

THE STATE OF TEXAS           §

COUNTY OF CAMERON         §

**BE IT REMEMBERED** on the 29<sup>th</sup> 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:**

**10:00 A.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 10:10 A.M. He then asked Reverend Bob Clark, Brownsville resident, for the invocation and he led the Court and the audience in reciting the Pledge of Allegiance.

The Court considered the following matters as posted and filed for Record in the Office of the County Clerk on October 25, 2002, at 2:38 P.M., and the Supplemental Agenda posted on October 25, 2002, at 2:38 P.M.:

## **PRESENTATION**

(1) **PRESENTATION AND ACCEPTANCE OF THE  
REFUGE REVENUE SHARING CHECK BY THE  
U.S. FISH AND WILDLIFE SERVICE**

At this time, Mr. John Wallace, Laguna Atascosa National Wildlife Refuge Manager, stated that the check had not arrived and requested that consideration of this Item be delayed.

(2) **PRESENTATION AND RECOGNITION OF  
CAMERON COUNTY BY TEXAS ASSOCIATION  
COUNTY MAGAZINE FOR  
SEPTEMBER/OCTOBER 2002 AND UPDATE ON  
WORKERS COMPENSATION COST AS OF  
SEPTEMBER 30, 2002**

Mr. Manuel Villarreal, Personnel/Safety Risk Director, reported that the Texas Association of Counties had informed his Office that they wanted to recognize Cameron County for the positive efforts made by the Safety Coordinator Program. He stated that Cameron County was the only Texas County expected to receive a discount to the 2003 Workers Compensation Premium. Mr. Villarreal highlighted the workers compensation cost for the last three (3) months totaling \$184,298.96 and the reductions. At this time, he requested that the Court endorse the Personnel/Safety Risk Department's theme for the 2002 Holiday Season "Safety Awareness Wellness Program."

Commissioner Benavides congratulated the Personnel/Safety Risk Department for its hard work and recommended that a vehicle be assigned to it.

**The Report is as follows:**

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(1) **PRESENTATION AND ACCEPTANCE OF THE  
REFUGE REVENUE SHARING CHECK BY THE  
U.S. FISH AND WILDLIFE SERVICE**

Mr. John Wallace, Laguna Atascosa National Wildlife Refuge Manager, presented a check in the amount of \$166,210.00 to Cameron County for taxes of properties belonging to the National Wildlife System located within Cameron County. He informed that the 2003 year would be the Centennial Year for the National Wildlife Refuges and that many exciting events would take place.

Commissioner Garza noted his appreciation for the efforts made by the National Wildlife to get General Brant Road into a new road system; there how making it a safer area.

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**ACTION ITEMS**

(4) **BUDGET AMENDMENTS AND/OR SALARY  
SCHEDULES**

Commissioner Cascos moved that the 2002-Budget Amendment No. 2003-01 and/or Salary Schedules be approved.

The motion was seconded by Commissioner Benavides.

Commissioner Garza questioned whether the information made available to the Commissioners via faxed was being considered.

Mr. Xavier Villarreal, Budget Officer, responded in the affirmative, and explained that the Auto Task Force was able to hire an additional investigator because of an amendment to the grant.

Upon motion duly made by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the 2002-Budget Amendment No. 2003-01 and/or Salary Schedules were approved.

**The Budget Amendments and Salary Schedules are as follow:**

[REDACTED]

(5) **APPROVAL OF MINUTES FOR THE SPECIAL MEETING HELD SEPTEMBER 23, 2002, AND THE REGULAR MEETING HELD SEPTEMBER 24, 2002**

Commissioner Benavides moved that the Minutes for the Special Meeting held September 23, 2002, and the Regular Meeting held September 24, 2002, be approved.

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

AYE: Commissioners Benavides, Valdez, and Judge Hinojosa,

NAY: None,

ABSTAIN: Commissioner Cascos and Commissioner Garza as to Minutes for the Special Meeting held September 23, 2002 due to absence.

[REDACTED]

(6) **IN THE MATTER REGARDING ADOPTION OF CAMERON COUNTY'S POLICY REGARDING MARKED AND UNMARKED COUNTY VEHICLES (TABLED)**

Judge Hinojosa stated that the Sheriff's Department had presented an issue concerning the use of County Vehicles by Officers on call duty and that recommended changes to the Policy had been presented to address the concerns. He explained that Exemptions No. 5 and No. 6, on Page No. 9, had been added to the Policy, then reading as follows:

No. 5: Law Enforcement Vehicles may be driven by Peace Officers to events sponsored by or at the request of another governmental entity, when authorized by the Commissioners' Court or the County Sheriff; and

No. 6: Law Enforcement Officers who are "on call duty".  
The Sheriff will provide a list of those Officers assigned "on call duty" to the Safety Risk Officer, County Auditor, and the Budget Officer.

Commissioner Cascos questioned how often the list would be provided.

Judge Hinojosa suggested that Exemption No. 6 include "the Sheriff will provide a list every ninety (90) days of those Officers".

Captain Robert Lopez, Sheriff's Department, presented a listing of the Cameron County Sheriff's Department Vehicle Fleet and stated that the recommended exceptions would address their concerns.

