

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 5<sup>th</sup> day of AUGUST 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

JOHN WOOD  
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:  
\_\_\_\_\_

---

---

The meeting was called to order by Judge Pro-tem Pedro "Pete" Benavides at 9:32 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 August 1, 2003, at 3:27 P.M.:

# PRESENTATION

(1) **DISCUSSION REGARDING WIDENING, RIGHT OF WAY ACQUISITION AND INCLUDING UNDER GROUND DRAINAGE FOR VERMILLION ROAD**

Mr. Juan Bernal, County Engineer/Public Works Director, stated that the Engineering Department wanted to address a portion of Vermillion Road; 1,200 feet belonging to the City of Brownsville and 1,350 feet (up to Houston Road) belonging to Cameron County.

Commissioner Benavides described Vermillion Road to be a long narrow road with three (3) bridges across resacas and no sidewalks. He stated that Vermillion Road was heavily traveled by school buses and pedestrian students and commented that the road's condition was "an accident waiting to happen."

Mrs. Patty Matamoros, Commissioner Precinct No. 1 Office Coordinator, presented a video of the area and the 20 foot wide road.

Commissioner Benavides informed that Vermillion Road serviced 1,030 students attending El Jardin Elementary, 925 students attending Lucio Middle School, 1,120 students attending Vermillion Elementary, and 2,400 students attending Rivera High School.

Mrs. Matamoros stated that Vermillion Road had drainage ditches on both side, and proposed that BISD, City of Brownsville, and the County work together to build sidewalks in order to address the dangers encountered by children walking to school along this narrow road.

Commissioner Benavides proposed that the entrance to Vermillion Road be widened and that sidewalks be placed on at least one (1) side of the road. He explained that the issue derives from BISD constructing schools without contacting the County; therefore, resulting in inappropriate infrastructure.

Mr. Eliseo Muñoz, BISD Trustee, stated that Vermillion Road was a 40 foot right-of-way with only 20 feet paved (black top), and that approximately 5,500 students attend nearby schools, adding that the area was projected to grow. He suggested that short term fixes might exist with the Metropolitan Transit Authority and that discretionary funding was available from the Texas Department of Transportation (TXDOT). Mr. Muñoz stated that by law BISD could not fund construction of Public Roads, but could assist with paying for materials and sidewalks. He stated that BISD owns about ¼ mile of right-of-way on the right hand side of Vermillion Road, and noted that a 60 foot right-of-way was needed to alleviate the problem. He stated that the road was heavily traveled by large trucks as a result of being a major artery to the airport; therefore, the need to review weight limits upon the road being improved.

**NOTE: JUDGE HINOJOSA JOINED THE MEETING AT THIS TIME.**

Commissioner Wood suggested that BISD participate in a program established by Mr. Eddie Treviño, City of Brownsville Mayor, to coordinate with other entities for different projects. He stated that he did not recall, while serving as City Commissioner, a BISD Trustee contacting the City to inform that the school district was preparing to build a school, thus placing a lot of pressure on the City when such facilities lack proper infrastructure.

Commissioner Tamayo questioned if BISD was allowed to construct sidewalks.

Mr. Muñoz stated that BISD's Facilities Administrator indicated that funding might be available to construct sidewalks and to purchase road materials to defer some costs.

Mr. Doug Wright, Commissioners' Court Legal Counsel, advised that school districts were not prevented by law from participating in road projects, that the City could not place special assessments against school districts to force them to participate in road projects, and that the school district has a lot of latitude of what it does in an overall infrastructure project upon entering into a cooperative voluntary process through an Interlocal Agreement. He added that the school district could contribute to the total funding because the issue relates specifically to a function it performs.

Commissioner Benavides stated that the matter would be presented to the MPO to determine if funding was available.

Mr. Muñoz stated that funding was available through the MPO for which the City of Brownsville, BISD, Cameron County, and the Port of Brownsville must vote as to its use.

Judge Hinojosa suggested that a liaison be appointed by school districts to communicate with Cameron County when issues arise.

