

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 8th day of April 2003, there was conducted a Regular Public Meeting of the Honorable Commissioners' Court of Cameron County, Texas, at the Courthouse thereof, in the City of Brownsville, Texas, for the purpose of transacting any and all business that may lawfully be brought before the same.

THE COURT MET AT:

9:30 A.M.

PRESENT:

GILBERTO HINOJOSA
COUNTY JUDGE

PEDRO "PETE" BENAVIDES
COMMISSIONER PRECINCT NO. 1

COMMISSIONER PRECINCT NO. 2

DAVID A. GARZA
COMMISSIONER, PRECINCT NO. 3

EDNA TAMAYO
COMMISSIONER, PRECINCT NO. 4

JOE G. RIVERA
COUNTY CLERK

Mary Robles Deputy Clerk

ABSENT:

JOHN WOOD

The meeting was called to order by Judge Hinojosa at 9:32 A.M. He then asked Commissioner Tamayo 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 April 4, 2003, at 2:39 P.M., Supplemental Agenda posted April 4, 2003, at 4:41 P.M., and Emergency Supplemental Notice posted April 7, 2003, at 3:42 P.M.:

EMERGENCY SUPPLEMENTAL NOTICE

**(1) CONSIDERATION AND APPROVAL OF
THE AMENDED POLLING PLACES FOR
EARLY VOTING AND ON ELECTION
DAY AS LISTED ON ATTACHMENT A**

Judge Hinojosa explained that a minimum of one (1) Early Voting Site was required in every Precinct, and that placing Early Voting Sites at the South Padre Island City Hall and Port Isabel High School would solve the concern.

NOTE: COMMISSIONERS BENAVIDES AND GARZA JOINED THE MEETING AT THIS TIME.

Commissioner Tamayo moved that the amended polling places for Early Voting and Election Day be approved as listed on Attachment "A".

The motion was seconded by Commissioner Wood.

Judge Hinojosa reiterated that by Law a minimum of one (1) Early Voting Site was required in each Precinct where an election would be held. He explained that Commissioner Precinct No. 1 did not have an Early Voting Site in South Padre Island, and that Commissioner Precinct No. 3 had Early Voting Sites located in Harlingen, noting that Precinct No. 59, Laguna Heights, did not have an Early Voting Site. Judge Hinojosa stated that another Early Voting Site could only be placed at the Port Isabel High School, outside Harlingen proper.

Mr. Ronnie Lozano, County resident, explained the difference to be that two (2) Early Voting Sites were being placed in Commissioner Precinct No. 3, and expressed concern with District No. 43 not having a voting polling site within the City of Harlingen.

Judge Hinojosa asked if the Early Voting Site in La Feria was located within District No. 43.

Mr. Lozano responded in the affirmative, and reiterated that the City of Harlingen, represented by two (2) County Commissioners, did not have an Early Voting Site, adding that two (2) voting polling sites could be placed within a Precinct.

Judge Hinojosa clarified that the County was in compliance with the Law, and that it seemed senseless to place more than one (1) Early Voting Site within a Precinct. At this time, Judge Hinojosa called the question.

Upon motion duly made by Commissioner Tamayo, seconded by Commissioner Wood and carried unanimously, the amended polling places for Early Voting and Election Day were approved, as listed on Attachment "A".

The List is as follows:

At this time, there was a brief discussion concerning the severe weather being experienced, and Commissioner Garza shared his favorable experience while attending a very productive meeting held with 250 other Counties, where Mr. Manuel Villarreal, Personnel/Safety Risk Director, was recognized with the highest award available to a County for improvements and prevention of work related injuries.

ACTION ITEMS

**(2) APPROVAL OF BUDGET AMENDMENTS
AND/OR SALARY SCHEDULES**

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the Budget Amendment No. 2003-18 and Salary Schedules were approved.

The Budget Amendments and Salary Schedules are as follow:

(3) **APPROVAL OF MINUTES OF THE SPECIAL MEETING HELD FEBRUARY 25, 2003, AND THE REGULAR MEETING HELD MARCH 4, 2003**

Commissioner Benavides moved that the Minutes of the Special Meeting held February 25, 2003, and the Regular Meeting held March 4, 2003, be approved.

The motion was seconded by Commissioner Wood and carried unanimously.

