TO ENTER INTO A HARDWARE MAINTENANCE SERVICE AGREEMENT WITH ELECTION SYSTEM AND SOFTWARE, IN., FOR TWO 550 OPTICAL SCANNERS;**
The Agreement follows:
- (18) **APPOINTMENT OF MR. GEORGE EDWARD GAVITO TO RESERVE DEPUTY CONSTABLE PRECINCT NO. 1 AND FINDING THAT IT IS NECESSARY TO APPOINT THE DEPUTY IN ORDER TO PROPERLY HANDLE THE BUSINESS OF THE CONSTABLE'S OFFICE THAT ORIGINATES THROUGH THE END OF THE FISCAL YEAR IN WHICH THE APPOINTMENT IS MADE OR THE CURRENT TERM OF THE ELECTED CONSTABLE, WHICH EVER END SOONER;**
- (19) **CONTRACT FOR LEGAL SERVICES WITH MR. ARMANDO R. VILLALOBOS TO PROVIDE LEGAL REPRESENTATION TO THE INDIGENT DEFENDANT OF THE 404TH JUDICIAL DISTRICT COURT;**
The Contract follows:
- (20) **PLACEMENT OF STAND FOR FREE "THE LEGAL DIRECTORY OF THE RIO GRANDE VALLEY" IN THE JUDICIAL BUILDING AND THE ADMINISTRATIVE BUILDING;**
The Agreement follows:
- (21) **LICENSE AGREEMENT WITH THE TEXAS A&M UNIVERSITY SYSTEM-TEXAS ENGINEERING EXTENSION SERVICE FOR THE USE OF THE CAMERON COUNTY AIRPORT TARMAC AREA FOR DRIVING COURSES;**
The Agreement follows:
- (22) **AUTHORIZATION FOR THE CAMERON COUNTY SHERIFF'S DEPARTMENT TO ACCEPT A REPLACEMENT TRAINED NARCOTIC CANINE;**
The Report follows:

TRAVEL ITEMS

(31) 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 to attend the “Southwest Border HIDTA Executive Meeting”, in Albuquerque, New Mexico, October 17, 2002;
- (b) International Bridge System Director to attend the “Bi-National Commissioners Meeting and the Boarder Trade Alliance Conference”, in San Diego, California, September 30- October 10, 2002;
- (c) Health Department employee (WIC) to attend the “Clinical Practicum in Breast-Feeding: Phase III”, in Austin, Texas, November 6-8, 2002;
- (d) Fifteen (15) Health Department employees to attend the “State WIC Policy Training”, in Weslaco, Texas, October 25, 2002; and
- (e) Six (6) Theft Prevention Task Force employees to attend the “Rio Grande Technology Days II”, in South Padre Island, Texas, October 29- 30, 2002.

- (17) **AUTHORIZATION FOR THE DEPARTMENT OF ELECTIONS AND VOTER REGISTRATION TO ENTER INTO A HARDWARE MAINTENANCE SERVICE AGREEMENT WITH ELECTION SYSTEM AND SOFTWARE, IN., FOR TWO 550 OPTICAL SCANNERS.**

The Agreement is as follows:

- (19) **CONTRACT FOR LEGAL SERVICES WITH MR. ARMANDO R. VILLALOBOS TO PROVIDE LEGAL REPRESENTATION TO THE INDIGENT DEFENDANT OF THE 404TH JUDICIAL DISTRICT COURT.**
The Contract is as follows:

- (20) **PLACEMENT OF STAND FOR FREE “THE LEGAL DIRECTORY OF THE RIO GRANDE VALLEY’ IN THE JUDICIAL BUILDING AND THE ADMINISTRATIVE BUILDING.**
The Agreement is as follows:

- (21) **LICENSE AGREEMENT WITH THE TEXAS A&M UNIVERSITY SYSTEM-TEXAS ENGINEERING EXTENSION SERVICE FOR THE USE OF THE CAMERON COUNTY AIRPORT TARMAC AREA FOR DRIVING COURSES.**
The Agreement is as follows:

- (22) **AUTHORIZATION FOR THE CAMERON COUNTY SHERIFF'S DEPARTMENT
TO ACCEPT A REPLACEMENT TRAINED NARCOTIC CANINE.
The Report is as follows:**

- (23) **PHARMACIST CONSULTANT REQUEST FOR QUALIFICATIONS (RFQ) FOR PUBLIC HEALTH DEPARTMENT CLINIC PHARMACIST CONSULTING SERVICES.**
The RFQ is as follows:

- (26) **AWARDING OF THE FOLLOWING BID/PROPOSALS:**
- A) **AUTOMOTIVE AFTER MARKET PARTS- ANNUAL BID NO. 1995;**
 - B) **AUTOMOTIVE O.E.M. PARTS: G.M. - ANNUAL BID NO. 1996G;**
 - C) **AUTOMOTIVE O.E.M. PARTS: CHRYSLER- ANNUAL BID NO. 1996C;**
 - D) **ROAD: SIGNS, POST, MISC. - ANNUAL BID NO. 2630; AND**
 - E) **OFFICE, COMPUTER, TONER COPIER, MISC. SUPPLIES- ANNUAL BID NO. 2440.**

The Tabulations are as follow:

- (27) **AWARDING RENEWAL OF THE FOLLOWING BIDS FOR ONE (1) ADDITIONAL YEAR:**
- A) **JANITORIAL PAPER AND LINERS - ANNUAL BID NO. 2300A;**
 - B) **UNIFORMS NEW (SHERIFF/JAIL) - ANNUAL BID NO. 2660A;**
 - C) **TIRES: AUTO AND TRUCK - ANNUAL BID NO. 1997A; AND**
 - D) **TIRES: OFF ROAD AND HEAVY MACHINES - ANNUAL BID NO. 1998A.**
- The Tabulation is as follows:**

EXECUTIVE SESSION

(32) EXECUTIVE SESSION:

Upon motion by Commissioner Cascos, seconded by Commissioner Garza and carried unanimously, the Court met in Executive Session at 6:35 P.M., to discuss the following matters:

- (a) Confer with Commissioners' Court Legal Counsel concerning the case styled Lance Hobbs versus Cameron County, Mr. Javier Mendez, Mr. Gus Reyna and Mr. Tim Sanders in the 103rd Judicial District Court, Cause No. 2002-10-3967-D, for discussion and authority to hire Counsel; pursuant to Vernon Texas Code Annotated Government Code, Section 551.071(2);
- (b) Confer with Commissioners' Court Legal Counsel concerning the case styled Marcie Caldwell, individually, and on behalf of all other similarly situated versus Cameron County, et al, in the District Court of Travis County, Texas, Cause No. 99-13088 for discussion and authority to hire Counsel; pursuant to Vernon Texas Code Annotated Government Code, Section 551.071(2);
- (c) Confer with Commissioners' Court Legal Counsel concerning the contraband taken into custody by Cameron County Park Rangers in which the duty of the Attorney of the Government Body under the Texas Disciplinary Rules of Professional Conduct of the State of Texas clearly conflicts with the Open Meetings Act; pursuant to Vernon Texas Code Annotated Government Code, Section 551.071 (2);
- (d) Deliberation regarding Real Property concerning the possible re-sale of various Cameron County Trustee Property as listed below; pursuant to Vernon Texas Code Annotated Government Code, Section 551.072:
 - (1) Abstract No. 2 - Barrios Lot No. 2
73-6350-0000-0020-00;
 - (2) Santa Maria - Original Townsite Pt., Lot No. 6, Block No. 4
88-5270-1490-0203-00;
 - (3) Brownsville - Acacia Lake Gardens, Block No. 59, 1.57 acres
01-0500-0590-0100-00;
 - (4) Primer - Original Townsite Lot No. 10, Block No. 98
49-0000-00060-0210-00
 - (5) Los Fresnos Original Townsite Lot No. 10, Block No. 98
37-0000-0980-0100-00
 - (6) Brownsville - Colonia Acacia Lot No. 26, Block No. 5
02-2170-0050-0260-00;
 - (7) Abstract No. 16 - San Benito L&W Co., Block No. 149 Pt. SW, 0.92 acres
63-0000-0040-0060-00;
 - (8) Abstract No. 2 - Magic Valley III Lots Nos. 1 through 30, Block No. 4
76-5430-0040-0012-00;
 - (9) Abstract No. 10 - Minn-Tex, Block No. 83, 1acre
85-5380-0830-0700-00;and
 - (10) Harlingen Land & Water Co. Block No. 69, Pt. NW 10, 1 acre
18-4040-0690-0050-00.
- (e) Deliberation regarding Real Property concerning the possible renewal of the Justice of the Peace and Tax Office Lease located in Port Isabel, Texas; pursuant to Vernon Texas Code Annotated Government Code, Section 551.072:
- (f) Deliberation regarding Real Property concerning the possible land acquisition adjacent to the Laguna Heights Recreational Park, formerly known as Palm Park and Beach; pursuant to Vernon Texas Code Annotated Government Code, Section 551.072.