Commissioner Cascos asked which exemptions applied to the officers who provided security services.

Judge Hinojosa responded that exemption No. 6 applied to said provision.

Commissioner Cascos noted that the request was to exempt approximately 21 vehicles, and expressed his concern with allowing County Law Enforcement Personnel to provide security service while the County paid their

transportation without receiving any type of compensation. He questioned how the Policy would address the concern and how it could be monitored.

Captain Lopez stated that the County Sheriff allowed the Sheriff Officers to do extra work due to the low compensation, noting that many Officers had terminated employment with the County because of the low wages.

Commissioner Cascos stated that any County employee with access to a County vehicle could claim to have the need to supplement the low compensation, and questioned whether this would justify the use of a County vehicle as transportation to another employment.

Captain Lopez explained that allowing the Officers to moonlight provided Law Enforcement throughout the County; therefore, deterring crime and resulting in prompt response to emergency calls.

Judge Hinojosa stated that the security services contracts permitted the Officers to respond to emergency calls.

Commissioner Garza suggested that the Policy not restrict the use of Law Enforcement Vehicles.

Commissioner Cascos expressed his concern with adoption of a Policy that authorized all Law Enforcement Personnel to utilize County vehicles for non County Business. He stated that the Policy was very broad and gave way to possible abuse, and suggested that the use of Law Enforcement Vehicles be left at the discretion of the County Sheriff.

Captain Lopez stated Cameron County Sheriff Conrado Cantu's Administration was very strict in regards to the use of Law Enforcement Vehicles.

Judge Hinojosa explained that the need to enact a policy would be balanced with the need to insure that prompt response to emergency calls be provided by Officers who were not on County time but were able to respond, noting that the same balance did not apply to other County Personnel with access to County Vehicles.

Commissioner Garza requested Commissioners' Court Legal Counsel's opinion regarding the County's liability and/or potential exposure.

Mr. Doug Wright, Commissioners' Court Legal Counsel, stated that the Court would provide guidelines to the Elected Officials, but could not fix the situation. He explained that the issue consisted mainly of common sense and of directing the Elected Officials as to the use of County vehicles, adding that according to the law, problems could arise upon the Court interfering too much with the Elected Official's discretion. Mr. Wright stated that the Court had clarified, to the Elected Officials and the Public, that the use of County vehicles was for public purposes and to benefit the community rather than for public gain.

Commissioner Cascos questioned the County's exposure of liability encountered if something inappropriate should occur when an Officer provided security service while utilizing a County uniform and vehicle.

Mr. Wright explained that commissioned officers were on duty 24 hours, and that they were obligated to act on behalf of the public when a situation involving peace safety was presented. He added that upon combining the County's authority and an Officer's commission, the County could be involved litigation should a problem arise from the Officer's individual provision of security services. Mr. Wright explained that the concern derived from the difficulty to provide adequate compensation through the present tax revenues, and that at this time there was no idle solution to the concern. He stated that the County Judge's suggestion regarding possible provision of in-house security services was being analyzed by Mr. Francisco Martinez, District Attorney's Office, and himself.

Judge Hinojosa explained that the County could not be held additionally liable by allowing an Officer to use a County vehicle while providing security services because they were already allowed to use County uniforms. He noted the need for all Peace Officers to conduct themselves in a proper manner at all times.

Commissioner Valdez commented that the Court set the procedures concerning the use of County Vehicles and that ultimately it was the discretion of the Elected Official.

Mr. Wright explained that a mixed responsibility occurred in multi structured County Government where power was delegated to Elected Officials, and clarified that the Court had the ultimate authority over County vehicles. He explained that the Court was requesting Elected Officials to respect its guidelines, and noted the need to rely on the good judgement of the County's Elected Officials.

Mr. Francisco Martinez, Office of the District Attorney, stated that the County could incur liability when Officers wore County uniforms while providing security services, based on his experience as a Defense Attorney. He stated that the issue pertaining to which Officers moonlighted should be the County Sheriff's prerogative and recommended that it stay as so. Mr. Martinez explained that the County incremented the possibility of being held liable should litigation ever take place upon creating a Policy, and suggested that the Court confer with Commissioners' Court Legal Counsel and/or himself in those regards. He stated that most of the forfeiture vehicles assigned to the Office of the District Attorney and the Sheriff's Department were utilized for undercover purposes.

Judge Hinojosa stated that the proposed Policy had been modified to exclude the description of forfeiture vehicles as unmarked vehicles.

Mr. Martinez suggested that language be added to the Policy to mandate that County employees involved in an accident contact their supervisor immediately and that a drug test be administered immediately.

Judge Hinojosa questioned whether language addressing this matter was included.

Mrs. Salinas responded negatively, and explained that she assumed that the drug test under such circumstances was addressed within the County Personnel Policy.

Mr. Manuel Villarreal, Personnel/Safety Risk Director, stated that the County Safety Manual required that a drug test be administered to County employees involved in an accident and that the only issue in dispute was who should incur the cost.

Judge Hinojosa responded that the County would incur the cost.

Commissioner Cascos questioned who would administer the drug test.

Mr. Martinez stated that the Department or the County should incur the cost depending on the vehicle involved, and responded the County contracted out for service relating to drug tests.