(4) **CONSIDERATION AND POSSIBLE ACTION REGARDING LEGISLATIVE UPDATE AND ADOPTION OF RESOLUTIONS IN FAVOR OR AGAINST HOUSE BILL 1968 RELATING TO THE AUTHORITY OF A COUNTY TO CHARGE A FEE FOR A PLAT APPLICATION AND HOUSE BILL 2120 RELATING TO THE APPRAISAL OF PROPERTY FOR AD VALOREM TAXATION BY THE COMPTROLLER OF PUBLIC ACCOUNTS**

Judge Hinojosa explained that HB 1968 related to authority for Counties to charge a fee on plat applications to cover related costs.

Mr. Remi Garza, County Assistant Administrator, stated that the fee was determined by the Engineering Department based on the costs and plats being approved, and that HB 1968 allowed inclusion of specific services.

Mr. Doug Wright, Commissioners' Court Legal Counsel, explained that the cost figure was in place and that this identified the specifics.

*Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the Resolution in favor of HB 1968 relating to the authority of a County to charge a fee for a Plat Application was adopted.

Mr. Garza explained that HB 2120 related to the Comptroller assuming the responsibilities of establishing the County Appraisal Offices, among them: appointment of its Director, Tax Payer Liaison, and selecting the financial institution, currently done by the Board composed of Elected and Private Members. He stated that the County would continue participating, but would have no voice as to how funds were expended.

*Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the Resolution opposing passage of HB 2120 relating to the appraisal of property for Ad Valorem Taxation by the Comptroller of Public Accounts was adopted.

***The Resolutions are as follow:**

(5) CONSIDERATION AND POSSIBLE ACTION REGARDING REQUESTED LEGISLATION RELATING TO SUBDIVISION PLATING REQUIREMENTS IN CERTAIN COUNTIES NEAR AN INTERNATIONAL BORDER

Mr. Remi Garza, County Assistant Administrator, informed that a request was made to exclude language in Sub-Chapter A, which excludes lots that are 10 acres or larger, and to stipulate it in Sub-Chapter B, which affects international borders. He stated that the Civil Division and the Engineering Department met to clarify confusion regarding the 5 acre lots and the presumption. Mr. Garza stated that Section 232.025 would be requested to read "10 acres or greater", perhaps "5 acres or greater," depending on the Court's direction. He added that exclusion of the Section providing presumption that 5 acres could be residential property had been requested when two (2) or more lots were provided, and that addition of a specific Section to act as a congruent from Sub-Section B to Sub-Section A.

Commissioner Wood stated that the clarification was needed to prevent future problems, and recommended that a 5 acre tract of land or greater was best to prevent sub standard subdivisions

Judge Hinojosa recommended that the County support Legislation relating to Subdivision Plating Requirements in certain Counties near an international border with language indicating "10 acres or 5 acres."

Commissioner Wood stated that he would support the request to modify Legislation to read "10 acres or greater" relating to Subdivision Plating Requirements in certain Counties near an international border, but would recommend that "5 acres or greater" be stipulated.

Mr. Garza informed that the request would be submitted as a Local Bill.

Commissioner Garza moved that the request to modify Legislation to read "10 acres or greater", relating to Subdivision Plating Requirements in certain Counties near an international border, be approved.

The motion was seconded by Commissioner Tamayo and carried unanimously.

(6) CONSIDERATION AND ADOPTION OF A RESOLUTION HONORING STATE SENATOR EDDIE LUCIO, PRESIDENT PRO TEMPORE OF THE SENATE, DECLARING APRIL 26, 2003 AS "GOVERNOR EDDIE LUCIO JR., DAY" IN CAMERON COUNTY AND SUPPORTING THE NAMING OF FM HIGHWAY 511 IN HIS HONOR

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the Resolution honoring State Senator Eddie Lucio, President Pro-Tempore of the Senate, declaring April 26, 2003 as "Governor Eddie Lucio Jr., Day" in Cameron County, and supporting the naming of FM Highway 511 in his honor was adopted.

The Resolution is as follows:

(7) **CONSIDERATION AND ADOPTION OF A PROCLAMATION DECLARING THE WEEK OF APRIL 6-12, 2003, AS "WEEK OF THE YOUNG CHILD" IN CAMERON COUNTY, TEXAS**

Commissioner Tamayo moved that the Proclamation declaring the Week of April 6 - 12, 2003, as "Week of the Young Child", in Cameron County, Texas, be adopted.

The motion was seconded by Commissioner Wood and carried unanimously.

