

THE STATE OF TEXAS

COUNTY OF CAMERON

**BE IT REMEMBERED** on the 2nd day of FEBRUARY, 1999, 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

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

**JAMES R. MATZ**  
COMMISSIONER, PRECINCT NO. 3

**NATIVIDAD "TIVIE" VALENCIA**  
COMMISSIONER, PRECINCT NO. 4

**Hilda V. Treviño Deputy**  
COUNTY CLERK

**ABSENT:**

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The meeting was called to order by Judge Gilberto Hinojosa at 9:35 A.M. He then asked Mr. Bob Clark, Brownsville resident, for the invocation and Commissioner Cascos 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 January 29, 1999, at 11:24 A.M., and the Supplemental Agenda posted on January 29, 1999, at 2:07 P.M.:

**(1) APPROVAL OF COUNTY CLAIMS**

At this time, Mr. Mark Yates, County Auditor, presented the following late claims for approval:

Warrant No. 8748, as to Gail Allison, in the amount of \$10.00;

Warrant No. 8749, as to Charlie Beshears, in the amount of \$10.00;

Warrant No. 8750, as to Brad Doherty, in the amount of \$10.00;

Warrant No. 8751, as to Karisa King, in the amount of \$10.00; and

Warrant No. 8752, as to Joe Mares, in the amount of \$10.00.

Commissioner Matz questioned whether Warrants No. 8740 and No. 8695, as to Dr. Gustavo Stern, and Warrant No. 8562, as to Dr. Francis M. Gumbel, were advance payments.

Mr. Yates responded that the Warrants were advance payments and noted that the amendment to pay in arrears would not be addressed until the renewal of the Contracts.

Commissioner Matz moved that the County Claims be approved, as presented by the County Auditor, exclusive of Warrants No. 8562, No. 8695 and No. 8740.

The motion was seconded by Commissioner Cascos.

Judge Hinojosa moved that the County Claims be approved, as presented by the County Auditor, inclusive of the following late claims:

Warrant No. 8748, as to Gail Allison, in the amount of \$10.00;

Warrant No. 8749, as to Charlie Beshears, in the amount of \$10.00;

Warrant No. 8750, as to Brad Doherty, in the amount of \$10.00;

Warrant No. 8751, as to Karisa King, in the amount of \$10.00; and

Warrant No. 8752, as to Joe Mares, in the amount of \$10.00.

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

**AYE:** Commissioners Benavides, Cascos and Valencia

**NAY:** Commissioner Matz, as to the advance payments to Dr. Stern and Dr. Gumbel.

**ABSTAINED:** Judge Hinojosa, as to Warrant No. 8586, payable to Kell Muñoz Wigodsky, Incorporated.

**The Budget Officer's Comments Report and the Affidavit are as follow:**

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

Commissioner Valencia moved that the 1998 Fiscal Year Budget Amendment No. 98-37, the 1999 Fiscal Year Budget Amendment No. 99-16, and the following Salary Schedules be approved:

County Court at Law No. 1, Fund No. 100-4260;

Precinct No. 4 Commissioner, Fund No. 150-6200; and

Elections Administrator, Fund No. 100-4910.

At this time, Commissioner Matz expressed concern as to the funding source for the auto allowance in the Elections Administration.

Mr. Yates stated that a Budget Amendment had been approved in December 1998, to transfer funds from the Postage line item to auto allowance and added that the Technical Office Coordinator was not being paid the full annual salary of \$25,000.00.

Judge Hinojosa stated that the matter should have been presented before the Evaluation Committee in March of 1999 and added that the funding source was being allocated from the lapsed salaries fund.

Mr. Yates clarified that the funding source for the travel allowance was being allocated from the Postage line item fund and that the Elections Administrator understood that additional funding to the budget could not be requested.

The motion was seconded by Commissioner Benavides and carried unanimously.

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

**(3) APPROVAL OF THE MINUTES OF JANUARY 12, 1999, REGULAR MEETING**

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Minutes of the Regular Meeting held January 12, 1999, at 9:30 A.M., were approved.