Commissioner Cascos questioned whom the County contracted out for drug testing services.

Mr. Villarreal clarified that a contract was not in effect at this time.

Commissioner Garza questioned whether drug tests were conducted in the past.

Captain Lopez responded that the Sheriff's Department did conduct drug tests.

Judge Hinojosa recommended that drug tests be conducted as necessary and that the invoices be presented before the Court for approval. He recommended that this Item be tabled, that a revised policy be provided and considered the following week, and that the Consent Form be made part of the Policy.

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

Judge Hinojosa requested that the Sheriff's Department review the Policy and that any concerns be addressed promptly in order to possibly adopt the Policy next week.

Commissioner Garza stated that valid concerns had been addressed to him by members of the Sheriff's Department such as the Officers being able to respond promptly to emergency calls when they are able to utilize County vehicles.

Commissioner Benavides stated that the community and the County expected for Officers to respond quickly; therefore, should be allowed to use County vehicles and uniforms that provided them with respect.



(7) **CONSIDERATION AND ACTION ON THE SELECTION AND APPROVAL OF OPTION "A" OR "B" OF THE BROWNE ROAD PARK PRELIMINARY DESIGN**

Commissioner Garza moved that Option "B" of the Browne Road Park Preliminary Design be selected.

The motion was seconded by Commissioner Cascos and carried unanimously.

Mr. Javier Mendez, Parks System Director, informed that formal notice to proceed would be provided to the Architect.

Judge Hinojosa recommended that the possibility to obtain funding from the Proposition II Program for widening of the Browne Road be reviewed by the Parks System Director. He noted the need to widen the road regardless if said funds were obtained because of the anticipated traffic, and to maintain County Parks, adding that the only concern within the Parks System pertained to flooding.

Commissioner Garza stated that an individual wanted to address the Court concerning the amount of money spent within the Parks System to improve the quality of life in the community. He stated that Green Valley Farms did not only not have a County park, but had a poor quality of life as well.

Mrs. Idalia Garcia, Green Valley Farm resident, expressed her concern with the flooding situation and the safety hazards in Green Valley Farms.

Judge Hinojosa stated that Drainage District No. 3 and Cameron County had spent a considerable amount of money in drainage improvements and explained that the improvements alleviate only up to a certain water level, adding that the current rains exceeded said water level. He stated that the Drainage District No. 3 had presented a proposal to correct the drainage problem that required a retention pond adjacent to the Colonia, at an estimated cost of approximately \$500,000.00. Judge Hinojosa explained that the concern was being examined, but that due to financial constraints it could not be alleviated at this time. He explained that the use of the Parks System Fund was irrelevant because it could only be used for park related issues as per the Bond Covenants.

Commissioner Garza noted that the health hazards were present, and informed that Drainage District No. 3 and the County Engineer were meeting to develop a method to temporally and inexpensively alleviate the concern.

Mrs. Garcia reiterated her concern with the flooding issues being experienced by the residents of Green Valley Farms, especially the children.

Upon motion duly made by Commissioner Garza, seconded by Commissioner Cascos and carried unanimously, Option "B" of the Browne Road Park Preliminary Design was selected.

**The Option is as follows:**



## **SUPPLEMENTAL ITEM**

- (1) **CONSIDERATION AND APPROVAL OF AN ORDER GRANTING CONSENT TO THE BROWNSVILLE INDUSTRIAL DEVELOPMENT CORPORATION, IN ACCORDANCE WITH THE DEVELOPMENT CORPORATION ACT FOR 1979, TO ISSUE INDUSTRIAL DEVELOPMENT BONDS FOR THE CONSTRUCTION OF A DRILL PIPE MANUFACTURING PLANT LOCATED WITHIN CAMERON COUNTY, WHICH WILL BE OWNED AND OPERATED BY CHALLENGER INTERNATIONAL, INC., A TEXAS CORPORATION, OR A RELATED ENTITY THEREOF**

Commissioner Cascos moved that the Order granting consent to the Brownsville Industrial Development Corporation, in accordance with the Development Corporation Act for 1979, to issue Industrial Development Bonds for the construction of a Drill Pipe Manufacturing Plant located within Cameron County, which will be owned and operated by Challenger International, Inc., a Texas Corporation, or a related entity thereof be approved.

The motion was seconded by Commissioner Benavides.

Commissioner Garza questioned why he should approve of this Item.

Mr. Ben Medina, Planning Department Director for the City of Brownsville, stated that the Challenger Project pertained to a drill manufacturer wanting to be located within the Port of Brownsville's proximity and that it had financed Bonds within the corporate limits of the City of Brownsville, for which the County nor the City of Brownsville would not be obligated to pay. He explained that the facility would employ over 120 individuals, would invest above \$10 million, and would manufacture oil pipes to be sold in the open market.

Upon motion duly made by Commissioner Cascos that the Order granting consent to the Brownsville Industrial Development Corporation, in accordance with the Development Corporation Act for 1979, to issue Industrial Development Bonds for the construction of a Drill Pipe Manufacturing Plant located within Cameron County, which will be owned and operated by Challenger International, Inc., a Texas Corporation, or a related entity thereof, be approved.

The motion was seconded by Commissioner Benavides and carried unanimously.