Commissioner Garza stated that six (6) months ago he presented a grant form available to provide funding for bicycle trails and sidewalks for entities to apply for, yet he was unaware if entities had applied for it. He stated that the San Benito School District partnered with the City of San Benito to fund up to 50% of improvement costs of a road that provides access to a school in order to obtain a building permit; therefore, partnering among entities was legal to avoid one (1) entity burdening all the cost.

Mr. Bernal stated that a 10 foot right-of-way was needed in seven (7) parcels to have a complete 60 foot right-of-way on Vermillion Road from Houston Road up to Boca Chica Boulevard.

Commissioner Garza questioned if construction of a sidewalk was feasible at this time.

Mr. Bernal stated that the drainage ditches would require underground piping and perhaps curb and gutter in order to place sidewalks.

Commissioner Garza suggested that a sidewalk be built on one side of the road as was done in San Benito on Schaeffer Road where one (1) of the bar ditches was covered, drained to one side, and placed a sidewalk on the

other side from Williams Road up to the school, noting that perhaps the drainage was not as great, yet the safety of the children had been prioritized.

Mr. Bernal stated that the suggestion could be reviewed, and noted the need to enforce weight limits on Vermillion Road. He stated that speed humps were not feasible due to the road's condition, and that the City of Brownsville had been very receptive of this matter.

Mr. Ricardo Longoria, City of Brownsville Commissioner, stated that he has served as a teacher at Lucio Middle School for the past seven (7) years, which he has requested that the entities address the matter. He suggested that an Interlocal Agreement be developed between the City of Brownsville, BISD, and Cameron County to service Vermillion Road. He noted the need to determine who would take the initiative and to review all issues in order to provide quality work and complete the project.

Mr. Ernesto Hinojosa, City of Brownsville Engineer, recommended that a master design be prepared for Vermillion Road and that the work be done in phases to avoid shortages. He suggested that a 60 foot right-of-way be obtained to provide underground sewage and a three (3) lane road into the school to avoid traffic congestions. Mr. Hinojosa suggested that BISD could contribute material for the sidewalk and that the City of Brownsville and the County could participate in the overall cost for drainage. He stated that the City had annexed both ends of Vermillion Road, and recommended that the County lead the project since it owns most of Vermillion Road.

Judge Hinojosa suggested that a meeting be held between the City of Brownsville, BISD, and the County to develop a solution.

Commissioner Benavides requested that the concern not be forgotten.

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the discussion regarding widening, right of way acquisition, and including under ground drainage for Vermillion Road was acknowledged.

## **ACTION ITEMS**

**(9) CONSIDERATION AND POSSIBLE  
AUTHORIZATION TO OPEN THE COUNTY BOAT  
RAMP TO THE PUBLIC LOCATED AT THE SEA  
RANCH MARINA, SOUTH PADRE ISLAND, TEXAS**

Commissioner Benavides stated that Commissioner Wood and he met with the Sea Ranch Marina Concessionaire, and noted that he was in favor of closing the boat ramp due to the problems he observed.

Mr. Doug Wright, Commissioners' Court Legal Counsel, suggested that the individuals present be allowed to voice their opinions at this time, among them the owner of the concession who traveled from Houston, Texas, after learning that the matter was placed on the Court's Agenda.

Judge Hinojosa stated that it was his understanding that the boat ramp would be repaired, its use restricted, that a plan would be prepared to address the Concessionaire's concerns, and that removing the boat ramp from the Concessionaire Agreement would minimize liability issues. Judge Hinojosa stated that by addressing all these issues the problem would be minimized significantly and that many users of the boat ramp lacked resources to use the concession.

Mr. Chris Boswell, Attorney at Law questioned how the boat ramp could open without the liability insurance not being provided, and reiterated another issue to be the damages being caused to properties belonging to users of the Marina, whom look to the concessionaire for payment of repairs. He stated that concessionaire wanted to keep the strong relationship with the County; therefore, was willing to discuss potential alternatives, adding that these issues could affect the concession's ability to make money.

Commissioner Garza asked if Mr. Boswell was proposing that the boat ramp be completely closed.

Mr. Boswell responded that his client's position was that the boat ramp should be closed, although he was willing to discuss alternatives.