Upon motion by Commissioner Benavides, seconded by Commissioner Valdez and carried unanimously, the Court reconvened in Regular Session at 6:35 P.M.

NOTE: JUDGE HINOJOSA LEFT THE MEETING AT THIS TIME.

(33) ACTION RELATIVE TO EXECUTIVE SESSION:

- [REDACTED]
- (a) Confer with Commissioners' Court Legal Counsel concerning the case styled Lance Hobbs versus Cameron County, Mr. Javier Mendez, Mr. Gus Reyna and Mr. Tim Sanders in the 103rd Judicial District Court, Cause No. 2002-10-3967-D, for discussion and authority to hire Counsel.

Upon motion by Commissioner Garza, seconded by Commissioner Benavides and carried unanimously, the Status Report by Mr. Doug Wright, Commissioners' Court Legal Counsel, concerning the case styled Lance Hobbs versus Cameron County, Mr. Javier Mendez, Mr. Gus Reyna and Mr. Tim Sanders in the 103rd Judicial District Court, Cause No. 2002-10-3967-D was acknowledged and he was authorized to hire outside Legal Counsel to represent Mr. Javier Mendez, Mr. Gus Reyna, and Cameron County if necessary.

- [REDACTED]
- (b) **Confer with Commissioners' Court Legal Counsel concerning the case styled Marcie Caldwell, individually, and on behalf of all other similarly situated versus Cameron County, et al, in the District Court of Travis County, Texas, Cause No. 99-13088 for discussion and authority to hire Counsel.**

Commissioner Valdez moved that Mr. Doug Wright, Commissioners' Court Legal Counsel, be authorized to contact Mr. Jim Allison, TAC, to represent Cameron County in the case styled Marcie Caldwell, individually, and on behalf of all other similarly situated versus Cameron County, et al, in the District Court of Travis County, Texas, Cause No. 99-13088.

The motion was seconded by Commissioner Benavides and carried unanimously.

- [REDACTED]
- (c) **Confer with Commissioners' Court Legal Counsel concerning the contraband taken into custody by Cameron County Park Rangers in which the duty of the Attorney of the Government Body under the Texas Disciplinary Rules of Professional Conduct of the State of Texas clearly conflicts with the Open Meetings Act.**

Upon motion by Commissioner Benavides, seconded by Commissioner Garza and carried unanimously, the Status Report by Mr. Javier Mendez, Parks System Director, concerning Contraband taken into custody by Cameron County Park Rangers, in which the duty of the Attorney of the Government Body under the Texas Disciplinary Rules of Professional Conduct of the State of Texas clearly conflicts with the Open Meetings Act ,was acknowledged.

