

THE STATE OF TEXAS

COUNTY OF CAMERON

BE IT REMEMBERED on the 6th day of OCTOBER, 1998, 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:

COUNTY JUDGE

PEDRO APETE@BENAVIDES
COMMISSIONER, PRECINCT NO. 1

CARLOS H. CASCOS, C.P.A.
COMMISSIONER, PRECINCT NO. 2

JAMES R. MATZ
COMMISSIONER, PRECINCT NO. 3

COMMISSIONER, PRECINCT NO. 4

Hilda V. Treviño Deputy
COUNTY CLERK

ABSENT:

GILBERTO HINOJOSA

HECTOR PEÑA

=====
The meeting was called to order by Judge Pro-tem Carlos H. Cascos, C.P.A. at 9:45 A.M. He then asked Mr. Bob Clark, Brownsville resident, for the invocation and Ms. Ginger James, County Judge's Office Intern, to lead 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 2, 1998, at 1:56 P.M.:

(1) APPROVAL OF COUNTY CLAIMS

At this time, Judge Pro-tem Cascos noted that there was a conflict of interest claim with Commissioner Benavides, that being Warrant No. 3619, as to Benavides Driving School, in the amount of \$100.00, and expressed concern as to Warrant Nos. 3616 and 3654, which reflected as ~~Prepaid Expenses~~ in the description.

Mr. Mark Yates, County Auditor, stated that Warrant Nos. 3616 and 3654 should reflect Contract payments, as opposed to prepaid expenses.

Judge Pro-tem Cascos expressed concern as to Warrant No. 3659, payable to Francis M. Gumbel, M.D., in the amount of \$970.00, and questioned whether the warrant was an addition to Dr. Gumbel's Contract.

Mr. Yates responded that the Warrants were jail related and added that County Counsel was clarifying the language of the Contract to include said issues.

Commissioner Matz moved that the County Claims be approved as presented by the County Auditor.

The motion was seconded by Judge Pro-tem Cascos and carried as follows:

AYE: Commissioners Cascos and Matz

NAY: None

ABSTAINED: Commissioner Benavides, as to Warrant No. 3619.

The Budget Officer's Comments Report is as follows:

(2) **IN THE MATTER OF THE BUDGET
AMENDMENTS AND/OR SALARY SCHEDULES
(NO ACTION TAKEN)**

At this time, Mr. Mark Yates, County Auditor, noted that a complete listing of the Salary Schedules and the changes made by the Departments would be submitted on October 13, 1998.

Judge Pro-tem Cascos remarked that there were four (4) Departments which were not consistent with the County's Budget.

Mr. Yates noted that there were no Budget Amendments and/or Salary Schedules for approval at this time.



(3) **IN THE MATTER OF THE MINUTES FOR THE
REGULAR MEETING HELD ON SEPTEMBER 25,
1998 (NO ACTION TAKEN)**



(4) **ADOPTION OF A RESOLUTION
COMMEMORATING THE RESTORATION AND
REDEDICATION OF THE TOMB OF JUAN
MIGUEL LONGORIA IN BLUE TOWN, TEXAS**

Commissioner Benavides moved that Resolution commemorating the restoration and rededication of the Tomb of Juan Miguel Longoria in Blue Town, Texas, be adopted.

The motion was seconded by Commissioner Matz and carried unanimously.

The Resolution is as follows:

**(5) ACKNOWLEDGMENT OF THE DISTRICT
CLERK'S AUGUST MONTHLY FEE AND FINES
REPORT**

Upon motion by Commissioner Benavides, seconded by Commissioner Matz and carried unanimously, the District Clerk's August Monthly Fee and Fines Report was acknowledged.

The Report is as follows:

(6) AUTHORIZATION TO SUBMIT APPLICATION FOR STATE FINANCIAL ASSISTANCE FOR BEACH MAINTENANCE FOR FISCAL YEAR 1999

At this time, Commissioner Matz stated that it was his understanding that the application was for a reimbursement from the State of up to two thirds of \$20,000.00 and expressed concern as to why the Agenda Item had not been reviewed by the Budget Officer or County Counsel. He stated that Agenda Item Process should be followed by the Departments, in order to alleviate the time constraints.