Commissioner Wood stated that he was under the impression that the boat ramp was the only facility available on South Padre Island, Texas, but found this to be incorrect after visiting the area. He highlighted issues concerning the concession's lack of parking to accommodate users of the boat ramp, the damages being caused to properties belonging to the concession's clientele, and the lack of a facility to tie up while attending the restaurant. Commissioner Wood stated that the public would not be burdened by the closing of the boat ramp because other facilities were available. He stated that the U.S. Coast had an eventual need to use the boat ramp due to its configuration, yet modifying it could eliminate this need. Commissioner Wood stated that only three (3) boats had been launched from the boat ramp during the TIF Tournament, and that he changed his mind after reviewing all matters and visiting the area.

Commissioner Tamayo noted that she opposed opening the boat ramp because of safety issues, and added that she could change her mind if proven that the safety issues could be addressed.

Judge Hinojosa reiterated that the concerns could be addressed. He explained that Parks System users would be inconvenienced by being unable to use the boat ramp, that the boat ramp would be opened only upon safety issues being addressed, that concerns regarding damages caused to properties of the user of the concession could be addressed by restricting the use of the boat ramp, that liability concerns could be addressed by removing the boat ramp from the Concessionaire Agreement, and that the parking issues be addressed by allowing the concessionaire to charge a parking fee. Judge Hinojosa suggested that the matter be dealt with at this time, and noted that he believed that the boat ramp should be opened.

Commissioner Garza noted that he was against making the Sea Ranch Marina a private club, and that the Court had an obligation to ensure that private clubs were not created on County property. He stated that the Court was not full filling its obligations to tax payers if a facility could not be provided for County resident to use.

Commissioner Benavides stated that Mr. Boswell indicated that the Sea Ranch Marina had no intentions of becoming a private club. He expressed opposition towards reopening the boat ramp.

Judge Hinojosa expressed his position to be that the boat ramp should be open to everyone, and opposition to closing it permanently without coming up with a solution to open it.

Mr. Doug Wright, Commissioners' Court Legal Counsel, requested that the Court delay action on this Item until he presents information that would help make a decision.

Mr. Boswell stated that the Sea Ranch Marina preferred to close the boat ramp to everyone, and clarified that Commissioner Benavides met with his client.

---

(13) **CONSIDERATION AND APPROVAL OF THE EARLY VOTING AND ELECTION DAY POLLING PLACES FOR THE CONSTITUTIONAL AMENDMENT ELECTION OF SEPTEMBER 13, 2003, AS ORDER BY THE GOVERNOR RECEIVED BY THE ELECTIONS DEPARTMENT ON JULY 29<sup>TH</sup>, 2003. THIS ELECTIONS IS TO "ADOPT OR REJECT THE PROPOSED CONSTITUTIONAL AMENDMENTS AS SUBMITTED BY THE 78<sup>TH</sup> LEGISLATURE, REGULAR SESSION, OF THE STATE OF TEXAS"**

Commissioner Benavides moved that the Early Voting and Election Day Polling places for the Constitutional Amendment Election of September 13, 2003 be approved, as order by the Governor received by the Elections Department on July 29<sup>th</sup>, 2003; this Election is to "adopt or reject the proposed constitutional amendments as submitted by the 78<sup>th</sup> Legislature, Regular Session, of the State of Texas.

The motion was seconded by Commissioner Garza.

Commissioner Garza asked if recommendation was being considered for voting sites at Valley Baptist Hospital, Brownsville Medical Center, and Valley Regional Medical Center.

Mr. Roger Ortiz, Elections Administrator, responded that the three (3) localities wanted to be permanent early voting sites, and that he would recommend that Valley Baptist Hospital, Brownsville Medical Center, Valley Regional Medical Center, and UTB locations be used as mobile voting sites in the future.

Commissioner Tamayo questioned the history of placing early voting sites at UTB.

Mr. Ortiz stated that the turn out at UTB has been moderate; however, the faculty at UTB has been promoting voter registration among students since their bond issue.

Judge Hinojosa asked if Mr. Ortiz was proposing that Early Voting Sites be placed at Valley Baptist Hospital, Brownsville Medical Center, and Valley Regional Medical Center.

Mr. Ortiz responded negatively.

