

THE STATE OF TEXAS

COUNTY OF CAMERON

BE IT REMEMBERED on the 2nd day of **MARCH, 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:

The meeting was called to order by Judge Pro-tem Carlos H. Cascos, C.P.A. at 9:35 A.M. He then asked Mr. Bob Clark, Brownsville resident, for the invocation and Mr. Brenden Osuchowski, San Benito News, 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 February 26, 1999, at 2:25 P.M.:

(8) PRESENTATION OF THE 1999 TEXAS COMMUNITY DEVELOPMENT PROGRAM APPLICATION TIMETABLE AND GRANT CATEGORIES AND AUTHORIZATION FOR PD&M DEPARTMENT TO CONDUCT A PUBLIC HEARING TO SOLICIT PROJECT REQUESTS ON MARCH 4, 1999

At this time, Mr. Frank Bejarano, Planning Development and Management Director, stated that the 1999 Texas Community Development Program Application Process would begin with a Public Hearing to be held on March 4, 1999, which would be conducted by the Program Development and Planning Staff. He added that the proposed projects and projects from previous application cycles would be submitted to the Court in a Workshop session in one (1) week, in order to determine which projects the County would pursue.

Commissioner Matz moved that the Presentation of the 1999 Texas Community Development Program Application Timetable and grant categories be acknowledged and that the Program Development and Management Department be authorized to conduct a Public Hearing to solicit project requests on March 4, 1999.

The motion was seconded by Commissioner Benavides and carried unanimously.

(9) APPROVAL TO OPEN ACCOUNTS WITH THE INTERNATIONAL BANK OF COMMERCE

Upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, the following accounts were opened with the International Bank of Commerce:

- a) Weed and Seed Strategy Fund No. 33 - Interest Bearing Account;
- b) Clean Beach Media Campaign Fund No. 520 - Non-Interest Bearing Account; and
- c) Housing Infrastructure Fund No. 530 - Non-Interest Bearing Account.

The Contracts are as follow:

(10) AUTHORIZATION TO REFUND TAXES

Upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, the taxes were refunded for the following:

- d) Doak Mathew Dunkin, in the amount of \$538.71 - Change Value;
- e) Cristobal R. Valadez, in the amount of \$924.05 - Erroneous payment; and
- f) Rancho Viejo, Incorporated, in the amount of \$585.97 - Erroneous payment.

(12) AUTHORIZATION FOR THE SHERIFF-S DEPARTMENT TO APPLY FOR TWO (2) ADDITIONAL OFFICERS UNDER THE ACOPS® PROGRAM GRANT

At this time, Mr. Mark Yates, County Auditor, explained that the Deputies= salaries in the Grant were less than the Deputies= salaries funded through the Sheriff-s Department Budget and suggested that the salaries for the grant funded Deputies be increased to the level of the regular Deputies. He suggested that the required match for Fiscal Year 1999 be allocated from Fund 90 and added that any additional costs and match would be absorbed into the current year-s budgetary process.

Judge Pro-tem Cascos expressed concern as to the Universal Hiring Program requesting a waiver based on the evidence of severe physical distress by the County.

Mr. Yates stated that the waiver would be granted based on the provision of service on a per capita basis from the demographic data in which the County ranked the lowest in the State and suggested that the County should look to other governmental entities to fund the project due to the size of the force with the increase in population.

Upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, the Sheriff-s Department was authorized to apply for two (2) additional officers under the ACOPS® Program Grant.

(14) AUTHORIZATION TO REQUEST PROPOSALS FOR A SERVICE PROVIDER TO OPERATE THE CAMERON AND WILLACY COUNTIES SELF-HELP CENTER

Commissioner Matz moved that Request for Proposals be advertised for a Service Provider to operate the Cameron and Wi
The motion was seconded by Commissioner Valencia and carried unanimously.