Judge Pro-tem Cascos expressed concern as to whether the monthly reports submitted by the Elected Officials were reviewed for consistency to the Budget and suggested that the Reports previously submitted be randomly verified for accuracy.

Commissioner Benavides moved that the application for State Financial Assistance for Beach Maintenance for Fiscal Year 1999 be submitted.

The motion was seconded by Commissioner Matz and carried unanimously.

(7) APPROVAL OF THE CONTRACT WITH WILLIAM G. HEGLAND, INTELLIGENCE AND INFORMATION MANAGEMENT CONSULTANT, TO THE SOUTH TEXAS HIDTA

Upon motion by Commissioner Benavides, seconded by Commissioner Matz and carried unanimously, the Contract with William G. Hegland, Intelligence and Information Management Consultant, to the South Texas High Intensity Drug Trafficking Areas (HIDTA) be approved.

(8) APPROVAL OF THE LEGAL SERVICES CONTRACT FOR THE 107TH JUDICIAL DISTRICT BETWEEN CAMERON COUNTY AND MR. NATHANIEL PEREZ, ATTORNEY AT LAW

At this time, Judge Pro-tem Cascos expressed concern as to the job descriptions in the Contracts for the different Courts and Attorneys being identical yet the compensation was different.

Commissioner Benavides moved that the Legal Services Contract for the 107th Judicial District between Cameron County and Mr. Nathaniel Perez, Attorney at Law, be approved, noting that the compensation amount of \$3,000.00 per month with a two (2) year period.

The motion was seconded by Commissioner Matz and carried unanimously.

The Contract is as follows:

(9) APPROVAL OF LEGAL SERVICES CONTRACT FOR THE 138TH JUDICIAL DISTRICT BETWEEN CAMERON COUNTY AND MR. ALFREDO PADILLA ATTORNEY AT LAW

At this time, there was some discussion as to the compensation issues among the different Court Appointed Attorney Contracts and Mr. Doug Wright, Commissioners= Court Legal Counsel, suggested that the Contracts be approved with the provision of the thirty (30) day out clause and justification of the compensation.

Upon motion by Commissioner Benavides, seconded by Commissioner Matz and carried unanimously, the Legal Services Contract for the 138th Judicial District between Cameron County and Mr. Alfredo Padilla, Attorney at Law, be approved, with the thirty (30) day out clause.

The Contract is as follows:

(10) APPROVAL OF THE LEGAL SERVICES CONTRACTS FOR COUNTY COURT AT LAW NO. 2 BETWEEN CAMERON COUNTY AND MR. ALBERT GARCIA, ATTORNEY AT LAW, AND CAMERON COUNTY AND MR. CARLOS CISNEROS, ATTORNEY AT LAW

At this time, Ms. Dylbia Jefferies-Vega, County Counsel, recommended that the Contracts terminate on December 31, 1998, in order to allow the new County Court at Law Judge to assign an Attorney of her choice.

Commissioner Matz expressed concern as to the scope of work which would not cover many indigent issues and as to how the County would fund said indigent matters.

Mr. Doug Wright, Commissioners= Court Legal Counsel, clarified that the Commissioners= Court was obligated to provide indigent representation to the indigent defendants.

Commissioner Benavides moved that the Legal Services Contracts for the County Court at Law No. 2 between Cameron County and Mr. Albert Garcia, Attorney at Law, and Mr. Carlos Cisneros, Attorney at Law, be approved, said termination date of December 31, 1998, inclusive of a thirty (30) day out clause.

The motion was seconded by Commissioner Matz and carried out unanimously.