**(4) IN THE MATTER OF A RESOLUTION COMMEMORATING CAMERON COUNTY'S 150<sup>TH</sup> ANNIVERSARY (TABLED)**

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



**(5) IN THE MATTER OF NEW COUNTY TRAVEL POLICIES AS PREPARED BY THE COUNTY AUDITOR (TABLED)**

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



**(6) IN THE MATTER OF THE CHANGES TO SALARY SCHEDULES FUND NO. 150-6200, SLOTS NOS. 1 AND 2, FOR CAMERON COUNTY COMMISSIONER PRECINCT NO. 4 (TABLED)**

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



(7) **POSSIBLE ACTION REGARDING THE MAINTENANCE AND POSSIBLE CLOSURE OF HOOKS AND HODGES ROAD NORTH OF SAN FELIPE ROAD IN PRECINCT NO. 4**

At this time, Commissioner Valencia explained that Hooks and Hodges Road had been maintained by the County for over ten (10) years and that the owners who resided towards the entrance of the road had stated that the necessary right-of-way had never been donated to the County and requested that the road be closed.

Mr. Juan Bernal, County Engineer, stated that Hooks and Hodges Road was a public road, but was never accepted into the County Road System.

Judge Hinojosa stated that the road was frequently utilized by the many residents and school buses in the area and suggested that the necessary steps should be taken to begin the process of accepting the road into the County Road System.

Commissioner Valencia reiterated that the road had been maintained for more than ten (10) years and noted that if the road were closed, the residents would be stranded without an ingress or egress to their homes.

Commissioner Cascos stated that addressing said road would set a precedent for other roads and expressed concern as to whether the Public Works Department would be able to take on the additional workload.

At this time, Mr. Juan Bernal stated that the road only contained forty feet (40') of right-of-way and recommended that the proper steps be taken prior to accepting the road in the County Road System.

Commissioner Matz suggested that the County maintain, but not necessarily improve the road based on prescriptive rights.

Mr. Doug Wright, Commissioners-Court Legal Counsel, stated that the Court had the discretion of whether or not to maintain the road and added that the owners of the property did not have the right to close the road based on the lack of maintenance of the road by the County as per the Transportation Code.

Commissioner Valencia moved that the process of accepting Hooks and Hodges Road, North of San Felipe Road in Precinct No. 4, into the County Road System be initiated in accordance with the County Road Policy.

The motion was seconded by Commissioner Benavides and carried unanimously.

Judge Hinojosa clarified that the process of acceptance into the County Road System would commence and that the necessary right-of-way would be obtained, in order to begin the process.

**The Transportation Code is as follows:**

**(8) AUTHORIZATION TO ACCEPT THE STATE  
CRIMINAL ALIEN ASSISTANCE PROGRAM  
GRANT AWARD AND AUTHORIZATION FOR  
THE COUNTY JUDGE TO EXECUTE ALL  
RELATED DOCUMENTS**

Commissioner Matz moved that the State Criminal Alien Assistance Program Grant Award be accepted and that the County Judge be authorized to execute all related documents.

The motion was seconded by Commissioner Valencia and carried unanimously.

At this time, Judge Hinojosa stated that \$500,000.00 had been budgeted for said project, but noted that the amount of \$800,000.00 had been received. He noted that funds from the Tobacco Settlement money had been allocated towards the Valle Escondido Project and suggested that the funds be allocated from the funds received for the Valle Escondido Project, in order to utilize the Tobacco Settlement funds exclusively for County Building Construction Programs.

**The Award is as follows:**

**(9) APPROVAL OF THE PROFESSIONAL SERVICES AGREEMENT WITH MR. ALBERT GARCIA, ATTORNEY AT LAW, TO PROVIDE REPRESENTATION FOR MENTAL PATIENTS FOR ALL THREE COUNTY COURTS AT LAW**

Upon motion by Commissioner Valencia, seconded by Commissioner Cascos and carried unanimously, the Professional Services Agreement with Mr. Albert Garcia, Attorney at Law, to provide representation for mental patients for all three County Courts at Law was approved.