(15) APPROVAL OF THE AMENDMENT TO THE ENGINEERING AGREEMENT WITH EARTH TECH (FORMERLY RUST ENVIRONMENT AND INFRASTRUCTURE), DATED JULY 2, 1996, FOR ADDITIONAL WORK, PURSUANT TO THE CAMERON PARK FLOOD INSURANCE RATE MAP (FIRM) LETTER OF MAP REVISION

Commissioner Matz moved that the Amendment to the Engineering Agreement with Earth Tech (formerly Rust Environment and Infrastructure), dated July 2, 1996, for additional work, be approved, pursuant to the Cameron Park Flood Insurance Rate Map (FIRM) Letter of Map Revision.

The motion was seconded by Commissioner Benavides and carried unanimously.

(1) **APPROVAL OF COUNTY CLAIMS**

At this time, Commissioner Matz expressed concern as to the cost for the framing of numerous Resolutions and suggested that the frames be standardized and purchased through a certain vendor.

Mr. Mark Yates, County Auditor, recommended that the Maintenance Department produced a fine molding in the construction of cabinetry which could be utilized for the frames and that the materials be bought in bulks, as opposed to purchasing the frames on an individual basis.

Commissioner Matz expressed concern as to Warrant No. 9870, as to Stapleton, Whittington and Curtis, in the amount of \$7,306.43, for services performed on the Dancy Building in September of 1998.

Mr. Yates stated that the bill might have been submitted late to the County and added that the payment concerned the lawsuits regarding the Dancy Building.

Judge Pro-tem Cascos questioned whether the services provided by Download Computer Services, Incorporated, had been advertised for Bids and whether the payment to Dr. Frances Gumble was for services previously provided to the County.

Mr. Yates responded that certain purchases by the County were performed through the State Contract and added that Download Computer Services, Incorporated, was a State Contract provider. He stated that payment to Dr. Gumble was allocated from the Adult Probation Department and added that Dr. Gumble contained a Contract with the Adult Probation Department.

NOTE: JUDGE HINOJOSA JOINED THE MEETING.

Upon motion by Commissioner Benavides, seconded by Commissioner Valencia and carried unanimously, the County Claims were approved, as presented by the County Auditor.

The Budget Officer's Comments Report is as follows:

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

Commissioner Cascos moved that the 1999 Fiscal Year Budget Amendment No. 99-19, be approved, excluding the Budget Amendment for Justice of the Peace Precinct No. 1.

The motion was seconded by Commissioner Matz and carried unanimously.

The Budget Amendments are as follow:

(3) APPROVAL OF MINUTES OF THE JANUARY 29, 1999, SPECIAL, AND THE JANUARY 26, 1999, SPECIAL (TABLED)

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the Minutes of the Special Meeting held January 29, 1999, at 10:00 A.M., were approved and Minutes of the Regular Meeting held January 26, 1999, at 9:30 A.M., were **TABLED**.

- (4) **ADOPTION OF A RESOLUTION HONORING MR. JOSE TORRES FOR HIS TWENTY (20) YEARS OF SERVICE TO CAMERON COUNTY**

- (5) **ADOPTION OF A RESOLUTION HONORING MR. OVIDIO ESPINOZA FOR HIS THIRTY-FIVE (35) YEARS OF SERVICE TO CAMERON COUNTY**

Commissioner Valencia moved that the Resolutions honoring Mr. Jose Torres for his twenty (20) years of service to Cameron County and Mr. Ovidio Espinoza for his thirty-five (35) years of service to Cameron County be adopted.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Resolutions are as follow:

**(6) ADOPTION OF A RESOLUTION HONORING
MR. TONY MEYN FOR HIS SERVICE TO THE
ROTARY CLUB**

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the Resolution honoring Mr. Tony Meyn for his service to the Rotary Club was adopted.

The Resolution is as follows:

(7) **PRESENTATION BY THE ELECTIONS ADMINISTRATOR ON AN OVERVIEW OF THE PROCESS FOR MAKING MANDATORY CHANGES IN VOTING PRECINCT BOUNDARIES BY MAY 1, 1999**

At this time, Mr. Robert Mendoza, Elections Administrator, highlighted the overview of the process to create additional Precincts and mandatory change in boundaries and the number of voters in Cameron County.

Judge Hinojosa expressed his opposition concerning the splitting of the Precincts unless they were mandated by the State and added that changes in boundaries confused the voters as to their Precincts. He stated that if it was necessary to split the Precincts, the matter should be addressed, in order to provide the voters an opportunity to vote one time in the split precinct before the March Election in the year 2000.