**The Order is as follows:**

[REDACTED]

(2) **CONSIDERATION AND AUTHORIZATION TO OPEN THE FOLLOWING BIDS/PROPOSAL:**

(A) **AUTOMOTIVE PARTS O.E.M. FORD - ANNUAL BID NO. 1996F**

Upon motion by Commissioner Cascos, seconded by Commissioner Garza and carried unanimously, the opening of the following bids/proposal was approved:

(A) Automotive Parts O.E.M. Ford - Annual Bid No. 1996f

[REDACTED]

(8) **IN THE MATTER REGARDING CONSIDERATION AND AUTHORIZATION TO ISSUE A DUNE PROTECTION PERMIT TO APPLICANT MR. HERB HOUSTON AND QUIXOTE ESTATES, INC. (TABLED)**

Commissioner Garza moved that the issuance of a Dune Protection Permit to Mr. Herb Houston and Quixote Estates, Inc., be approved.

The motion was seconded by Commissioner Benavides and carried unanimously.

Mr. Javier Mendez, Parks System Director, informed that Mr. Herb Houston, Quixote Estates, Inc., was present and that some concerns needed to be addressed by that Mr. Houston in order to be in compliance with the General Land Office, noting that a Mitigation Plan would alleviate the concern.

At this time, Commissioner Garza moved that his motion to approve issuance of a Dune Protection Permit to Mr. Herb Houston and Quixote Estates, Inc., be withdrawn.

The motion was seconded by Commissioner Benavides and carried unanimously.

Mr. Herb Houston, Quixote Estates, Inc., stated that the proposed construction of an environmentally safe subdivision, about five (5) miles north of South Padre Island, would utilize wind and solar energy and sea water for drinking water after a desalination process. He stated that 500 feet of the property fronted Highway 100 and that 200 feet fronted the beach, noting that damage to the dunes caused by the construction would be mitigated.

Mr. Mendez questioned whether the desalination system had a discharge.

Mr. Houston responded in the affirmative, and explained that a right-of-way permit needed to be obtained from the General Land Office to place an 8' inch discharge pipe beneath the beach, adding that upon the permit not being obtained the salt water would be discharged into the Bay.

Mr. Mendez stated that the Parks Advisory Board had concerns with the discharge pipe to be located 2' or 3' beneath the beach within a public beach because in time it could become a hazzard. He expressed his concern with the possibility of the County being required to maintain the pipe in the future.

Mr. Houston stated that a second location for the discharge pipe was available, and that a right-of-way permit was required from the General Land Office.

Commissioner Valdez questioned if it could be required of Mr. Houston that upon the pipe being exposed that it be buried.

Mr. Mendez questioned who would enforce the requirement during a new administration.

Mr. Houston stated that it was preferred that the discharge be directed into the ocean, but the process must satisfy the requirement of the Attorney General's Office; therefore, he believed that it meet County requirements.

Commissioner Cascos suggested that the language be included in the Homeowners Association's By-Laws to insure that they were made responsible to properly maintain the discharge pipe.

Judge Hinojosa stated that the General Land Office must ultimately approve the location of the pipe, and that having an exposed pipe in a public beach was of concern.

Mr. Houston stated that the pipe would not be exposed unless a major natural event was experienced.

Mr. Mendez stated that beach erosion could expose the pipe as well.

Mr. Houston noted the need to put the available technology into practice to conserve our natural resources.

Judge Hinojosa explained that the concern presented by the Parks System Director did not prevent the desalination process, instead requested that a plan to discharge into the bay be approved rather than discharging into the ocean. He questioned whether the County wanted to present a recommendation to the General Land Office that allowed the developer to discharge into the bay by a pipe system.

Commissioner Cascos questioned whether the General Land Office required the County's recommendations.

Mr. Mendez explained that the General Land Office provided advice and that ultimately the Court must approve the permit. He stated that the General Land Office had presented recommendation to the Dune Protection Committee, who in turn had approved the following five (5) items of the entire project: the retaining wall; two -security/sand control fences; road/street as proposed; self service water collection; and site elevation not less than 15'.

Mr. Houston stated that the discharge pipe had been approved by the Dune Protection Committee subject to approval of the General Land Office.

Mr. Carlos Sanchez, County Engineering Department, recommended that the matter be addressed during the subdivision process.

Judge Hinojosa recommended that the County Engineering Department determine whether to approve the subdivision plat as to the direction of the pipe and that the Court approve the permit subject to the General Land Office, excluding recommendation as to the direction of the discharge pipe.

Commissioner Garza moved that the issuance of a Dune Protection Permit to Applicant Herb Houston and Quixote Estates, Inc., be approved, subject to the General Land Office excluding the County's recommendation as to the direction of the discharge pipe.

The motion was seconded by Commissioner Benavides.

Mr. Mendez stated that the General Land Office had expressed concerns with the destruction of dunes to be used for fill and the lack of a Mitigation Plan.

At this time, there was a brief discussion concerning the interpretation of the requirements of the General Land Office and the County's regulations.

Judge Hinojosa suggested that the permit be approved subject to the mitigation requirement of the General Land Office.

Mr. Houston commented that the Dune Protection Committee approved the project's Mitigation Plan.