**The Agreement is as follows:**

- (10) **IN THE MATTER OF THE PROFESSIONAL SERVICES AGREEMENT WITH MS. VERONICA FARIAS ERWIN, ATTORNEY AT LAW, TO PROVIDE REPRESENTATION TO INDIGENT DEFENDANTS IN COUNTY COURT AT LAW NO. 2 (TABLED)**

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

- (11) **APPROVAL OF THE MUTUAL AGREEMENT AND BETWEEN THE CITIES OF SAN BENITO, INDIAN LAKE, LOS FRESNOS, SANTA ROSA, LAGUNA VISTA, BAYVIEW AND CAMERON COUNTY TO ENFORCE THE ON-SITE SEWERAGE FACILITIES (OSSF) REGULATIONS**

Commissioner Matz moved that the Mutual Agreement between the Cities of San Benito, Indian Lake, Los Fresnos, Santa Rosa, Laguna Vista, Bayview and Cameron County be approved to enforce the On-Site Sewage Facilities (OSSF) Regulations.

The motion was seconded by Commissioner Valencia and carried unanimously.

**The Agreements are as follow:**



(12) **ADOPTION OF A TAC WORKERS  
COMPENSATION RESOLUTION PROVIDING  
THE COUNTY WITH A TEN PERCENT (10%)  
DISCOUNT**

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the Texas Association of Counties (TAC) Workers Compensation Resolution providing the County with a ten percent (10%) discount was adopted.

At this time, Judge Hinojosa stated that over \$50,000.00 of Workers Compensation funds had been paid for the Sheriff's Deputies injured in the line of duty and that many litigation cases existed concerning said matter. He stated that if the officer wounded in the Rio Hondo incident filed a lawsuit, the County should be covered for the amount previously paid through the Workers= Compensation funds.

**The Resolution is as follows:**

(13) **AUTHORIZATION TO ADVERTISE FOR REQUEST FOR QUALIFICATIONS FOR THE ARCHITECTURAL DESIGN OF THE LA FERIA COUNTY ANNEX**

Commissioner Valencia moved that the Request for Qualifications be advertised for the architectural design of the La Feria County Annex.

The motion was seconded by Commissioner Benavides and carried unanimously.

(14) **AUTHORIZATION TO ALLOW EAST RIO HONDO WATER SUPPLY CORPORATION TO INSTALL A 12" WATER LINE PIPELINE ON THE SUBSTRUCTURE OF THE CEMETERY ROAD BRIDGE**

Commissioner Matz moved that the East Rio Hondo Water Supply Corporation be allowed to install a 12" water line pipeline on the substructure of the Cemetery Road Bridge.

The motion was seconded by Commissioner Valencia and carried unanimously.

(15) **APPROVAL FOR REPAIR ON THE SHERIFF-S DEPARTMENT UNIT NO. 232, IN THE AMOUNT OF \$8,283.00, WITHOUT QUOTATIONS**

At this time, Mr. Mark Yates, County Auditor, explained that the 1998 Crown Victoria had been wrecked while in pursuit and stated that the vehicle needed to be repaired since it was a fully equipment emergency vehicle, noting that the County would be reimbursed for the costs.

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the repairs on the Sheriff-s Department Unit No. 232, in the amount of \$8,283.00, without quotations was approved.

At this time, Mr. Yates reported that the new Constable cars would be arriving soon and added that the Constables had submitted a proposal for the vehicle decals.

Judge Hinojosa stated that the Constables=vehicle decals should be uniform and added that the names of the Elected Officials should not be placed on the vehicles.

(16) **IN THE MATTER OF PAYMENT OF THE CONFERENCE OF URBAN COUNTIES MEMBERSHIP DUES (DENIED)**

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the payment of the Conference of Urban Counties Membership dues was **Denied**.

