

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 25th day of NOVEMBER 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 10:00 A.M. He then asked Reverend Bob Clark, Brownsville resident, for the invocation and 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 November 21, 2003, at 1:30 P.M.:

Judge Hinojosa wished everyone a nice and safe Thanksgiving Day, especially the troops in Iraq.

Commissioner Garza commented that the unveiling of the renaming of the Queen Isabella Causeway to Queen Isabella Memorial Bridge was a very nice event. He welcomed the portrait of Mr. Antonio O. Garza, Jr., former Cameron County Judge and now U.S. Ambassador to Mexico

PRESENTATIONS

**(1) PRESENTATION TO DISCUSS THE EXTENSION OF
PARK ROAD 100 NORTH TO THE CAMERON
COUNTY LINE**

Mr. Jim Holdar, Darson Sterling Group Representative, stated that Darson Sterling Group owns approximately 10,000 acres in South Padre Island north of Park Road 100. He stated that the Texas Department of Transportation (TXDOT) had plans to extend Park Road 100 up to the mansfield cut and to have a causeway connecting to Port Mansfield; however, the passage of Coastal Barrier Resource Act (COBRA) prevented use of federal funds on the area. Mr. Holdar asked that the Court request that TXDOT convey the right-of-way from the end of the exiting road up to the Willacy County line to Cameron County. He explained that there would be no commitment for Cameron County to build the road, but rather that once the County owns the right-of-way that arrangements could be made to pave the road and possibly relocate it to a more desirable location. Mr. Holdar that the goal was for Darson Sterling Group to begin development of their 10,000 acres, and explained that much of the 10,000 acres might be used in mitigation for different development plans. He added that the master development plans have not been prepared due to the need for Cameron County to obtain the right-of-way and then they would commence preparation of a master development plan and implementation of the road once the right-of-way was transferred.

Commissioner Benavides noted that the development would signify additional tax revenue for the County.

Mr. Holdar stated his understanding to be that South Padre Island equals a little over 15% of the County's tax revenue. He stated that the land was very valuable when developed and that parcels along the road were being sold for substantial amounts of money.

Commissioner Tamayo asked if the County would be out on money.

Mr. Holdar responded negatively, and clarified that the request was that the County request a title transfer for the existing right-of-way from TXDOT.

Commissioner Garza noted that the County would also acquire a responsibility issue once the right-of-way was transferred.

Mr. Holdar stated that the County would be in charge of what was done on the right-of-way and that the County would not be obligated to construct or maintain anything.

Judge Hinojosa noted that Commissioner Garza was explaining that the County would be responsible for maintaining the road once built.

Mr. Holdar stated that the County would be responsible for maintaining the road once constructed unless the right-of-way was transferred to a private entity.

Judge Hinojosa questioned how the value of the track of land would be affected once the road was constructed and if sufficient revenue would be generated to provide the maintenance.

Mr. Doug Wright, Commissioners' Court Legal Counsel, stated that construction of a road would not necessarily translate to evaluation of the land by the Appraisal District since the concept of agricultural land does not necessarily mean a viable agricultural product, adding that there was a minimal criteria for valuation of agricultural property. He stated that individual lot owners would make issue requests based on utilization of the land; otherwise, the lots might remain as valued by the Appraisal District until something changes, adding that there might be a recapture at some point in time.

Judge Hinojosa requested an opinion from the Appraisal District, and stated that Mr. Holdar was indicating that if the County buys the right-of-way and if the land owners say that they will participate in the construction of the road, then part of that participation must go towards maintenance of the road as part of the agreement until the property was valued such that revenue could be generated to provide maintenance.

Mr. Holdar agreed and reiterated that the first step was to obtain the right-of-way.

Commissioner Tamayo requested clarification of the follow-up, and noted that she felt uncomfortable with proceeding with the exemption when negotiations have not taken place.

Mr. Holdar explained that the worst case scenario would be that the County decides not to construct the road and later releases the right-of-way. He stated that TXDOT wanted to turn over right-of-way to the County but needed a letter of request.

Commissioner Tamayo questioned the reason for TXDOT wanting to do this.