The Proclamation is as follows:

(8) **CONSIDERATION AND APPROVAL OF
THE SECOND QUARTER REPORT FOR
THE INTERNATIONAL BRIDGE SYSTEM**

Mr. Pete Sepulveda, International Bridge System Director, reported that the International Bridge System experienced an 8% decrease in traffic during this Quarter, and a 10% increase in revenues as a result of the increased toll rate implemented on October 2002. He stated that the six (6) months variances totaled a negative \$88,000.00, resulting from reductions in traffic caused by two (2) peso devaluations, by operating under Orange Alert Status, and by the ongoing war. Mr. Sepulveda stated that Gateway Bridge was down by 18% in pedestrian traffic, and explained that it was difficult to foresee what would transpire between now and October. He noted the need to monitor Commercial Traffic that might be affected by decreased auto sales, and to make-up the negative \$88,000.00 through cuts or increased revenues. Mr. Sepulveda stated that expenditures would be limited and the traffic flow monitored.

Commissioner Benavides moved that the Second Quarter Report for the International Bridge System presented by Mr. Pete Sepulveda, International Bridge System Director, be acknowledged.

The motion was seconded by Commissioner Tamayo.

Commissioner Garza commented that the status of the International Bridge System was not bad considering the Nation's situation.

Mr. Sepulveda stated that historically the 2nd Quarter was always slower, and that the upcoming "Semana Santa" would be a good test to determine if traffic flow would increase.

Commissioner Tamayo stated that the Harlingen Chamber of Commerce and Valley Baptist Medical Center teaming up to travel into Mexico to inform of the available medical facilities would help increase traffic.

Upon motion duly made by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the Second Quarter Report for the International Bridge System presented by Mr. Pete Sepulveda, International Bridge System Director, was acknowledged.

The Report is as follows:

(9) **CONSIDERATION AND AUTHORIZATION
TO EXECUTE A PROFESSIONAL
SERVICES AGREEMENT WITH SOUTH
WEST TEXAS UNIVERSITY FOR
ARCHAEOLOGICAL SERVICES
REGARDING THE BROWNE ROAD PARK**

Commissioner Tamayo moved that execution of a Professional Services Agreement with South West Texas University for Archaeological Services regarding to the Browne Road Park be authorized.

The motion was seconded by Commissioner Wood.

Judge Hinojosa stated that he met with Ms. Estella Garcia, Cameron Works Director, regarding the possibility of building a facility at the Browne Road Park and leasing it to Cameron Works. He noted the need to include the said construction in the project prior to the bidding process if it was to be pursued. Judge Hinojosa stated that he believed that providing as many services as possible would be beneficial for the community.

Commissioner Garza asked if the services would be for the entire area or only the park area.

Judge Hinojosa noted the need to ensure that the Archaeological Studies needed for construction of the facilities portion of the Project be included.

Upon motion duly made by Commissioner Tamayo that execution of a Professional Services Agreement with South West Texas University for Archaeological Services regarding to the Browne Road Park be authorized.

The motion was seconded by Commissioner Wood and carried unanimously.

The Agreement 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. 11: Mr. Mark Yates, County Auditor, presented the following late claims: Warrant No. 00093920, payable to Morgan Properties, in the amount of \$17,981.25, and Warrant No. 00093921 to the Unemployment Fund, in the amount of \$56,451.50.

ITEM NO. 13: Commissioner Garza questioned if the Architects prepared the Plans in accordance with specs for ADA Standards.
Mr. Juan Bernal, County Engineer/Public Works Director, responded in the affirmative, and explained that the Plans must be reviewed by State, noting that an Independent Consultant was required. He clarified that any discrepancies would be corrected by the Architect and Contractor.

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

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

AYE: Commissioners Benavides, Wood, Garza, and Tamayo,

NAY: None,

ABSTAIN: Judge Hinojosa as to Warrant No. 00093978, payable to Laguna Madre, in the amount of \$184.08.