(17) **IN THE MATTER OF THE PROFESSIONAL SERVICES CONTRACT WITH MR. ROLANDO OLVERA FOR EMERGENCY PRESCRIPTIONS FOR THE COUNTY JAIL INFIRMARY (TABLED)**

At this time, Ms. Yvette Salinas, Health Administrator, stated ALast week Mr. Bob Lap who is a representative of Contract Pharmacy Services, the new pharmacy provider, the three of us met and at the time, Mr. Olvera agreed to work through Contract Pharmacy Services. However, I spoke with him this morning and he told me that he has declined.@"

Judge Hinojosa stated AWell, I have talked to him and I have talked to Dr. Stern and Dr. Gumbel, and everybody says that this whole system with this new pharmaceutical supply company is just not workable. I mean, I know why we did it, but I just don't think it is a good idea. I just don't see why we should be contracting with a pharmaceutical supply company out of California when we have a lot of good pharmacists here in Cameron County. And we should keep that business here locally. So I know this thing is not going to go with respect to him. But I am going to bring it back to Commissioners= Court that we open it up to some local group. If there is a way to cancel this contract with the California firm, I would like to do it.@"

Mr. Mark Yates, County Auditor, stated AThere is no stipulation that is allowed in this County to have a local provision for services, as far as Contract for commodities. You can't put a limitation for local.@"

Judge Hinojosa questioned ABut it is a Professional Services Contract, isn't it?@"

Mr. Yates responded ANo, it is a commodity.@"

Judge Hinojosa stated AWell, some of it is. What about prescribed items that have to be prescribed by a doctor?@"

Mr. Yates stated AThat is a Doctor=s service.@"

Judge Hinojosa stated ASo, a doctor=s prescription by a pharmaceutical company does not fall within the Professional Services Contract?@"

Mr. Yates responded AA doctor=s prescription does.@"

Judge Hinojosa stated AI am talking about anytime a doctor is in the jail that prescribed a drug that is a prescription type drug, I think that it should be filled by a local pharmacy. I don't think that we should be sending out for those services to California. I think that is just policy. I think it makes it difficult for the doctors to be able to do this, because they are relying on someone filling prescriptions they have no communication with, they don't know, they don't deal with. They have a time line that delays the process significantly. I just think that it is bad policy. And if we have the ability to legally cancel whatever we were doing with that California firm and just leave that aspect of it with

local pharmacists. That is where I would like to go. If we want to buy aspirins or Tylenol or anything like that on a mass production basis, that is a different story. But anything that has to be filled by a pharmacist through a prescription that is filled out by a doctor should be locally. I just think we need to do that.®

Mr. Yates stated AI don't believe that either the Jail or the Health Department defies the instructions, whereas there are areas of noncompliance throughout the Contract. If they don't perform, yes, let us review the Contract.®

Judge Hinojosa stated AThis is a policy decision. This is not a compliance or a non-compliance thing. From your perspective that is all you should be concerned about. If it is a policy decision, can or can not we be doing it. And that is the only thing that I would like to know. That is the way that we used to do it before. But we tried this other route and it isn't working. The doctors are not happy with it.®

Commissioner Cascos questioned AJudge, when did this Contract become effective.®

Ms. Salinas replied AFebruary 1.®

Commissioner Cascos stated AToday is February 2<sup>nd</sup>, so in one day.®

Judge Hinojosa stated ANo, they have been using that company for awhile.®

Ms. Salinas reiterated AThe Contract was effective February 1, 1999.®

Commissioner Cascos stated ASo, in one day we have made a determination that it is not working and the doctors don't want to sign off.®

Judge Hinojosa stated AThe doctors have told me that they just don't feel comfortable dealing with an out of state pharmacy to fill their prescriptions.®

Commissioner Cascos questioned AIs Mike Forbes here? What is the date of the Contract?