Mr. Wright responded that the main issue might be maintenance of the road.

Judge Hinojosa explained that TXDOT was unable to build the road; however, Cameron County was able to do so. He stated that development of the said property would benefit the State of Texas and Cameron County, adding that there was no need for the County to do anything with the right-of-way other than to keep it until development takes place. Judge Hinojosa suggested that an agreement be prepared and that an Agenda Item be placed to authorize him to send a letter to TXDOT requesting the easement.

Commissioner Garza stated that he did not have a problem with the request as long as there were no conditions were attached, especially conditions to the County's Dunes Protection Ordinance.

Judge Hinojosa suggested that a letter be requested, requesting the beginning of the negotiations to transfer the easement to the County, adding that this would require a negotiated deal that must be approved.

Mr. Wright asked if the project contemplates realignment of the roadway.

Judge Hinojosa responded in the affirmative.

Mr. Holdar explained that the realignment would take place after the right-of-way was obtained, adding that this would require negotiations with U.S. Fish and Wildlife.

Mr. Wright stated that the present alignment went through the dunes.

Commissioner Garza questioned if the 240 foot set back requirement would be compromised.

Mr. Holdar responded negatively.

Judge Hinojosa stated that the 240 foot set back County ordinance must be changed in order for the development to be viable.

Mr. Holdar presented a map of the area.

Commissioner Garza clarified that TXDOT was unable to construct the road due to the existing Coastal Barrier Act.

Commissioner Tamayo moved that the Presentation to discuss the extension of Park Road 100 North to the Cameron County Line be acknowledged.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Map is as follows:

ACTION ITEMS

(2) **IN THE MATTER REGARDING BUDGET AMENDMENTS, LINE ITEM TRANSFERS AND/OR SALARY SCHEDULES (TABLED)**

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

(3) **IN THE MATTER REGARDING APPROVAL OF MINUTES FOR THE REGULAR MEETING HELD OCTOBER 21, 2003 (TABLED)**

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

(4) **CONSIDERATION AND AUTHORIZATION TO AMEND THE CAMERON COUNTY ENGINEERING LEASE FROM VANGUARDIA MANAGEMENT TO SIERRA SILLA LIVING TRUST, GRANTOR TRUST FOR PATRICIA MONTEMAYOR PEREZ**

Mr. Joseph Ardito, Property Manager, explained that the name change was needed because Vanguardia Management sold the property to Sierra Silla Living Trust.

Commissioner Garza moved that the Amendment to the Cameron County Engineering Lease from Vanguardia Management to Sierra Silla Living Trust, Grantor Trust for Patricia Montemayor Perez be approved.

The motion was seconded by Commissioner Tamayo and carried unanimously.

The Amendment is as follows:

- (5) **CONSIDERATION AND ACTION ORDERING THE ELECTIONS ADMINISTRATOR, UNDER SECTION 42.031 OF THE ELECTIONS CODE, TO REDRAW COUNTY ELECTION PRECINCT LINES OR CREATE NEW PRECINCTS, AND TAKE ANY OTHER ACTION AS MAY BE REQUIRED, TO CONFORM WITH PLAN 1374C (NEW CONGRESSIONAL REDISTRICTING) WITHOUT IMPLEMENTATION OF THE REVISED PRECINCTS OR RELATED ADJUSTMENTS UNDER PLAN 1374C UNTIL FURTHER ORDERED BY THE UNDER SECTION 42.031 OF THE ELECTIONS CODE THREE-JUDGE FEDERAL PLAN**

Upon motion by Commissioner Benavides, seconded by Commissioner Garza and carried unanimously, the Elections Administrator was ordered, under Section 42.031 of the Elections Code, to redraw County Election Precinct Lines or create new Precincts, and take any other action as may be required, to conform with Plan 1374C (New Congressional Redistricting) without implementation of the revised Precincts or related adjustments under Plan 1374C until further ordered by the three-Judge Federal Plan.