(11) **APPROVAL OF CLAIMS;
The Affidavit follows:**

(12) **RESOLUTION AUTHORIZING THE SUBMISSION OF A CONTINUATION APPLICATION TO THE GOVERNOR'S OFFICE CRIMINAL JUSTICE DIVISION FOR THE 2004 CAMERON COUNTY DRUG ENFORCEMENT TASK FORCE GRANT;
The Resolution follows:**

(13) **AUTHORIZATION TO HIRE AN ACCESSIBILITY SPECIALIST TO REVIEW AND INSPECT THE NEW DARREL HESTER OFFICE ADDITION;**

(14) **CONCESSION AGREEMENT BETWEEN CAMERON COUNTY (PARKS) AND ALFONSO SALAZAR, D/B/A DIRTY AL'S SEA RANCH BAR AND GRILL;
The Agreement follows:**

(15) **AUTHORIZATION FOR MEMBERS OF THE COMMISSIONERS' COURT AND DESIGNATED STAFF MEMBERS TO TRAVEL TO AUSTIN, TEXAS, TO ATTEND HOUSE AND SENATE COMMITTEE MEETINGS, TO MEET WITH STATE AGENCIES ON LEGISLATIVE ISSUES AND/ OR TO MEET WITH REPRESENTATIVES OR STAFF MEMBERS ON LEGISLATIVE ISSUES;**

(16) **RESOLUTION PROCLAIMING THE MONTH OF APRIL 2003 AS "FAIR HOUSING MONTH" IN CAMERON COUNTY;
The Resolution follows:**

(17) **APPOINTMENT OF MR. ROBERT SALAZAR DEPUTY CONSTABLE FOR PRECINCT 3 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. PREVIOUSLY DEPUTY SALAZAR WAS A RESERVE DEPUTY AND TEMPORARILY ASSIGNED TO DEPUTY FOR CONSTABLE PRECINCT NO. 1; AND

- (18) OPENING OF THE FOLLOWING BID FOR VEHICLE LEASE: ANNUAL BID NO. 1480.**

TRAVEL ITEMS

- (19) 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 "Extended Analytical Investigation Training", in Austin, Texas, April 1-5, 2003;
 - (b) Title V Director to meet with the "Governors' Office Criminal Justice Division", in Austin, Texas, April 10-11, 2003;
 - (c) International Bridge System Director to meet with International Boundary and Water Commission Officials regarding the West Rail Project, in El Paso, Texas, April 14, 2003;
 - (d) Three (3) County Extension Agents to attend the "Texas Extension Counties Online Training", in Weslaco, Texas, April 9, 2003;
 - (e) Three (3) County Extension Agents to attend a "Better Living for Texans Training Meeting", in Laredo, Texas, April 8, 2003;
 - (f) County Extension Agent to represent Cameron County at the Sea Grant Week, in Galveston, Texas, April 24-27, 2003;
 - (g) County Extension Agent to attend the "Texas Cooperative Extension and Federal Deposit Insurance Corporation Financial Literacy Roundtable Meeting", in Weslaco, Texas, April 10, 2003;
 - (h) County Extension Agent to meet with the Texas Workforce Commission Board covering Hidalgo, Willacy, Starr And Cameron County, in Weslaco, Texas, April 2, 2003;
 - (i) County Auditor to attend the "County Government Day", in Austin, Texas, April 8-10, 2003; and
 - (j) International Bridge System Director to attend the "I-69 Coalition Board Of Directors Meeting", in Laredo, Texas, April 4, 2003.
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- (11) **APPROVAL OF CLAIMS.**
The Affidavit is as follows:

- (12) **RESOLUTION AUTHORIZING THE SUBMISSION OF A CONTINUATION APPLICATION TO THE GOVERNOR'S OFFICE CRIMINAL JUSTICE DIVISION FOR THE 2004 CAMERON COUNTY DRUG ENFORCEMENT TASK FORCE GRANT.**
The Resolution is as follows:

- (14) **CONCESSION AGREEMENT BETWEEN CAMERON COUNTY (PARKS) AND ALFONSO SALAZAR, D/B/A DIRTY AL'S SEA RANCH BAR AND GRILL.
The Agreement is as follows:**

- (16) **RESOLUTION PROCLAIMING THE MONTH OF APRIL 2003 AS “FAIR HOUSING MONTH” IN CAMERON COUNTY.**
The Resolution is as follows:

PRESENTATION

**(1) PRESENTATION OF RESOLUTION
HONORING JUDGE SALLIE GONZALEZ,
JUSTICE OF THE PEACE PRECINCT NO.
5, PLACE NO. 1**

At this time, Judge Hinojosa informed that a Resolution honoring Judge Sallie Gonzalez, Justice of the Peace Precinct No. 5, Place No. 1 was previously adopted, and recognized her for an outstanding job performance and her achievements as Justice of the Peace, as President of the Justice of the Peace and Constables Association of Texas, and for her leadership in insuring that Legislation did not adverse the effect for Justices of the Peace and Constables.

Commissioner Tamayo read and presented Judge Gonzalez with a Resolution honoring her.