Judge Hinojosa questioned the recommendation of Mr. Mendez.

Mr. Mendez recommended that Mr. Houston be requested to submit a detailed Mitigation Plan for the dunes and vegetation to be impacted.

Mr. Houston stated that one to one mitigation was relevant only when talking about an off-site compensation package as per the County's Subdivision Regulations. He explained that the volume of sand, the dunes, and the disturbed area would remain the same, and that construction of dunes where none were available was being proposed. Mr. Houston stated that the Mitigation Plan was acceptable to the Dune Protection Committee and that he did not understand why it was not acceptable to Mr. Mendez.

Mr. Mendez explained that two (2) of the three (3) members of the Dune Protection Committee had voted in favor, one (1) member had voted against, and one (1) member felt that the application was incomplete, noting that one (1) member was absent.

Judge Hinojosa stated that it was difficult for the Court to determine what the regulation required on a last minute basis, and that he was not prepared to take action until clarification was made.

At this time Commissioner Garza withdrew his motion and Commissioner Benavides withdrew his second.

Commissioner Garza moved that this Item be **TABLED**.

The motion was seconded by Commissioner Benavides.

Judge Hinojosa recommended that the matter be consulted with Commissioners' Court Legal Counsel.

Commissioner Cascos requested that the Court be made aware of issues concerning an Agenda Item.



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(10) **IN THE MATTER REGARDING AUTHORIZATION TO APPROVE CHANGE ORDER NO. 2, TO THE BETTERMENT FUND, FOR THE DARREL HESTER BUILDING ADDITION (NO ACTION TAKEN)**

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(12) **CONSIDERATION AND AUTHORIZATION TO APPOINT TONY GUTIERREZ TO THE CAMERON COUNTY HOUSING AUTHORITY**

Upon motion by Commissioner Garza, seconded by Commissioner Benavides and carried unanimously, the appointment of Mr. Tony Gutierrez to the Cameron County Housing Authority was authorized.

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(10) **CONSIDERATION AND AUTHORIZATION TO APPROVE CHANGE ORDER NO. 2, TO THE BETTERMENT FUND, FOR THE DARREL HESTER BUILDING ADDITION**

Mr. Vincent Stasio, DCW Architects Inc., explained that Change Order No. 2 consisted of an extension of a sewer line at a cost of \$3,366.00, the relocation of a gas line at a cost of \$3,365.00, and the addition of three (3) intercom stations at a cost of \$847.00, totaling \$7,578.00.

Mr. Juan Bernal, County Engineer/Public Works Director, stated that the sewage line was to have been placed through the foundation according to the design, but that during construction it was realized that this could not be directed as so; therefore, the need to lower the line and extend it 85'.

Mr. Stasio explained that the foundation had been designed to minimize movement on the site and that the structural engineer had proposed that the drain could only be penetrated at a neutral access, that being the center of the beam. He added that as the line progressed a default was present that permitted that the beam not be penetrated at the center. Mr. Stasio explained that the structural engineer had reviewed the situation and directed that the line be lowered to avoid penetration at the beam to minimize any movement caused by the penetration. He added that at the time of the design the penetration of the elevation of the manhole to be targeted was unknown and that during construction it was realized that by lowering the sewer line would miss the lower point of the sewer tunnel.

Commissioner Garza stated that the need for the change order appeared to be due to a mistake made during the design.

Mr. Stasio stated that the documents provided by the surveyor did not indicate the presence of the manhole nor its elevation and that the manhole had been identified when walking the area.

Commissioner Garza questioned where the architect had originally proposed direction of the sewer line.

Mr. Stasio stated that the sewer line was directed to the first manhole that would accommodate it.

Judge Hinojosa explained that the design was an expansion of pods to the original design of the Juvenile Detention Facility.

Mr. Stasio stated that the next manhole was located at 85' away.

Commissioner Cascos questioned whether additional change orders were anticipated.

Mr. Bernal responded that nine (9) other change orders were anticipated.

Mr. Stasio stated that seven (7) change orders were on pending status.

Commissioner Cascos questioned whether the contract's percentage rate had increased or decreased.

Mr. Bernal responded negatively, and explained that the change order would be funded through the Betterment Fund.

Mr. Stasio stated that the original construction rate cost stipulated in the Contract would not increase, and requested that the Court apply the cost to the Betterment Fund.

Commissioner Garza questioned the additional items being requested.

Mr. Stasio explained that an extension of a gas utility line was being proposed and that the cost had been reviewed by the Architect and the Engineering Consultant and found to be fair.

Commissioner Cascos moved that Change Order No. 2, to the Betterment Fund, for the Darrel Hester Building addition, be approved.

Commissioner Garza questioned whether the third item had been requested by staff.

Mr. Stasio explained that this was a method to aid in the security measures within the facility as per the recommendation of DCW Architects Inc.

Upon motion duly made by Commissioner Cascos that Change Order No. 2, to the Betterment Fund, for the Darrel Hester Building addition, be approved.

The motion was seconded by Commissioner Benavides and carried unanimously.