Mr. Eliseo Muñoz, Brownsville resident, noted that the process of changing the boundaries in 1999 would not be effective until January 1, 2000.

Judge Hinojosa suggested that if a Precinct was split, the voters should be allowed to vote at the same location. He stated that maintaining the same location would give the voters an easy access to their voting site.

Commissioner Valencia confirmed that the voters were confused as to the appropriate voting site following the splitting of the Precincts and added that as a result from the confusion, many people did not vote.

Commissioner Cascos suggested that population of each Precinct should be utilized to project the growth of the population in the Census 2000, in order to avoid changing the boundaries again after the Census.

Mr. Mendoza noted that a problem still existed in some of the Precincts and suggested that additional voting sites should be added to some Precincts, in order to provide the voters with a closer location. He stated that the maps and numbers would be reviewed by the Elections Commission and a recommendation would then be submitted to the Court. Mr. Mendoza briefly highlighted the tentative schedule to be followed in the process of making the necessary changes which would be effective January 1, 2000.

Judge Hinojosa recommended that each Commissioner should receive a detailed report concerning the changes in their perspective Precincts, in order for the Commissioners to submit their input before the changes were advertised.

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the presentation by the Elections Administrator on an overview of the Process for making mandatory changes in Voting Precinct boundaries by May 1, 1999, was acknowledged.

The Reports are as follow:

(11) AUTHORIZATION TO OBTAIN CELLULAR PHONE AND SERVICES FOR MR. OSCAR LEAL PRECINCT NO. 4

At this time, Commissioner Valencia explained that the Precinct No. 4 Administrative Assistant would be transferred temporarily to the Public Works Department to replace another employee.

Commissioner Cascos expressed concern as to whether an existing cell phone was available, in order to avoid the purchase of an additional cell phone.

Commissioner Valencia moved that a cellular phone and services be approved for Mr. Oscar Leal, Precinct No. 4, noting that a report be submitted concerning an inventory of cell phones.

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

AYE: Commissioners Benavides, Matz and Benavides

NAY: Commissioner Cascos.

(13) APPROVAL OF THE OFFICIAL MARKINGS FOR THE CONSTABLES-PATROL VEHICLES

At this time, Constable Robert Lopez, Precinct No.4, stated that the markings on the vehicles had been changed due to the understanding of the Constables-that the same badge utilized by the Sheriff-s Department could not be used by the Constables.

Judge Hinojosa stated that the determination to utilize the badge was not at the discretion of the Sheriff-s Department and added that the Constables should decide on the markings which would make the vehicles look official. He stated that the distinction was not an important issue and recommended that the Constables- should select the original proposal of the markings.

Commissioner Cascos expressed concern as to the tinted windows on County vehicles and questioned whether the County was required to comply with State Laws regarding the tinted windows.

Mr. Lee Lozano, Fleet Maintenance Supervisor, stated that it was not recommended for law enforcement vehicles to have tinted windows and added that all County vehicles were required to comply with the State Laws.

Judge Hinojosa stated that none of the County owned vehicles should have the windows tinted and added that a Memorandum be sent to all individuals assigned a County vehicle reflecting that all window tint be taken off.

Commissioner Cascos questioned whether the Constables were issued vehicles and also received a car allowance and Judge Hinojosa replied that a Constable had requested that both the vehicle and the car allowance be

received, but noted that the Policy reflected that no car allowance was issue if the individual was assigned a County vehicle.

At this time, Mr. Lozano noted that a certain Constable had requested that the markings not be placed on his vehicle.

Judge Hinojosa clarified that all Constables= vehicles, including the pick-ups, would be marked exactly the same and added that if a vehicle was ordered at their request, they would receive that vehicle and lose the car allowance. He stated that the matter was made clear to all the Constables that they would lose the car allowance on a pro rata basis, based on the date they received the vehicle. Judge Hinojosa added that window tinting and the Constables= names were not allowed on the vehicles. He stated that the vehicles were provided to the Constables because it was better for the County regarding expense and liability issues and added that the law enforcement officers should not have to be concerned with exceeding the mileage allowance or damaging their own personal vehicles.