The Report is as follows:

(6) **CONSIDERATION AND AUTHORIZATION TO HOLD
A PUBLIC HEARING TO DISCUSS THE CLOSING OF
A PORTION OF A NO NAME ROAD OFF SCHAFER
ROAD**

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the Public Hearing to discuss the closing of a portion of a no name road off Schafer Road was opened for public comment.

Mr. Eurest O'Conner, County resident, explained that the no name road runs through the middle of his property and stops at a canal.

Mr. Esteban Bazam, Public Works Interim Director, noted that he was in favor of closing the road.

Upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the Public Hearing to discuss the closing of a portion of a no name road off Schafer Road closed.

(7) **CONSIDERATION AND AUTHORIZATION TO
ADOPT AN ORDER FOR THE CLOSING OF A
PORTION OF A NO NAME ROAD OFF SCHAFER
ROAD**

Commissioner Tamayo moved that the Order authorizing the closing of a 1,203.1 feet by 30 feet portion of a no name road off Schafer road be adopted.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Order is as follows:

**(8) CONSIDERATION AND AUTHORIZATION TO
ADJUST SALARIES FOR THE MECHANIC'S
POSITIONS IN THE PUBLIC WORKS DEPARTMENT**

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the adjustment to salaries for the Mechanic's Positions in the Public Works Department was authorized.

The Salary Schedules are as follow:

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:

ITEM 18-C: Mr. Remi Garza, County Administrative Assistant, requested that this item be tabled.

ITEM NO. 9: Mr. Martha Galarza, Assistant County Auditor, presented the following late claims: Warrant No. 001070757 to be **VOID** and replaced with Warrant No. 00107232 and Warrant No. 00107233.

Commissioner Benavides moved that the following "Consent and Travel Items" be approved, and that Item 18-c be

TABLED.

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

AYE: Commissioners Benavides, Wood, Tamayo, and Judge Hinojosa,

NAY: None,

ABSTAIN: Judge Hinojosa as to Warrant No. 00106998, payable to Laguna Madre Water District, in the amount of \$4,562.87; and Warrant No. 0017153, payable to Southwest Key Program La Esperanza, in the amount \$3,960.00; and Commissioner Garza as to Warrant No. 00107027, payable to The Medicine Shoppe, in the amount of \$604.06.

(9) **APPROVAL OF CLAIMS:**
The Affidavits follow:

(10) **APPROVAL TO RENEW THE CONTRACTS FOR THE UNIFIED NARCOTICS INTELLIGENCE TASK-FORCE FOR FY 2004. THIS TASK FORCE IS 100% HIDTA FUNDED;**
The Contracts follow:

(11) **ADOPTION OF THE 2004 CAMERON COUNTY CRIMINAL JUSTICE COMMUNITY PLAN, PURSUANT TO GRANT FUNDING REQUIREMENTS OF THE GOVERNOR'S OFFICE CRIMINAL JUSTICE DIVISION;**
The Plans follows:

(12) **AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE DANCY BUILDING INTERIOR RESTORATION;**

(13) **AUTHORIZATION TO SUBMIT THE LOCAL EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG) APPLICATION FY 2004 TO THE TEXAS DEPARTMENT OF PUBLIC SAFETY DIVISION OF EMERGENCY MANAGEMENT;**

(14) **AUTHORIZATION TO ENTER INTO A CONSTRUCTION MAINTENANCE AGREEMENT WITH TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR THE REPLACEMENT OF THE BRIDGE AT WILLACY MAIN CANAL (CR 556) ON MILE 8 ROAD BETWEEN SOLIS ROAD WEST TO THE CAMERON COUNTY/HIDALGO COUNTY LINE;**
The Agreement follows:

(15) **APPROVAL OF SPECIFICATIONS FOR PATROL CARS –SHERIFF'S DEPARTMENT;**
The Specification follows:

(16) AUTHORIZATION TO AWARD INFORMAL BIDS FOR ROOF REPAIRS AT THE FOLLOWING COUNTY BUILDINGS:

- (a) ART GOOLSBY BUILDING-SAN BENITO, TX**
- (b) JUVENILE PROBATION OFFICE-35 ORANGE ST., BROWNSVILLE, TX**

The Tabulation follows:

(17) AUTHORIZATION TO OPEN THE FOLLOWING BIDS/RFP'S/RFQ:

- (a) LAUNDRY SUPPLIES-ANNUAL BID NO. 2320; and**
- (b) FARM LAND LEASE-BID NO. 031101.**

TRAVEL ITEMS

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

- (a) County & District Attorney's Office employee to attend the "TDCAA Board Meeting and Elected Prosecutor Conference", in San Antonio, Texas, December 10-12, 2003;**
- (b) Assistant County & District Attorneys (2) to attend the "TDCAA Prosecutor Trial Skills Course", in Austin, Texas, January 11-16, 2004;**
- (c) Computer Center Programmers (2), to attend a "Basic Java Course", in Austin, Texas, November 30, 2003 through December 6, 2003;**
- (d) International Bridge System Director and Commissioner Precinct 2, to meet with EPA and NAD Bank Officials regarding the West Rail Project, in Washington, DC, November 23-25, 2003;**
- (e) Juvenile Probation employee to attend "TJCP'S Compliance Monitoring, Enforcement and Tracking System (COMETS) Workshop", in Austin, Texas, December 7-8, 2003;**
- (f) District Clerk and Deputy District Clerks (3) to attend the "49th Annual Bureau of Vital Statistics Conference", in Austin, Texas, December 7-9, 2003;**
- (g) Sheriff's Department Employees (2) to attend the "Hidden Compartment & Criminal Apprehension Seminar", in Pearl City, MS.**

- (9) **APPROVAL OF CLAIMS:**
The Affidavits follow:

- (10) **APPROVAL TO RENEW THE CONTRACTS FOR THE UNIFIED NARCOTICS INTELLIGENCE TASK-FORCE FOR FY 2004. THIS TASK FORCE IS 100% HIDTA FUNDED;**
The Contracts follow:

- (11) **ADOPTION OF THE 2004 CAMERON COUNTY CRIMINAL JUSTICE COMMUNITY PLAN, PURSUANT TO GRANT FUNDING REQUIREMENTS OF THE GOVERNOR'S OFFICE CRIMINAL JUSTICE DIVISION;
The Plans follows:**

- (14) **AUTHORIZATION TO ENTER INTO A CONSTRUCTION MAINTENANCE AGREEMENT WITH TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR THE REPLACEMENT OF THE BRIDGE AT WILLACY MAIN CANAL (CR 556) ON MILE 8 ROAD BETWEEN SOLIS ROAD WEST TO THE CAMERON COUNTY/HIDALGO COUNTY LINE;
The Agreement follows:**

- (15) **APPROVAL OF SPECIFICATIONS FOR PATROL CARS –SHERIFF’S DEPARTMENT;
The Specification follows:**

- (16) **AUTHORIZATION TO AWARD INFORMAL BIDS FOR ROOF REPAIRS AT THE FOLLOWING COUNTY BUILDINGS:**
- (a) **ART GOOLSBY BUILDING-SAN BENITO, TX**
 - (b) **JUVENILE PROBATION OFFICE-35 ORANGE ST., BROWNSVILLE, TX**
- The Tabulation follows:**

EXECUTIVE SESSION

(19) EXECUTIVE SESSION:

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the Court met in Executive Session at 10:35 A.M., to discuss the following matters:

- (a) Consideration and possible litigation concerning the south zone of the Public Works Department; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.072 and 551.071(2);
- (b) Deliberation regarding Real Property concerning the possible donation of various properties located at Abst. 6- Laguna Madre Beach 2 and Abst. 6-South Shore 1; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.072;
- (c) Confer with Commissioners' Court concerning Crystal Marie Newton Cantu versus Cameron County, et al in the United States Southern District Court, Case Number B-03-168 for discussion; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.071(2);
- (d) Deliberation regarding Real Property amending Brady's Duty Free Lease Agreement at the Los Indios International Bridge; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 55.072;
- (e) Confer with Commissioners' Court Legal Counsel concerning possible litigation on issues with the Sheriff's Department and issues of overcrowding in the jail facilities; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.071(2);
- (f) Consideration and possible action regarding Off-System Bridge Load posting recommendation by TXDOT for CR 536 (Gracia Road) Bridge @ San Vicente Drain; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.071(2);
- (g) Consideration and possible action regarding Off-System Bridge closure recommendation by TXDOT for CR 540 (Norman Road) Bridge @ San Vicente Drain; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.071(2);and
- (h) Confer with Commissioners' Court Legal Counsel concerning subdivision construction agreements; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.071(2).