**The Change Order is as follows:**

# 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. 29-h: Commissioner Garza questioned whether Mr. Roger Ortiz, Interim Elections Administrator, should attend the 14<sup>th</sup> Annual Election Law Seminar rather than Mr. Joe G. Rivera, County Clerk.

Mr. Remi Garza, Assistant Administrator, stated that the County Clerk had responsibilities concerning elections; therefore, could be updating himself on the matter.

Judge Hinojosa explained that Cameron County did not have an Elections Administrator and that the County Clerk and the Tax Assessor/Collector had assumed the responsibility of the Elections Administrator and that they were supervising the Interim Election Administrator. Commissioner Garza questioned whether the Elections Commission was planning to hire and Elections Administrator.

Judge Hinojosa responded in the affirmative.

ITEM NO. 29-c: Commissioner Garza commented that the justification indicated that the travel was mandatory for continuing education, yet the attached information indicated that no credit hours were offered. He expressed his concern with the need to limit travel.

ITEM NO. 29-a: Commissioner Garza commented that this travel did not offer credit hours either.

Captain Robert Lopez, Sheriff's Department, stated that three (3) Jail Officers had attended to test different armor for the purpose of establishing a Search Team.

ITEM NO. 29-i: Captain Robert Lopez, Sheriff's Department, requested that this item be modified to read GIS Coordinator rather than Director.

ITEM NO. 29-c: Commissioner Cascos stated that the County prepared and presented a pre-legislative package to the State Representative, and that he did not see the point of someone traveling when no credit hours would be obtained.

Judge Hinojosa stated that the District Clerk's Office dealt with a lot of legislative issues that were discussed at the Pre-Legislative Conference.

Mr. Xavier Villarreal, Budget Officer, stated that at the time that the Court had restricted travel to where it must fall within the following categories; 1) mandatory for continuing education; 2) that it be essential to County business and/or function; or 3) that it be paid through other sources. He clarified that this item fell within Category No. 2.

ITEM NO. 29-a: Commissioner Garza questioned whether additional lodging would be needed since meals for three (3) days were being requested and only one night's lodge was indicated.

Mr. Xavier Villarreal, Budget Officer, explained that an extra day worth of meals had been requested in the event that it was needed and that additional lodging expenses would be paid by the employees and reimbursement would be requested should there be a need.

ITEM NO. 29-g: Mr. Xavier Villarreal, Budget Officer, requested that the addition of the Executive Assistant to attend the terrorism Awareness Course be approved.

ITEM NO. 17: Mr. Remi Garza, Administrative Assistant, requested that this item be tabled.

Commissioner Benavides moved that the following "Consent and Travel Items" be approved inclusive of changes and that Item No. 17 be **TABLED**.

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



AYE: Commissioners Benavides, Cascos, Garza, and Valdez.  
NAY: None,  
ABSTAIN: Judge Hinojosa as to Warrant No. 00085290, payable to Southwest Key Program La Esperanza, in the amount of \$24,047.50.

- (11) **APPROVAL OF CLAIMS;  
The Affidavit follows:**
- (12) **IN THE MATTER REGARDING CONSIDERATION AND AUTHORIZATION TO APPOINT TONY GUTIERREZ TO THE CAMERON COUNTY HOUSING AUTHORITY ( ACTION WAS PREVIOUSLY TAKEN);**
- (13) **AUTHORIZATION TO REQUEST THE CITY OF BROWNSVILLE CLOSE OR ABANDON THAT PORTION OF NARANJO ROAD THAT BISECTS THE CAMERON COUNTY LAW ENFORCEMENT COMPLEX FROM THE INTERSECTION OF OLD ALICE ROAD AND NARANJO ROAD TO THE PROPERTY LIMITS;**
- (14) **AUTHORIZATION TO NEGOTIATE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF BROWNSVILLE AND CAMERON COUNTY REGARDING RELOCATION OF EXISTING TREES;**
- (15) **AUTHORIZATION TO ENTER INTO NEGOTIATIONS WITH SHINER MOSELEY AND ASSOCIATES, INC., FOR PROFESSIONAL SERVICES FOR CAMERON COUNTY DUST CONTROL PROJECT ON LONG ISLAND;**
- (16) **ACKNOWLEDGMENT OF DISTRICT CLERK'S JULY, AUGUST, SEPTEMBER'S MONTHLY FEE AND FINES REPORT;  
The Report follows:**
- (17) **IN THE MATTER REGARDING APPROVAL OF CONTRACT BETWEEN CAMERON COUNTY SHERIFF'S DEPARTMENT AND LANEHUSS KENNELS FOR K-9 MAINTENANCE TRAINING;(TABLED)**
- (18) **AUTHORIZATION TO UTILIZE RABA KISTNER TO PROVIDE MATERIAL TESTING FOR EL NORTE SUBDIVISION ROAD AND DRAINAGE IMPROVEMENT PROJECT;**
- (19) **RESOLUTION ON GUIDELINES AND CRITERIA GOVERNING TAX ABATEMENT AGREEMENTS IN THE FREE TRADE BRIDGE REGIONAL ENTERPRISE ZONE;  
The Resolution follows:**
- (20) **APPOINTMENT OF MR. REFUGIO FLORES PEREZ, JR., DEPUTY CONSTABLE PRECINCT NO. 6, IN COMPLIANCE WITH THE FINDING THAT IT IS NECESSARY TO APPOINT THE DEPUTY IN ORDER TO PROPERLY HANDLE THE BUSINESS OF THE CONSTABLE'S OFFICE THAT ORIGINATES IN THE CONSTABLE'S PRECINCT AND THAT THE APPOINTMENT IS VALID ONLY THROUGH THE END OF THE FISCAL YEAR IN WHICH THE APPOINTMENT IS MADE OR THE CURRENT TERM OF THE APPOINTING CONSTABLE WHICH EVER ENDS SOONER;**
- (21) **APPOINTMENT OF MS. ANGELA RAMIREZ, DEPUTY CONSTABLE PRECINCT NO. 5 IN COMPLIANCE WITH THE FINDING THAT IT IS NECESSARY TO APPOINT THE DEPUTY IN ORDER TO PROPERLY HANDLE THE BUSINESS OF THE CONSTABLE'S OFFICE THAT ORIGINATES IN THE CONSTABLE'S**