Judge Hinojosa stated that he opposed and believed that placing early voting sites or mobile sites at the healthcare institution was fundamentally incorrect because they were main advocates for the Proposition regarding limiting medical malpractice cases. He stated that placing early voting sites at the university was understandable because the County has always encouraged students to vote.

Mr. Ortiz clarified that this Item did not relate to mobile voting sites.

Upon motion duly made by Commissioner Benavides that the Early Voting and Election Day Polling placed for the Constitutional Amendment Election of September 13, 2003 be approved, as order by the Governor received by the Elections Department on July 29<sup>th</sup>, 2003; this Election is to “adopt or reject the proposed constitutional amendments as submitted by the 78<sup>th</sup> Legislature, Regular Session, of the State of Texas.

The motion was seconded by Commissioner Garza and carried unanimously.

**The List is as follows:**

---

(15) **IN THE MATTER REGARDING CONSIDERATION  
AND POSSIBLE ACTION REGARDING THE  
EMPLOYEE GROUP HEALTH BENEFITS  
PROPOSALS (TABLED)**

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

---

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

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously,  
the Budget Amendments No. 2003-34 was approved.

**The Budget Amendments are as follow:**



(3) **IN THE MATTER REGARDING CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION ON PROPOSED COMPUTER USE-ELECTRONIC ACCESS POLICIES AND PROCEDURES (TABLED)**

Judge Hinojosa noted the importance of adopting these policies due to problems experienced in the past.

Mrs. Grace Salinas, County Judge's Office, reported that Pages 3 and 4 had duplicates and requested that they be deleted.

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

---

(4) **DISCUSSION AND POSSIBLE ACTION REGARDING APPROVAL FOR CAMERON COUNTY TO DO ROAD MAINTENANCE ON NON-COUNTY ROAD LOCATED IN THE GREEN VALLEY FARMS SUBDIVISION NAMED LITTLE AMERICA LANE**

Commissioner Tamayo moved that the maintenance of a non-County Road located in the Green Valley Farms Subdivision named Little America Lane be approved, upon finding the need to be an emergency status involving access to school buses and emergency vehicles and necessary for public safety.

The motion was seconded by Commissioner Garza and carried unanimously.

---

(5) **DISCUSSION AND POSSIBLE ACTION REGARDING APPROVAL FOR CAMERON COUNTY TO DO ROAD MAINTENANCE ON NON-COUNTY ROAD LOCATED OFF OF FM 1847, APPROXIMATELY ONE HUNDRED AND FIFTY FEET NORTH OF CACTUS ROAD IN PRECINCT NO. 3**

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the maintenance of a non-County Road located off of FM 1847, approximately 150 feet north of Cactus Road in Precinct No. 3 was approved, upon finding the need to be an emergency status involving access to school buses and emergency vehicles and necessary for public safety.

---

(6) **CONSIDERATION AND AUTHORIZATION TO NEGOTIATE A PROFESSIONAL SERVICES CONTRACT FOR BOND COUNSEL SERVICES WITH MR. PAUL MARTIN**

Commissioner Garza moved that negotiations with Mr. Paul Martin for a Professional Service Contract for Bond Counsel be authorized.

The motion was seconded by Commissioner Wood and carried unanimously.

---

(7) **CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN CAMERON COUNTY AND DI STEFANO/SANTOPETRO ARCHITECTS, INC. FOR THE ENGINEERING AND HEALTH DEPARTMENT BUILDINGS AND THE INTERIOR DESIGN OF THE RECORDS WAREHOUSE**

Mr. Juan Bernal, County Engineer/Public Works Director, stated that the County Auditor, Architect, and he agreed upon a 7.5% actual construction cost plus reimbursable. He stated that a metal building would cost about \$86 per foot, and that the fee was based on actual cost.

Commissioner Wood expressed concern with the cost, and noted the need for County employees that will use the facilities to participate in the designs.

Mr. Bernal stated that County employees whom will use the facilities have participated in the designs, and questioned if the facilities would be constructed at one or two locations.

Judge Hinojosa suggested that a meeting be held to determine if one or two facilities would be built.

Mr. Bernal stated that parking, utilities, and landscaping would be included in the plan but not in the fee.