Mr. Yates replied AI have to find that out.®

Commissioner Cascos stated ACan you find out. Because if the Judge's point is accurate, and I'm sure it is, and this Contract has been in existence for twenty (20) or thirty (30) or forty-five (45) days and it is not working. Then we need to take a different approach.®

Mr. Yates stated AThe Contract was approved in December for an effective date of.®

Commissioner Cascos questioned AWhat's the date?®

Ms. Salinas replied AFebruary 1.®

Commissioner Cascos stated AOkay, so it started yesterday. So in less than twenty-four hours, the doctors determined. That is what they're telling you?®

Commissioner Benavides questioned AWho have they been using?®

Judge Hinojosa questioned AWho have they been using? I was told that they were having a hard time filling some of the prescriptions and they were taking a week sometimes or nine days.@

Mr. Yates stated AThey been using they're existing provider, Lindale.@

Judge Hinojosa stated ANot through Lindale.@

Commissioner Matz stated AI would like to see a written report as to what-s working and not working in this thing.@

Judge Hinojosa stated AThe issue here is, whether or not we should have our local doctors. The ones that are providing services to the jail have to rely on an out-of-state pharmaceutical group. And I don't believe that that is right.@

Commissioner Matz stated ABut we did make that decision.@

Judge Hinojosa stated AWell, I just think it was a poor decision.@

Commissioner Matz stated AWe went through the process. We advertised for Bids. We had an evaluation and we made a decision.@

Commissioner Cascos questioned AWhat I want to know is when did the Contract take effect. Can you find that out and come back. If it took effect yesterday, then in twenty-four hours we determined that it is not working, and I don't know if that is the direction that we want to attempt. If the Contract started yesterday and I don't know who we have been doing business prior to this. But if those concerns that have been expressed to you are legitimate, then the problem may not be with this company maybe with the one we dealt with before.@

Judge Hinojosa stated AThe problems that have been raised to me have been by the doctors. That they are just not comfortable having their prescriptions filled by a company that they are sending out prescriptions out-of-state. I thought that this problem could be solved with getting a local doctor to fill those prescriptions, but what I am being told is that the local doctor is only going to be in emergency situations and rare situations. And he is going to have to go through this process where he then, it is kind of a bureaucratic way of doing business. And that is not even going to work. I just don't feel comfortable with doing it that way. Let me do this. Let me sit down with.@

Commissioner Cascos stated AI think Mark went to go look. I would like to know when the Contract started. And when was the first time that we started buying medicines from whoever it was. If this Contract started yesterday, and the doctors have been expressing concerns with services, with the procedure. I am not going to believe that they have made that determination in twenty-four hours. So if there were any problems, it was with somebody else and not with this company.@

Judge Hinojosa explained AWhat they are having problems with is having to deal with an out-of-state company.®

Commissioner Cascos stated ABut that is not what was said right now. What the doctors said was that they didn't want to deal with it and that they were having problems with delays, nine weeks, nine days. And I don't know if this company has been here for that long of time.®

Mr. Yates stated APage No. 1 of the Agreement, provide pharmaceutical service, the term of one year commencing February 1, 1999.®

Commissioner Cascos questioned ASo, it started yesterday?®

Mr. Yates replied ACorrect.®

Commissioner Cascos stated ASo then whenever these concerns, and I am sure that there are legitimate concerns. But whomever the concerns are aimed at, we don't know if it is this company.®

Judge Hinojosa stated AThat's not the concern Carlos. I don't think that you heard. What I am telling you, what I said is that the doctors are having a hard time. They don't like the idea of having to have an out-of-state company fill their prescriptions.®

Commissioner Cascos stated ABut they haven't even given them the opportunity to provide the service.®

Judge Hinojosa stated AThey just don't think that it is something that is appropriate.®

Commissioner Valencia questioned AI wasn't here at the time, but were any of the doctors present when you all made this decision?®

Commissioner Matz responded AWe went out for Bids.®

Commissioner Valencia questioned ADidn't they foresee that it would be a problem later on.®

Mr. Yates responded ADr. Stern was on the committee to select Dental Services, Pharmaceutical Services. And I don't know whether he attended those meetings or not, but he was invited to them.®

Judge Hinojosa stated AWell, he has never been for this. There is no question about that.®

Commissioner Matz questioned AWhat do we want to do? Do we want to Table this right now?®

Judge Hinojosa replied AI want to Table it and I am going to bring it back after I check into what is going on.®