**PRECINCT AND THAT THE APPOINTMENT IS VALID ONLY THROUGH THE END OF THE FISCAL YEAR IN WHICH THE APPOINTMENT IS MADE OR THE CURRENT TERM OF THE ELECTED CONSTABLE WHICH EVER ENDS SOONER;**

- (22) **APPROVAL OF A RECREATIONAL AND PROGRAM DIRECTOR CONTRACT BETWEEN CAMERON COUNTY (PARK SYSTEM) AND MS. ELIZABETH LITWILLER;**  
**The Contract follows:**
- (23) **APPROVAL OF A BINGO DIRECTOR CONTRACT BETWEEN CAMERON COUNTY (PARK SYSTEM) AND MR. ANDY ANDREWS;**  
**The Contract follows:**
- (24) **AUTHORIZATION TO PLACE AN ADVERTISEMENT IN THE NEWSPAPER FOR ESTABLISHING LOAD LIMITS, ROAD NAME CHANGES AND TRAFFIC CONTROLS WITHIN CAMERON COUNTY;**
- (25) **ACKNOWLEDGMENT OF TEXAS DEPARTMENT OF TRANSPORTATION REIMBURSEMENT IN THE AMOUNT OF \$6,430.00, FOR RIGHT OF WAY ACQUISITION OF FM/509;**
- (26) **ACCEPTANCE OF PARCEL NO. 24 FOR FM 106;**  
**The Deed follows:**
- (27) **AUTHORIZATION TO AWARD THE FOLLOWING BIDS/PROPOSALS FOR:**  
**A. MOPS, MAT, APRONS RENTAL/CLEANING - ANNUAL BID NO. 1535;AND**  
**B. GENERATOR REPAIRS - ANNUAL BID NO. 1444.**
- (28) **ACKNOWLEDGMENT OF NO BIDS BEING RECEIVED FOR THE FOLLOWING BIDS/PROPOSALS FOR:**  
**A. BUILDING SUPPLIES: REFRIGERANTS (FREON) - ANNUAL BID NO. 2002**

## **TRAVEL ITEMS**

- (29) **AUTHORIZATION TO TRAVEL/OR APPROVAL OF TRAVEL EXPENSE FOR THE FOLLOWING (PLEASE NOTE: TRAVEL REQUESTS ARE SUBJECT TO ALL APPLICABLE COUNTY POLICIES):**
- (a) Three (3) Jail Detention Officers to attend the "Armor Holdings and GT Distributors Seminar", in San Antonio, Texas, October 23-25, 2002;
- (b) District Attorney to attend the "South Texas HIDTA Executive Board Meeting", in San Antonio, Texas, November 12, 2002;
- (c) District Clerk and Deputy Clerk to attend the "2002 Pre-Legislative Conference", in Austin, Texas, November 12-15, 2002;
- (d) Chief Park Ranger and Sergeant to attend the "Technology Fair", in South Padre Island, Texas, October 29-30, 2002;
- (e) Five (5) Park Rangers to attend the "TLEIUA Quarterly Training Conference", in South Padre Island, Texas, November 13-14, 2002;
- (f) PD&M employee to attend the "Rio Grand Valley Empowerment Zone Meeting", in Mercedes, Texas, October 23, 2002;

- (g) Emergency Management Coordinator to attend the "Terrorism Awareness Course", in Austin, Texas, November 12-15, 2002;
- (h) County Clerk to attend the "14<sup>th</sup> Annual Election Law Seminar", in Austin, Texas, November 20-22, 2002;
- (i) Two (2) Sheriff's Department employees and GIS Director to attend the "Enhanced Training on the Custom Report Writer", in Rockwell, Texas, October 23-26, 2002;
- (j) County Extension Agent to attend the "Statewide Master Naturalist Annual Meeting and Advanced Training", in Hunt, Texas, October 25-27, 2002;
- (k) Two (2) PD&M employees to attend the "LRGVDC Criminal Justice Technical Assistance Workshop", in Edinburg, Texas, November 5, 2002; and
- (l) Two (2) County Extension Agents to attend the "South Texas Americorps Initiative", in College Station, Texas, October 31- November 2, 2002.