Mrs. Dylbia Jeffries Vega, Contract Attorney, stated that a contract was not available at this time due to the lack of a cost estimate.

Judge Hinojosa recommended that an estimate be provided in order to proceed, and that the contract be approved subject to legal review.

Upon motion by Commissioner Garza, seconded by Commissioner Benavides and carried unanimously, the Contract between Cameron County and Di Stefano/Santopetro Architects, Inc., for the Engineering and Health Department Buildings and the interior design of the Records Warehouse was approved subject to legal review.

**The Contract is as follows:**

---

**(8) IN THE MATTER REGARDING CONSIDERATION AND POSSIBLE ACTION ON BUDGET AMENDMENT TO CHANGE STATUS OF PART-TIME EMPLOYEE TO FULL-TIME EMPLOYEE (TABLED)**

Mr. Merced Burnias, Constable Precinct No. 6, requested that a part-time Secretary Position be increase to a full-time position since grant funding for the Cameron Works was scheduled to end mid-August.

Judge Hinojosa stated that he was hesitant to allow changes to staffing issues during the budgetary process and requested that the matter be postponed.

Mr. Javier Mendez, Parks System Director, suggested that Mrs. Francis Domansky, Parks System employee, assist the Constable's Office.

Upon motion by Commissioner Tamayo, seconded by Commissioner Wood and carried unanimously, this Item was **TABLED**.

---

**(10) CONSIDERATION AND AUTHORIZATION TO ALLOW BRADY'S DUTY FREE TO ADD PARKING SPACES AT THE COUNTY FACILITY AT THE FREE TRADE BRIDGE**

Commissioner Wood moved that Brady's Duty Free be authorized to add parking spaces at the County facility at the Free Trade Bridge, as recommended by Mr. Pete Sepulveda, International Bridge System Director.

The motion was seconded by Commissioner Benavides and carried unanimously.

---

**(11) CONSIDERATION AND POSSIBLE ACTION AMENDING ARCHITECTURAL SERVICES AGREEMENT BETWEEN CAMERON COUNTY AND GIGNAC ASSOCIATES FOR THE DESIGN OF THE COUNTY ANNEX IN HARLINGEN**

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, amending of the Architectural Services Agreement between Cameron County and GIGNAC Association for the design of the County Annex in Harlingen was authorized.

---

**(12) CONSIDERATION AND ACCEPTANCE OF THE TEXAS AUTOMOBILE THEFT PREVENTION AUTHORITY GRANT FOR THE CAMERON COUNTY AUTOMOBILE CRIMES ENFORCEMENT TASK FORCE FOR THE FIFTH YEAR**

Mr. Tony Yzaguirre, Tax Assessor/Collector, reported that grant funding was decreased from \$173,000.00, which funds three (3) Investigator Positions, to \$54,000.00, which would fund only one (1) Investigator Position.

He stated that one (1) Investigator Position was requested to replace one (1) of the three (3) and the other two (2) Investigator Positions would be funded through the VIT Fund and the Tax Office Budget.

Judge Hinojosa questioned the funding source to be utilized to replace the lost State funding.

Mr. Yzaguirre stated that the funding was part of the new budget.

Judge Hinojosa stated that it was his understanding that limited new positions were being proposed for the new budgets and that no significant increases would take place. He questioned the affects on the budget.

Mr. Xavier Villarreal, Budget Officer, stated that the only new positions included in his recommendations were for the Maintenance Department, the additional Detention Officers, and the personnel to staff the Juvenile Detention Center's expansion. He clarified that Mr. Yzaguirre was suggesting that the positions be funded through his VIT Budget and that a Clerk Position be utilized as an Investigator with the hope that State provides additional funding in November. He clarified that a new position was not being created.

Judge Hinojosa asked if no new slots to be funded through the General Fund were being created by approval of this Item.

Mr. Villarreal and Mr. Yzaguirre responded in the affirmative.

Commissioner Garza moved that acceptance of the Texas Automobile Theft Prevention Authority Grant for the Cameron County Automobile Crimes Enforcement Task Force be authorized for the 5<sup>th</sup> year.

The motion was seconded by Commissioner Wood and carried unanimously.