Commissioner Valencia stated AI don't have a problem on this on later on supporting the issue. It is important to us to consider that because after all, they are the ones that pay their license fees and they also pay very good taxes here in Cameron County.®

Commissioner Cascos stated ACan I just point out one thing. I think there is some dispute as to whether the tangible medicines are subject to the bidding procedures.®

Judge Hinojosa stated AThat is a big issue if it is.®

Commissioner Cascos stated AI think it is. Because I think writing out the prescription would be a professional service.®

Mr. Yates stated AI agree.®

Commissioner Cascos stated ABut the actual filling and obtaining the actual tablet, we're buying a commodity. And I think that in that case, if that is the case, they may be subject to bidding requirements. I don't know. And I think that is something that, Remi.®

Mr. Remi Garza, Executive Assistant to the County Judge, stated AMy father is a pharmacist so I have a little inside on this. A pharmacist is the only person who can put that pill in the bottle. You can buy all the medicine you want and put them on shelves. But you can not have somebody other than a licensed pharmacist move them. That may be the professional services that you will consider. It is filling the prescription. It is not the filling you are buying. It is filling the prescription.®

Mr. Yates stated AI believe we bought pharmaceuticals services here. If they are not registered, if these people are not registered pharmacists, it is a problem.®

Mr. Garza stated AI am sure they are.®

Mr. Doug Wright, Commissioners= Court Legal Counsel, stated AThe record needs to be clear. The Court does not make the decision based on whether they are a local pharmacy or an out of state pharmacy. The problem is if the services are not going to be provided. The system is not going to work if we have to deal with long distance. That is the legitimate policy decision this Court can make. I don't make a record or a problem of that.®

Judge Hinojosa stated AThat is what I am talking about.®

Mr. Wright stated AI t needs to be clear that we are not showing favoritism to anybody locally.®

Commissioner Cascos stated ASo once we make that determination then what we ought to do is open up the process again, go through the bidding procedures and outline it Aplease, out of state firms need not apply. Or out of Valley firms need not apply. Or pharmacists west of FM802 need not apply.® Or what is it?®

Mr. Yates stated ABrownsville Pharmacies did not apply.®

Commissioner Cascos stated AExactly. No one made a proposal, except for this company.®

Mr. Yates reiterated ADid not apply. And neither did the incumbent, did not apply.®

Commissioner Cascos stated ASo then what we ought to do is, if we do decide and we make that determination, then we go back and start all over again. And go through the bidding procedures again. And make it very clear that don't let any out of valley, out of state. Are we going to draw like a mile?®

Mr. Wright stated AI would like to make another suggestion so that you all can save some time. And I am only one member of the Committee, but I think you all need to take this back and make your own decisions on this. Because I spent a lot of time on this and several others did too. We made a recommendation to the Court. If the Court does not like the recommendation for whatever reason.®

Commissioner Cascos stated ANo, but the Court unanimously approved it. Let us make that real clear. The Committee unanimously recommended this. The ones who were present recommended this. My understanding is Dr. Stern was let know. He did not, as far as I know, he did not object to it at that point in time. But that recommendation was made to the Court as a whole. The Minutes will reflect that the Court unanimously embraced this.®

Judge Hinojosa replied ANobody embraced this.®

Commissioner Cascos responded AWell, Asupported® it.®

Judge Hinojosa stated AYou have always known, Carlos, that I didn't like this thing.®

Commissioner Cascos replied ABut you supported it?®

Judge Hinojosa responded AI voted for this thing, but I have never been very comfortable with it. But you know, and lets make it clear. If we are going to be talking about this, you know, and I am telling you this as a friend. You know and have always known that I do not like this whole thing about the way this whole thing has been handled. There is no question about that and I have made that clear to you from the very beginning.®

Commissioner Cascos replied AThen maybe we ought to go back and bring another vote and cast a negative vote. But I think at that point in time, it was unanimously approved by everybody. That is all I am saying. I am not saying that we embraced it, but we supported it as a group unanimously.®

Mr. Yates stated AIn the future, if the Court is uncomfortable, we can always reject and rebid and not award a Contract at that time.®