- (11) **APPROVAL OF CLAIMS.**  
**The Affidavit is as follows:**

- (16) **ACKNOWLEDGMENT OF DISTRICT CLERK'S JULY, AUGUST, SEPTEMBER'S MONTHLY FEE AND FINES REPORT.**  
**The Report is as follows:**

- (19) RESOLUTION ON GUIDELINES AND CRITERIA GOVERNING TAX ABATEMENT AGREEMENTS IN THE FREE TRADE BRIDGE REGIONAL ENTERPRISE ZONE.  
The Resolution is as follows:**

- (22) **APPROVAL OF A RECREATIONAL AND PROGRAM DIRECTOR CONTRACT BETWEEN CAMERON COUNTY (PARK SYSTEM) AND MS. ELIZABETH LITWILLER.**  
**The Contract is as follows:**

- (23) APPROVAL OF A BINGO DIRECTOR CONTRACT BETWEEN CAMERON COUNTY (PARK SYSTEM) AND MR. ANDY ANDREWS.  
The Contract is as follows:**



(26) ACCEPTANCE OF PARCEL NO. 24 FOR FM 106.

The Deed is as follows:

**EXECUTIVE SESSION**

(30) EXECUTIVE SESSION:

Upon motion by Commissioner Valdez, seconded by Commissioner Garza and carried unanimously, the Court met in Executive Session at 11:53 A.M., to discuss the following matters:

- (a) Confer with Commissioners' Court Legal Counsel concerning Thorton Development Corporation on matters 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) Confer with Commissioners' Court Legal Counsel concerning the possible acquisition and exchange of and for Right-of-Way for FM 800; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- (c) Confer with Commissioners' Court Legal Counsel concerning the possible condemnation relating to the Right-of-Way acquisition for FM 802, Parcel No. 2; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- (d) Confer with Commissioners' Court Legal Counsel on possible termination of Contract with Information Imaging Solutions concerning 2002 Ad Valorem Tax Statements; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(2);
- (e) Deliberation regarding Real Property concerning the possible acquisition of various lots for the Laguna Heights Parks; pursuant to Vernon Texas Code Annotated (V.T.C.A.), 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 (V.T.C.A.), Government Code, Section 551.072;
- (g) Deliberation regarding Real Property concerning the possible lease of office space for the Cameron County Health Department; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- (h) Deliberation regarding Real Property concerning the possible expansion of Al's Sea Ranch Grocery and Tackle Store and amending the Lease accordingly; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;and
- (i) Deliberation regarding Real Property concerning the possible acquisition of Real Property for the Oscar C. Dancy Building Parking Lot; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072.

Upon motion by Commissioner Garza, seconded by Commissioner Cascos and carried unanimously, the Court reconvened in Regular Session at 12:29 P.M.

**(31) ACTION RELATIVE TO EXECUTIVE SESSION:**

- (a) Confer with Commissioners' Court Legal Counsel Concerning Thorton Development Corporation on matters 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.**

Commissioner Cascos moved that the Status Report by Mr. Doug Wright, Commissioners' Court Legal Counsel, concerning Thorton Development Corporation on matters 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 be acknowledged and that he be authorized to reclaim the property based on the breach of Thorton Development.

The motion was seconded by Commissioner Valdez and carried unanimously.

- (b) Confer with Commissioners' Court Legal Counsel concerning the possible acquisition and exchange of and for Right-of-Way for FM 800.**

Upon motion by Commissioner Garza, seconded by Commissioner Cascos and carried unanimously, Mr. Juan Bernal, County Engineer/Public Works Director, was authorized to proceed with the acquisition of the property in questioned pursuant to the terms as discussed in Executive Session.

- (c) Confer with Commissioners' Court Legal Counsel concerning the possible condemnation relating to the Right-of-Way acquisition for FM 802, Parcel No. 2.**

Commissioner Benavides moved that the County Engineering Department be authorized to negotiate the Right-of-Way acquisition for FM 802, Parcel No. 2.

The motion was seconded by Commissioner Garza and carried unanimously.

- (d) Confer with Commissioners' Court Legal Counsel on possible termination of Contract with Information Imaging Solutions Concerning 2002 Ad Valorem Tax Statements.**

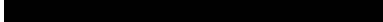
Judge Hinojosa informed that the Tax Assessor/Collector would extend the three percent (3%) discount throughout November 15, 2002.

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the termination of Contract with Information Imaging Solutions concerning 2002 Ad Valorem Tax Statements was authorized, Mr. Doug Wright, Commissioners' Court Legal Counsel, was authorized to seek reimbursement for monies that have been expended for services that have not been provided, and the placement of an Agenda Item was authorized to award the Contract to the second vendor.



**(3) IN THE MATTER REGARDING THE PRESENTATION BY MR. JUAN BERNAL, COUNTY ENGINEER REGARDING THE ROAD AND BRIDGE DEPARTMENT (TABLED)**

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



There being no further business to come before the Court, upon motion by Commissioner Cascos, seconded by Commissioner Valdez and carried unanimously, the meeting was **ADJOURNED** at 12:40 P.M.



**APPROVED** this 10<sup>th</sup> day of **December 2002**.

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**GILBERTO HINOJOSA  
COUNTY JUDGE**

**ATTEST:**

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