---

(14) **CONSIDERATION AND POSSIBLE ACTION  
REGARDING THE PUBLISHING OF ELECTED  
OFFICIALS' COMPENSATION**

Judge Hinojosa stated that the maximum amount approved by the Court has been a 3% salary increase for Elected Officials, as intended for County employees assuming all budgetary issues were alleviated.

Mr. Xavier Villarreal, Budget Officer, stated that the 3% salary increases for County employees was subject to the Court's direction concerning a tax increase and/or changes in fees. He explained the option to publish at a maximum 3% salary increase for Elected Officials or to keep the current salaries and not publish, adding that this permits proceeding to the Regular Grievance Procedure.

Judge Hinojosa asked if the original salary could continue after the 3% salary increases were published and the Court deciding not to provide it.

Mr. Villarreal responded in the affirmative. He clarified that the grievance process was set forth by Statutes, and noted the need to publish the 3% salary increases by the end the week in order to allow Elected Officials time to grieve and to remain within schedule.

Commissioner Garza moved that the increase in salaries of Elected Officials be published at a maximum amount of 3%.

The motion was seconded by Commissioner Benavides and carried unanimously.

## CONSENT ITEMS

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

DISCUSSION CONCERNING CONSENT AGENDA ITEMS:

Commissioner Tamayo moved that the following "Consent and Travel Items", be approved

The motion was seconded by Commissioner Benavides and carried unanimously.

- (16) **APPROVAL OF CLAIMS;**
- (17) **ACTION ON BID AWARD FOR DEMOLITION OF EAST JACKSON STREET PROPERTY, PURSUANT TO PROPOSED PARKING PLAN FOR THE DANCY BUILDING, AND AUTHORIZED FOR PD&M AND PROPERTY MANAGEMENT DEPARTMENTS TO NEGOTIATE CONTRACT;**
- (18) **APPROVAL OF DEPARTMENT NAME CHANGE: FROM CAMERON COUNTY PERSONNEL/SAFETY RISK TO CAMERON COUNTY HUMAN RESOURCES DEPARTMENT (SAFETY RISK MANAGEMENT);**
- (19) **CONSIDERATION AND ACCEPTANCE OF GRANT AWARD FROM THE GOVERNOR CRIMINAL JUSTICE DIVISION FOR DETENTION INTAKE SPECIALIST, JB-02-J20-13320-05;**  
**The Notice follows:**
- (20) **INVOICE IN THE AMOUNT OF \$3,430.00 PURCHASE WITHOUT A PURCHASE ORDER FOR EMERGENCY PREPAREDNESS DURING TROPICAL STORM CLAUDETTE;**
- (21) **APPOINTMENT OF LT. TOM HUSHEN, HARLINGEN POLICE DEPARTMENT TO THE EMERGENCY SERVICE DISTRICT;**
- (22) **CONTRACT WITH LEGAL SERVICES WITH STEVEN GONZALEZ TO PROVIDE LEGAL REPRESENTATION FOR PATIENTS IN MENTAL COMMITMENT HEARINGS;**  
**The Contract follows:**
- (23) **CONTRACT BETWEEN PATRICIA G. LOPEZ, R.D., L.D. AND CAMERON COUNTY TO PROVIDE JAIL DIETITIAN SERVICES;**  
**The Contract follows:**
- (24) **CONTRACT BETWEEN JAMES A. FREEBERG, ED.D., P.C. AND CAMERON COUNTY TO PROVIDE INFIRMARY PHYSICIAN SERVICES;**  
**The Contract follows:**

- (25) **CONTRACT BETWEEN ANANT UTTURKAR, M.D. AND CAMERON COUNTY TO PROVIDE RADIOLOGICAL DIAGNOSTIC SERVICES;**  
**The Contract follows:**
- (26) **CONTRACT BETWEEN PAUL ALBERT LENZ, B.SC, M.SC., M.D. AND CAMERON COUNTY TO PROVIDE INFIRMARY PHYSICIAN SERVICES;**  
**The Contract follows:**
- (27) **CONTRACT BETWEEN ERNESTO S. DAVILA, D.D.S. AND CAMERON COUNTY TO PROVIDE INFIRMARY DENTAL SERVICES;**  
**The Contract follows:**
- (28) **APPOINTMENT OF JOSE ANGEL CISNEROS RESERVE DEPUTY CONSTABLES FOR PRECINCT NO. 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;**
- (29) **PRELIMINARY APPROVAL:**  
**A. PRECINCT NO. 4- HERNANDEZ & GONZALEZ SUBDIVISION, BEING A 10.000 ACRE TRACT OF LAND, BEING THE NORTH 10.000 ACRES OF BLOCK 87, HOOKS & HODGES SUBDIVISION NO. 1, CAMERON COUNTY, TEXAS.**