(1) SUPPLEMENTAL EXECUTIVE SESSION ITEMS:

- (a) Deliberation regarding real property concerning the possible acquisition of the Levi's Building; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.072; and
- (b) Deliberate the evaluation, reassignment, duties, discipline or dismissal of the Property Management Coordinator/Airport Manager; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.074 (A) (1).

Upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the Court reconvened in Regular Session at 12:01 P.M.

(21) ACTION RELATIVE TO EXECUTIVE SESSION:

- (a) **In the matter regarding consideration and possible litigation concerning the South Zone of the Public Works Department. (TABLED)**

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

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- (b) **In the matter regarding deliberation regarding Real Property concerning the possible donation of various properties located at Abst. 6- Laguna Madre Beach 2 and Abst. 6-South Shore 1. (TABLED)**

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

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- (c) **Confer with Commissioners' Court concerning Crystal Marie Newton Cantu versus Cameron County, et al in the United States Southern District Court, Case Number B-03-168 for discussion.**

Commissioner Garza moved that Mr. Doug Wright, Commissioners' Court Legal Counsel, be authorized to Represent Cameron County in the litigation.

The motion was seconded by Commissioner Tamayo and carried unanimously.

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- (d) **Deliberation regarding Real Property amending Brady's Duty Free Lease Agreement at the Los Indios International Bridge.**

Upon motion by Commissioner Tamayo, seconded by Commissioner Benavides and carried unanimously, the Status Report by Mr. Doug Wright, Commissioners' Court Legal Counsel, was acknowledged.

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- (e) **Confer with Commissioners' Court Legal Counsel concerning possible litigation on issues with the Sheriff's Department and issues of overcrowding in the jail facilities.**

Commissioner Benavides moved that the County Judge be authorized to work with the Sheriff's Department, the Courts, and the District Attorney to develop a plan to eliminate overtime pay and to reduce the jail population at Cameron County Jail Facilities.

The motion was seconded by Commissioner Garza and carried unanimously.

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- (e) **Consideration and possible action regarding Off-System Bridge Load posting recommendation by TXDOT for CR 536 (Gracia Road) Bridge @ San Vicente Drain.**

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, TXDOT's recommendation was accepted.

(g) **Consideration and possible action regarding Off-System Bridge closure recommendation by TXDOT for CR 540 (Norman Road) Bridge @ San Vicente Drain.**

Commissioner Garza moved that TXDOT's recommendation be accepted.

The motion was seconded by Commissioner Tamayo and carried unanimously.

(h) **Confer with Commissioners' Court Legal Counsel concerning Subdivision Construction Agreements.**

Upon motion by Commissioner Garza, seconded Commissioner Tamayo and carried unanimously, the Status Report by Mr. Doug Wright, Commissioners' Court Legal Counsel, was acknowledged.

(2) **SUPPLEMENTAL EXECUTIVE SESSION ITEMS:**

(a) **Deliberation regarding real property concerning the possible acquisition of the Levi's Building.**

Commissioner Garza moved that the Status Report by Mr. Doug Wright, Commissioners' Court Legal Counsel, be acknowledged.

The motion was seconded by Commissioner Tamayo and carried unanimously.

(b) **In the matter regarding deliberate the evaluation, reassignment, duties, discipline or dismissal of the Property Management Coordinator/Airport Manager.(TABLED)**

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

There being no further business to come before the Court, upon motion by Commissioner Benavides, seconded by Commissioner Tamayo and carried unanimously, the meeting was **ADJOURNED** at 12:07 P.M.

APPROVED this 6th day of **January** 2004.

**GILBERTO HINOJOSA
COUNTY JUDGE**

ATTEST:

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