Mr. Wright stated AWell, you have raised an issue. We need to decide whether or not this is a Professional Service and that way the Court has a lot more latitude. Another thing that you have to be aware of is, under the provisions of the existing contract, which was effective February 1, 1999, there is a 60 day prior notice provision. So we have some time. You need to get it back on the Agenda for review and let us know, so we can give them notice that we want to get out of it.®

Commissioner Valencia questioned AIs there a motion to Table it?®

Commissioner Matz replied AYes, there is a motion to Table it.®

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



## **SUPPLEMENTAL AGENDA**

(1) **APPROVAL OF AN EXEMPTION FOR THE FILING OF THE BOND IN CAUSE NO. 99-01-399-C, STYLED COMMISSIONERS= COURT OF CAMERON COUNTY, TEXAS, ET. AL., VS. BEXCO OPERATING, INCORPORATED, AS FILED IN THE 197<sup>TH</sup> JUDICIAL DISTRICT COURT OF CAMERON COUNTY, TEXAS**

At this time, Mr. Doug Wright, Commissioners= Court Legal Counsel, explained that approval of the exemption would allow the 197<sup>th</sup> District Court to waive the requirement of filing or posting the bond concerning the Temporary Restraining Order by the County Commissioners= Court.

Upon motion by Commissioner Valencia, seconded by Commissioner Benavides and carried unanimously, the exemption for the filing of the Bond in Cause No. 99-01-399-C, styled the Commissioners=Court of Cameron County, Texas, et. al., vs. Bexco Operating, Incorporated, as filed in the 197<sup>th</sup> Judicial District Court of Cameron County, Texas, was approved.

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At this time, Mr. Joe G. Rivera, presented Ms. Adriana Martinez, Hanna High School Student, who was shadowing the County Clerk for a day.

Ms. Inelda T. Garcia, Chief Deputy, introduced Ms. Rosemary Bustinza, Hanna High School Student, who was also shadowing the County Clerk Chief Deputy for the day.

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At this time, Judge Hinojosa welcomed the public's comments regarding the possible litigation concerning the Boca Chica Public Beach which would be discussed in Executive Session.

Mr. Eliseo Muñoz, Cameron County Dune Protection Committee Member, expressed his concerns regarding the violation of the law by the gas and oil company leasing the Boca Chica Public Beach, if the dunes within one thousand feet of the high tide or the vegetation were disturbed and as to the violation of the law by the Brownsville Navigation District's lack of scheduling a Public Hearing prior to leasing the property, based on the Natural Resource Code, Section 71.

Judge Hinojosa stated that his understanding was that the Navigation District was in the business of ensuring the facilitation of trade for the community and that it performed in a way to maximize the commerce for the community in the best interest of the residents by protecting the environment, as opposed to the Navigation District being in the

business of making money for the public. He stated that the Navigation District had not informed the Court prior to leasing the property at the Boca Chica Public Beach to the gas and oil company.

Mr. Doug Wright, Commissioners-Court Legal Counsel, noted that a newspaper advertisement provision also required to publicize the matter for three (3) consecutive weeks and added that to his knowledge, the issue had not been addressed.

## **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 Matz, seconded by Commissioner Valencia 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 AND ALL APPLICABLE COUNTY POLICIES:**