## **TRAVEL ITEMS**

- (30) **AUTHORIZATION TO TRAVEL/OR APPROVAL OF TRAVEL EXPENSE FOR THE FOLLOWING (PLEASE NOTE: REQUESTS ARE SUBJECT TO ALL APPLICABLE COUNTY POLICIES):**
- a) Assistant County and four (4) District Attorneys to attend the "2003 Legislative Updates", in Edinburg, Texas, September 4, 2003;
  - b) Assistant County and District Attorney to attend the "Trial Advocacy I", in Columbia, South Carolina, September 25-29, 2003;
  - c) Extension Office employee to attend the "New Extension Agent Training Conference and Orientation", in Rosenberg, Texas, July 21-22, 2003;
  - d) Four (4) County Extension Agents to host and participate in the "Texas Association of Extension 4-H Agents 2003 Annual Conference", in South Padre Island, Texas, August 5-8, 2003;
  - e) Commissioner Precinct No. 2 to attend "TAC 2003 Post Legislature Conference and the Urban Counties Post Legislative Workshop", in Austin, Texas, August 12-15, 2003;
  - f) Two (2) Personnel/Safety Risk Department employees to attend the "Texas Worker's Compensation Educational Conference", in Austin, Texas, August 18-22, 2003;
  - g) Two (2) Juvenile Probation employees to attend "Handle with Care", in Austin, Texas, August 12-14, 2003;
  - h) Parks Director and Deputy Director to attend a "Free Grant Writing Workshop", given by the Texas Parks and Wildlife Department, in Carrizo, Texas, August 6-7, 2003;

- i) Constable Precinct No. 6 Deputies to attend a “Legislative Update”, in Corpus Christi, Texas, August 7, 2003;
- j) PD&M employee to attend the “Rio Grande Valley Empowerment Zone Corporation Regular Meeting of the Regional Board of Directors”, in McAllen, Texas, July 31, 2003;
- k) Justice of the Peace Precinct No. 5, Place No. 2, to attend the “78 Legislative Session Update Seminars”, in Corpus Christi, Texas, August 6, 2003; and
- l) Two (2) Juvenile Probation employees to attend the “Data Coordinators’ Workshop”, in Austin, Texas, August 27, 2003.

- (19) CONSIDERATION AND ACCEPTANCE OF GRANT AWARD FROM THE GOVERNOR CRIMINAL JUSTICE DIVISION FOR DETENTION INTAKE SPECIALIST, JB-02-J20-13320-05;  
The Notice follows:**



- (22) **CONTRACT WITH LEGAL SERVICES WITH STEVEN GONZALEZ TO PROVIDE LEGAL REPRESENTATION FOR PATIENTS IN MENTAL COMMITMENT HEARINGS.**  
**The Contract is as follows:**

- (23) **CONTRACT BETWEEN PATRICIA G. LOPEZ, R.D., L.D. AND CAMERON COUNTY TO PROVIDE JAIL DIETITIAN SERVICES.**  
**The Contract is as follows:**

- (24) **CONTRACT BETWEEN JAMES A. FREEBERG, ED.D., P.C. AND CAMERON COUNTY TO PROVIDE INFIRMARY PHYSICIAN SERVICES.  
The Contract is as follows:**

- (25) CONTRACT BETWEEN ANANT UTTURKAR, M.D. AND CAMERON COUNTY TO PROVIDE RADIOLOGICAL DIAGNOSTIC SERVICES.  
The Contract is as follows:**

- (26) **CONTRACT BETWEEN PAUL ALBERT LENZ, B.SC, M.SC., M.D. AND CAMERON COUNTY TO PROVIDE INFIRMARY PHYSICIAN SERVICES.  
The Contract is as follows:**