The Contract is as follows:

(11) **POSSIBLE ACTION ON AGREEMENT WITH SHINER, MOSELEY AND ASSOCIATES, INCORPORATED, AS A SOLE SOURCE FOR THE IMPLEMENTATION AND AUGMENTATION OF PRE-POSITIONED CONTRACTS FOR POST HURRICANE/DISASTER RECOVERY OPERATIONS FOR CAMERON COUNTY, TEXAS**

At this time, Mr. Joseph Ardito, Property Management Coordinator, clarified that Shiner, Moseley and Associates, Incorporated, was not a sole source, but had been the only entity to provide the type of services needed and recommended that Request for Qualifications be solicited.

Commissioner Matz expressed his support regarding the necessary Contracts for the disaster recovery in the County, but noted that the Agenda Request Policy had not been followed appropriately. He stated that the item had not been reviewed by the Budget Officer and added that the funding amount would be \$100,000.00, which was not included in the Budget. Commissioner Matz expressed concern as to the letter from Shiner, Moseley and Associates, Incorporated, addressed to the County Judge which read "Dear Judge Hinojosa: Thank you for selecting Shiner, Moseley and Associates, Incorporated."

At this time, Captain Tom Rodino, Shiner, Moseley and Associates, Incorporated, clarified that the letter was a cover sheet for the draft Contract and was sent to the County Judge, in order to review and comment on the documents.

Commissioner Matz reiterated that the Agenda Item Process had not been followed correctly and added that due to time constraints, the Court relied on the Agenda Packet which was submitted. He questioned why the Emergency Management Coordinator was not involved in the matter and Mr. Ardito responded that he had repeatedly requested that the Emergency Management Coordinator be involved.

Mr. Doug Wright, Commissioners-Court Legal Counsel, clarified that the Item was placed on the Agenda as a Discussion Item, as opposed to an action item, which was reflected on the Agenda Request Form and added that Mr. Ardito had direction from County Counsel and the County Auditor to present the sole sourcing issue to the Court.

Mr. Remi Garza, Executive Assistant to the County Judge, stated that the Item was placed on the Agenda as a possible action item, in order for the Court to determine the sole sourcing issue and expressed concern as to whether the Items should not be placed on the Agenda if the appropriate Department refused to sign off on them.

Mr. Mark Yates, County Auditor, stated that the Item was not signed due to concerns regarding the sole sourcing issues and added that there were other entities which should be considered for said matter.

Mr. Garza explained that Mr. Ardito was heading the matter after being assigned along with the Tax Assessor-Collector and the County Engineer to the recovery operations for the County and added that Mr. Ardito had been

educated on the Recovery Operations Plan at the Hurricane Conference in Virginia, which he then presented to the Court.

Judge Pro-tem Cascos stated that there had been a lack of communication in the process and expressed his support for advertising the Request for Qualifications.

Mr. Yates stated that the County's reserves should be sufficient enough to pay the amount requested by the Consultant in the case of a hurricane and expressed concern as to whether a National Declaration would always be made based on the category levels of the storms.

Mr. Rodino noted that other Contracts in the State were handled through the Engineering Departments and Public Works Departments and briefly highlighted the process of the Contracts.

Upon motion by Commissioner Benavides, seconded by Commissioner Matz and carried unanimously, the determination was made that the Agreement with Shiner, Moseley and Associates, Incorporated, for the implementation and augmentation of Pre-Positioned Contracts for Post Hurricane/Disaster Recovery Operations for Cameron County, Texas, was not a sole source agreement and the following individuals were directed to develop the criteria in thirty (30) days to advertise the Request for Qualifications:

Mr. Mike Forbes, Purchasing Agent;

Mr. Joseph Ardito, Property Management Coordinator;

Representative from the Engineering Department;

Mr. Desi Najera, Emergency Management Director;

Representative from the Commissioners' Court Legal Counsel, and

Mr. Remi Garza, Executive Assistant to the County Judge.