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(d) **Deliberation regarding Real Property concerning the possible re-sale of various Cameron County Trustee Property as listed below; pursuant to Vernon Texas Code Annotated Government Code, Section 551.072:**

- (1) **Abstract No. 2 - Barrios Lot No. 2
73-6350-0000-0020-00;**
- (2) **Santa Maria - Original Townsite Pt., Lot No. 6, Block No. 4
88-5270-1490-0203-00;**
- (3) **Brownsville - Acacia Lake Gardens, Block No. 59, 1.57 acres
01-0500-0590-0100-00;**
- (4) **Primer - Original Townsite Lot No. 10, Block No. 98
49-0000-00060-0210-00**
- (5) **Los Fresnos Original Townsite Lot No. 10, Block No. 98
37-0000-0980-0100-00**
- (6) **Brownsville - Colonia Acacia Lot No. 26, Block No. 5
02-2170-0050-0260-00;**
- (7) **Abstract No. 16 - San Benito L&W Co., Block No. 149 Pt. SW, 0.92 acres
63-0000-0040-0060-00;**
- (8) **Abstract No. 2 - Magic Valley III Lots Nos. 1 through 30, Block No. 4
76-5430-0040-0012-00;**
- (9) **Abstract No. 10 - Minn-Tex, Block No. 83, 1acre
85-5380-0830-0700-00;and**
- (10) **Harlingen Land & Water Co., Block No. 69, Pt. NW 10, 1 acre
18-4040-0690-0050-00.**

Upon motion by Commissioner Garza, seconded by Commissioner Benavides and carried unanimously, Mr.

Joseph Ardito, Property Manager, was authorized to sell Properties Nos . 1 and 9 as listed below and to reject all others:

- (1) Abstract No. 2 - Barrios Lot No. 2
73-6350-0000-0020-00;
 - (2) Santa Maria - Original Townsite Pt., Lot No. 6, Block No. 4
88-5270-1490-0203-00;
 - (3) Brownsville - Acacia Lake Gardens, Block No. 59, 1.57 acres
01-0500-0590-0100-00;
 - (4) Primer - Original Townsite Lot No. 10, Block No. 98
49-0000-00060-0210-00
 - (5) Los Fresnos Original Townsite Lot No. 10, Block No. 98
37-0000-0980-0100-00
 - (6) Brownsville - Colonia Acacia Lot No. 26, Block No. 5
02-2170-0050-0260-00;
 - (7) Abstract No. 16 - San Benito L&W Co., Block No. 149 Pt. SW, 0.92 acres
63-0000-0040-0060-00;
 - (8) Abstract No. 2 - Magic Valley III Lots Nos. 1 through 30, Block No. 4
76-5430-0040-0012-00;
 - (9) Abstract No. 10 - Minn-Tex, Block No. 83, 1acre
85-5380-0830-0700-00;and
 - (10) Harlingen Land & Water Co., Block No. 69, Pt. NW 10, 1 acre
18-4040-0690-0050-00.
- ████████████████████**

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(e) Deliberation regarding Real Property concerning the possible renewal of the Justice of the Peace and Tax Office Lease located in Port Isabel, Texas.

Commissioner Benavides moved that Mr. Joseph Ardito, Property Manager, be authorized to renew the Justice of the Peace and Tax Office Lease located in Port Isabel, Texas with a 5% increase.

The motion was seconded by Commissioner Valdez and carried unanimously.

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(f) Deliberation regarding Real Property concerning the possible land acquisition adjacent to the Laguna Heights Recreational Park, formerly known as Palm Park and Beach.

Upon motion by Commissioner Garza, seconded by Commissioner Benavides and carried unanimously, Mr. Joseph Ardito, Property Manager was authorized to look at the property adjacent to the Laguna Heights Recreational Park.

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There being no further business to come before the Court, upon motion by Commissioner Valdez, seconded by Commissioner Benavides and carried unanimously, the meeting was **ADJOURNED** at 7:19 P.M.

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APPROVED this 26th day of **November 2002**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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