- (27) **CONTRACT BETWEEN ERNESTO S. DAVILA, D.D.S. AND CAMERON COUNTY TO PROVIDE INFIRMARY DENTAL SERVICES.**  
**The Contract is as follows:**

## **EXECUTIVE SESSION**

**(31) EXECUTIVE SESSION:**

Upon motion by Commissioner Garza, seconded by Commissioner Benavides and carried unanimously, the Court met in Executive Session at 11:05 A.M., to discuss the following matters:

- a) Confer with Commissioners' Court Legal Counsel concerning the Boat Ramp at the Sea Ranch Marina on South Padre Island in which the duty of the attorney to the Governmental Body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meeting Act; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.071 (2);
- b) Confer with Commissioners' Court Legal Counsel regarding Towing Services and Vehicle Storage; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.071 (1).
- c) Confer with Commissioners' Court Legal Counsel concerning the Public Access to Tract No. 1 of the Sea Ranch Marina Concession at South Padre Island, Texas, 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).
- d) Deliberation Regarding Real Property Concerning the Purchase or Lease Of Property; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.072.
- e) To deliberate the evaluation of the Computer Center Director; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.074 (A).
- f) Confer with Commissioners' Court Legal Counsel concerning possible retention of outside counsel for purposes on Letters of Credit as it relates to the Depository Contract 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).

Upon motion by Commissioner Tamayo, seconded by Commissioner Benavides and carried unanimously, the Court reconvened in Regular Session at 12:05 P.M.

(32) ACTION RELATIVE TO EXECUTIVE SESSION:

- (a) Confer with Commissioners' Court Legal Counsel concerning the Boat Ramp at the Sea Ranch Marina on South Padre Island in which the duty of the attorney to the Governmental Body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meeting Act.
- (c) Confer with Commissioners' Court Legal Counsel concerning the Public Access to Tract No. 1 of the Sea Ranch Marina Concession at South Padre Island, Texas, 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.
- (9) **CONSIDERATION AND POSSIBLE AUTHORIZATION TO OPEN THE COUNTY BOAT RAMP TO THE PUBLIC LOCATED AT THE SEA RANCH MARINA, SOUTH PADRE ISLAND, TEXAS**

Commissioner Tamayo moved that the boat ramp at the Sea Ranch Marina Concession at South Padre Island, Texas, be closed permanently to everyone with no exceptions.

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

AYE: Commissioners Benavides, Wood, and Tamayo,

NAY: Commissioner Garza and Judge Hinojosa.

Commissioner Benavides informed that the County was in the process of constructing another boat ramp facility.

- 
- (b) Confer with Commissioners' Court Legal Counsel regarding Towing Services and Vehicle Storage.

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the claim regarding Towing Services and Vehicle Storage was **DENIED**.

- 
- (d) Deliberation regarding Real Property concerning the purchase or lease of property.

Upon motion by Commissioner Tamayo seconded by Commissioner Wood and carried unanimously, the Status Report regarding the purchase or lease of property was acknowledged

- 
- (e) In the matter regarding to deliberate the evaluation of the Computer Center Director (**TABLED**).

**NOTE: THIS ITEM WAS NOT DISCUSSED**

Upon motion by Commissioner Tamayo, seconded by Commissioner Wood and carried unanimously, this Item was **TABLED**.



- 
- (f) **Confer with Commissioners' Court Legal Counsel concerning possible retention of outside counsel for purposes on Letters Of Credit as it relates to the Depository Contract 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 Garza moved that Mr. Doug Wright, Commissioners' Court Legal Counsel, be authorized to retain legal counsel for the review of Letters Of Credit as it relates to the Depository Contract.

The motion was seconded by Commissioner Wood and carried unanimously.

---

There being no further business to come before the Court, upon motion by Commissioner Wood, seconded by Commissioner Tamayo and carried unanimously, the meeting was **ADJOURNED** at 12:09 P.M.

---

---

**APPROVED** this 2<sup>nd</sup> day of **September 2003**.

---

**GILBERTO HINOJOSA**  
**COUNTY JUDGE**

**ATTEST:**

---

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