Judge Sallie Gonzalez, Justice of the Peace Precinct No. 5, Place No. 1, informed that the Justice of the Peace and Constable Day held March 24, 2003, in Austin, Texas, had the most attendance in the history of the Association. She stated that she would continue working on legislative issues that affect County Government and Schools. Judge Gonzalez stated that Court costs might be increased, and that the Legislatures were asked not to increase them because County Government would be negatively affected.

EXECUTIVE SESSION

(20) EXECUTIVE SESSION:

Upon motion by Commissioner Tamayo, seconded by Commissioner Benavides and carried unanimously, the Court met in Executive Session at 10:28 A.M., to discuss the following matters:

Mr. Doug Wright, Commissioners' Court Legal Counsel, noted that Item No. 20-c could be tabled because no discussion would take place.

- (a) Deliberation regarding Real Property concerning the possible purchase of Real Property known as Rutherford Harding Subdivision Lots Nos. 1, 2, 3, 4, Block No. 4; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.072;
- (b) Confer with Commissioners' Court Legal Counsel concerning the possible extension of the Concession Agreement with Sea Ranch Marina Restaurant; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.071(2);
- (c) Confer with Commissioners' Court Legal Counsel concerning the Concession Agreement with Brady's Duty Free at the Veterans International Bridge; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.072; and
- (d) Deliberation regarding the possible Concession Lease Agreement at Andy Bowie Park Concession Building "A"; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.072.

(1) SUPPLEMENTAL EXECUTIVE SESSION:

- (a) Deliberation regarding the appointment of Title V Director; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.074.

Upon motion by Commissioner Garza, seconded by Commissioner Wood and carried unanimously, the Court reconvened in Regular Session at 10:48 A.M.

(21) ACTION RELATIVE TO EXECUTIVE SESSION:

- (a) Deliberation regarding Real Property concerning the possible purchase of Real property known as Rutherford Harding Subdivision Lots 1, 2, 3, 4, Block 4.**

Commissioner Garza moved to proceed with the purchase of Real Property known as Rutherford Harding Subdivision Lots Nos. 1, 2, 3, 4, Block No. 4, subject to the Budget Officer locating a funding source.

The motion was seconded by Commissioner Wood and carried unanimously.

NOTE: COMMISSIONERS BENAVIDES AND TAMAYO JOINED THE MEETING AT THIS TIME.

- (b) Confer with Commissioners' Court Legal Counsel concerning the possible extension of the Concession Agreement with Sea Ranch Marina Restaurant.**

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, Mr. Doug Wright, Commissioners' Court Legal Counsel, was authorized to negotiate final terms of the extension pursuant to the terms as discussed in Executive Session, to include an expansion of the facility, extension to the term of the Lease, and an Independent Audit.

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- (c) In the matter regarding confer with Commissioners' Court Legal Counsel concerning the Concession Agreement with Brady's Duty Free at the Veterans International Bridge. (No Action Taken)**

- (d) Deliberation regarding the possible Concession Lease Agreement at Andy Bowie Park Concession Building "A".**

Commissioner Garza moved that Mr. Joseph Ardito, Property Manager, and Mr. Javier Mendez, Parks System Director, be authorized to negotiate a Lease Agreement at Andy Bowie Park Concession Building "A".

The motion was seconded by Commissioner Wood and carried unanimously.

(2) ACTION TO THE SUPPLEMENTAL EXECUTIVE SESSION ITEM:

- (a) Deliberation regarding the appointment of Title V Director.**

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, Mr. Hilario Diaz was appointed permanent Title V Director, pursuant to the following terms:

(10) CONSIDERATION AND AUTHORIZATION TO EXECUTE A LICENSE AGREEMENT WITH TEXAS ENGINEERING EXTENSION SERVICE (TEEX) FOR THE USE OF PARK LAND AT BROWNE ROAD PARK FOR TRAINING PURPOSES

Mr. Javier Mendez, Parks System Director, explained that the Texas Engineering Extension Services provided training and assisted with job placement.

Commissioner Garza moved that the execution of a License Agreement with Texas Engineering Extension Service (TEEX) for the use of park land at Browne Road Park for training purposes be authorized.

The motion was seconded by Commissioner Tamayo and carried unanimously.

The Agreement is as follows:

There being no further business to come before the Court, upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the meeting was **ADJOURNED** at 10:53 A.M.

APPROVED this 29th day of April 2003.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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