- a) Administrative Assistant to the County Judge to attend the A1999 County Management Institute® in San Antonio, Texas, on March 30, 1999, through April 1, 1999;
- b) Director of Management Planning and Policy to attend the AStrategic Plan Meeting on Workforce Development® in Austin, Texas, on February 4-5, 1999;
- c) County Child Welfare Homemaker to attend he AHST/CAS Conference® in Corpus Christi, Texas, on February 17-18, 1999
- d) County Agent to accompany the Cameron County 4-Hers in San Antonio, Texas, on February 17-19, 1999;
- e) International Bridge Systems Director to attend the AWestern Governors-Association Public Forums on Border Congestions, Air Quality and Commerce® in Laredo, Texas, on January 28, 1999;
- f) Sheriff-s Department Investigator to attend the APractical Homicide Investigation Training Seminar® in San Antonio, Texas, on February 7-10, 1999;
- g) Sheriff, Major and Captain to attend the AAmerican Jail Association 18<sup>th</sup> Annual Training Conference and Jail Expo® in Fort Worth, Texas, on May 23-27, 1999;
- h) Sheriff, Major, Captain, Lieutenant and Deputy to attend the ATexas Jail Association Annual Spring Conference® in Austin, Texas, on April 27-29, 1999;
- I) County Court at Law No. 3 Judge to attend the ARegional Conference® in Austin, Texas, on February 28, 1999, through March 3, 1999;
- j) County Court at Law No. 1 Judge to attend the ARegional Conference® in Austin, Texas, on February 28, 1999, through March 3, 1999;
- k) 103<sup>rd</sup> District Court employee to attend the AEclipse Software Professionals Network Seminar® in Las Vegas, Nevada, on February 25-28, 1999;

- l) Justice of the Peace Precinct No. 5 Warrant Officer to attend the A24 Hour 1999 Civil Process Seminar® in San Antonio, Texas, on February 21-24, 1999;
- m) Deputy Constable Precinct No. 5 to attend the A24 Hour 1999 Civil Process Seminar® in San Antonio, Texas, on February 21-24, 1999;
- n) Safety Coordinator to attend the ATexas Safety Association Defensive driving Instructors Seminar® in Austin, Texas, on February 17-19, 1999;
- o) HIDTA Grant Administrator and Senior Auditor to attend the AHIDTA Finance and Budget Seminar® in Miami, Florida, on February 8-12, 1999;
- p) Assistant County (Criminal District) Attorney and Criminal Investigator to interview a State witness in Dallas, Texas, on January 28, 1999; and
- q) Assistant County (Criminal District) Attorney to attend the AChild Proof/APR Course Sponsored by NDAA® in Columbia, South Carolina, on February 13-19, 1999.



**(19) PRELIMINARY APPROVAL**

**a) Precinct No. 3**

Espiritu Subdivision - being a 16.23 acre tract of land out of a certain 91.3 acre tract in Share No. 15, Espiritu Santo Grant.



**(20) EXECUTIVE SESSION**

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Court met in Executive Session at 10:45 A.M. to discuss the following matters:

- a) Confer with County Counsel regarding the potential litigation concerning Boca Chica Public Beach; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(A);
- b) Deliberation regarding the Real Property concerning the possible land acquisition in La Feria, Texas; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072; and

# SUPPLEMENTAL AGENDA

## (1) EXECUTIVE SESSION

- a) Deliberation regarding the Real Property concerning 14.9 acres adjacent to Isla Blanca Park; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072.

Upon motion by Commissioner Benavides, seconded by Commissioner Valencia and carried unanimously, the Court reconvened in Regular Session at 11:45 A.M.



## (21) ACTION RELATIVE TO EXECUTIVE SESSION

- a) **Confer with County Counsel regarding the potential litigation concerning Boca Chica Public Beach.**

Upon motion by Commissioner Benavides, seconded by Commissioner Valencia and carried unanimously, the Status Report by County Counsel was acknowledged regarding the potential litigation concerning Boca Chica Public Beach.

- b) **Deliberation regarding the Real Property concerning the possible land acquisition in La Feria, Texas.**

Commissioner Matz moved that Mr. Joseph Ardito, Property Management Coordinator, be authorized to negotiate the purchase of the land in La Feria, Texas.

The motion was seconded by Commissioner Valencia and carried unanimously.

# **SUPPLEMENTAL AGENDA**

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

**a) Deliberation regarding the Real Property concerning 14.9 acres adjacent to Isla Blanca Park.**

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Status Report by County Counsel was acknowledged regarding the Real Property concerning 14.9 acres adjacent to Isla Blanca Park.

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There being no further business to come before the Court, upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the meeting was **ADJOURNED** at 11:46 A.M.

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**APPROVED** this **16th** day of **March, 1999**.

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

**ATTEST:**

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