The Letter is as follows:

(12) APPROVAL OF SUBRECIPIENT GRANT AGREEMENT BETWEEN CAMERON COUNTY AND THE STATE OF TEXAS GENERAL LAND OFFICE FOR A ACLEAN BEACH MEDIA CAMPAIGN® FUNDED THROUGH THE COASTAL MANAGEMENT PROGRAM

Upon motion by Commissioner Benavides, seconded by Commissioner Matz and carried unanimously, the Subrecipient Grant Agreement between Cameron County and the State of Texas General Land Office for a AClean Beach Media Campaign® funded through the Coastal Management Program was approved.



(13) AUTHORIZATION FOR THE ECONOMIC DEVELOPMENT CORPORATION TO CONDUCT A FEASIBILITY STUDY OF A CONVENTION CENTRE HOTEL ON APPROXIMATELY 7.0 ACRES OF LAND ON THE GULF SIDE OF ANDY BOWIE PARK

Upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, the Economic Development Corporation was authorized to conduct a Feasibility Study of a Convention Centre Hotel on approximately 7.0 acres of land on the gulf side of Andy Bowie Park.



(14) ADOPTION OF THE CAMERON COUNTY HOLIDAY SCHEDULE FOR PERSONNEL

Commissioner Benavides moved that the Cameron County Holiday Schedule for Personnel be adopted.

The motion was seconded by Judge Pro-tem Cascos and carried as follows:

AYE: Commissioners Benavides and Cascos

NAY: Commissioner Matz, as to the number of Holidays.

The Schedule is as follows:

**(15) APPROVAL OF A RESERVE DEPUTY FOR
CONSTABLE PRECINCT NO. 2**

Upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, the Reserve Deputy for Constable Precinct No. 2, was approved, as recommended by the Personnel Director.

**(16) AUTHORIZATION TO SUBMIT A LOAN
APPLICATION TO THE STATE
INFRASTRUCTURE BANK FOR THE LOS
TOMATES INTERNATIONAL BRIDGE PROJECT**

At this time, Mr. Mark Yates, County Auditor, explained that the original budgeted amount had been borrowed and that the loan application would provide a five (5) year payment for the overpass of the Los Tomates International Bridge.

Commissioner Benavides moved that the Loan Application be submitted to the State Infrastructure Bank for the Los Tomates International Bridge Project.

The motion was seconded by Commissioner Matz and carried unanimously.

The Application is as follows:

(17) AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH THE REVENUE MARKETS, INCORPORATED, TO PROVIDE TOLL EQUIPMENT FOR LOS TOMATES AND UPGRADE THE SYSTEMS AT GATEWAY AND FREE TRADE BRIDGES, AS A SOLE SOURCE SUPPLIER

Upon motion by Commissioner Benavides, seconded by Commissioner Matz and carried unanimously, the Agreement with the Revenue Markets, Incorporated, as a sole source supplier, was approved to provide toll equipment for the Los Tomates and upgrade the systems at the Gateway and Free Trade Bridges.

The Agreement is as follows:

CONSENT AGENDA ITEM

THE FOLLOWING ITEMS WERE RECOMMENDED FOR ACONSENT® AND WERE EITHER RECOMMENDED BY THE DEPARTMENT HEAD, WITHIN BUDGET OR AWARDED TO THE LOW BIDDER:

Upon motion by Commissioner Benavides, seconded by Commissioner Matz and carried unanimously,

the AConsent® Agenda Items were approved as follow:

(18) TRAVEL AND/OR TRAVEL EXPENSES FOR THE FOLLOWING, SUBJECT TO FUNDS IN THEIR BUDGET:

- a) Two (2) Health Department Employees and VISTA Volunteer to attend a AVISTA Training® in Hidalgo County, on October 7, 1998;
- b) One (1) Bridge System Director to attend the ANational Transportation Corridors and Border Infrastructure Conference® in Houston, Texas, on October 7-8, 1998;
- c) County Clerk and two (2) Deputies to attend the AFine Collection Workshop® in Conroe, Texas, on October 28-30, 1998;
- d) Two (2) County Extension Agents to attend the ADistrict 12 4-H Gold Star Awards Event® in Kingsville, Texas, on October 10, 1998.
- e) County Court at Law No. 1 Judge to attend the AHow to Make Technology and the Internet Work for Your Law Practice Seminar® in Houston, Texas, on October 20-23, 1998;
- f) County Clerk to attend the ATexas Association of Counties 1998 Pre-Legislative Conference® in Austin, Texas, on November 12-13, 1998';
- g) 138th District Judge to attend the ANational Judicial College Seminar, General Jurisdiction® in Reno, Nevada, on October 11-30, 1998; and
- h) County Judge and Bridge Systems Director to attend the AMeeting with the United States Customs regarding the Free Trade Bridge at Los Indios® in Washington, D.C., on October 5-7, 1998.



(19) PURCHASES WITHOUT PURCHASE ORDERS

- a) **L.T. BOSWELL, IN THE AMOUNT OF \$262.51 - PARKS SYSTEM; AND**
- b) **CREED, IN THE AMOUNT OF \$404.85 - PARKS SYSTEM.**

(20) FINAL APPROVAL

- a) **Precinct No.3**

Shores Subdivision, Phase One. Section One (amended plat) - Being a 10.607 acre tract of land out of a certain 20.707 acre tract described in the Deed dated April 13, 1998, recorded in Volume 4908, Page 174; and

b) **Precinct No.3**

Pederson Brothers No. 3, Subdivision-A, 39.168 acres tract of land, more or less, being all of Block No. 8, (9.203), Thompson Tract Subdivision, 26.685 acres out of Block No. 115 and 3.280 acres out of Block No. 114, Fresno Land and Irrigation Company.

(21) **AWARD BIDS**

a) **ANNUAL BID NO. 2630 - ROAD SIGNS, POSTS, MISCELLANEOUS**

VULCAN SIGNS - Foley, Alabama

Total \$12,190.83

b) **POLICE TACTICAL GEAR**

RAY O HERRON - Danville, Illinois

Riot Shields - 10 \$590.00

G.T. DISTRIBUTING - Austin, Texas

Gas Launchers - 2 \$689.60

Gas Masks - 10 \$1,669.00

Goggles - 10 \$296.00

SWADY SALES - Houston, Texas

Helmets - 10 \$1,762.00

Gas Projectiles - 50 \$750.00

TEXAS STATE DISTRIBUTING - San Antonio, Texas

BDU Coats and Pants - 10 \$395.00

KIESLER POLICE - Jeffersonville, Indiana

Ballistic Shields - 2 \$3,240.00

Holster Sytem - 10 \$1,186.00

Hoods and Pads - 10 \$290.00



(22) **EXECUTIVE SESSION**

Upon motion by Commissioner Benavides, seconded by Commissioner Matz and carried unanimously, the

Court met in Executive Session at 10:55 A.M. to discuss the following matter:

- a) Confer with Commissioners= Court Legal Counsel to consider claim on the case styled Mary Barrera vs. Cameron **The Contract is as follows:** County Sheriff's Office, pursuant to Vernon Texas Code Annotated (V.T.C.A), Government code, Section 551.071 (1)(A).

Upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, the

Court reconvened in Regular Session at 11:02 A.M.

(23) **ACTION RELATIVE TO EXECUTIVE SESSION**

- a) **Confer with Commissioners= Court Legal Counsel to consider claim on the case styled Mary Barrera vs. Cameron County Sheriff-s Office.**

Upon motion by Commissioner Benavides, seconded by Commissioner Matz and carried unanimously, the Status Report by Mr. Richard Burst, County Counsel, was acknowledged regarding the claim on the case styled Mary Barrera vs. Cameron County Sheriff-s Office.

There being no further business to come before the Court, upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, the meeting was **ADJOURNED** at 11:03 A.M.

APPROVED this **10th** day of **November, 1998**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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