Mr. Mark Yates, County Auditor, stated that the vehicles were also assigned to the Constables for the taxpayers to be able to recognize the law enforcement patrol vehicles and added that all the vehicles would be provided with the necessary equipment.

Commissioner Valencia stated that the Constables should submit Reports of the Constable activities to each member of the Court, in order to justify any requests for increase in salaries and related matters.

At this time, Judge Hinojosa recommended that the Constables should agree on one uniform for the Deputies to wear and stated that the uniforms should all be identical, in order for the citizens to recognize the Deputy Constables.

Commissioner Valencia moved that the original proposal of the official markings for the Constables=Patrol Vehicles be approved.

The motion was seconded by Commissioner Benavides and carried unanimously.

(16) **AUTHORIZATION TO TRANSFER
ADMINISTRATIVE ASSISTANT PRECINCT NO.
4, ON A TEMPORARY BASIS, TO THE PUBLIC
WORKS DEPARTMENT**

Commissioner Matz moved that the Precinct No. 4 Administrative Assistant be transferred to the Public Works Department on a temporary basis.

The motion was seconded by Commissioner Benavides and carried unanimously.

**(17) AUTHORIZATION TO AWARD THE BID TO
ZIMMERMAN CONSTRUCTION FOR THE
CONSTRUCTION OF THE COUNTY
COURTHOUSE N.W. PARKING LOT**

Commissioner Cascos moved that the Bid for construction of the County Courthouse N.W. Parking Lot be awarded to Zimmerman Construction.

The motion was seconded by Commissioner Valencia and carried unanimously.

**(18) AUTHORIZATION TO ENTER INTO AN
INTERLOCAL AGREEMENT WITH THE CITY
OF LOS INDIOS**

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the Interlocal Agreement with the City of Los Indios was approved.

The Agreement is as follows:

**(19) APPROVAL OF THE CONTRACT BETWEEN
CAMERON COUNTY AND LORDA
CORPORATION TO RENT SPACE FOR WIC
PROGRAM SERVICES**

Commissioner Valencia moved that the Contract between Cameron County and Lorda Corporation to rent space for the Women-s, Infants and Children (WIC) Program Services be approved.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Contract is as follows:

**(20) APPROVAL OF THE CONTRACT BETWEEN
CAMERON COUNTY AND ASIM ZAMIR TO
RENT SPACE FOR WIC PROGRAM SERVICES**

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, Contract between Cameron County and Asim Zamir to rent space for Women-s, Infants, and Children (WIC) Program Services was approved.

The Contract is as follows:

**(21) AUTHORIZATION TO CONTRACT WITH LOS
FRESNOS CHAMBER OF COMMERCE AND
COMMUNITY DEVELOPMENT CORPORATION
FOR OFFICE SPACE FOR CAMERON COUNTY
HISTORICAL COMMISSION**

Commissioner Matz moved that the Contract with Los Fresnos Chamber of Commerce and the Community Development Corporation for office space for the Cameron County Historical Commission be approved.

The motion was seconded by Commissioner Valencia and carried unanimously.

The Contract is as follows:

**(22) APPROVAL OF THREE (3) RESERVE DEPUTIES
FOR PRECINCT NO. 1, MR. THOMAS BARRERA,
JR., MR. JOHN E. LINDSAY AND MR. JOHN J.
STETAR, JR.**

At this time, Mr. Manuel Villarreal, Personnel Director, stated that the background checks had been performed by the Constables and that the Personnel Department had also requested the background checks from the Sheriff-s Department, as directed by the Court.

Upon motion by Commissioner Cascos, seconded by Commissioner Matz, the three (3) Reserve Deputies for Precinct No. 1, that being Mr. Thomas Barrera, Jr., Mr. John E. Lindsay and Mr. John J. Stetar, Jr., were approved.

The Bonds are as follow:

(23) AUTHORIZATION TO INCREASE IMPREST TRAVEL FUND FROM THE AMOUNT OF \$21,000.00 TO \$25,000.00

At this time, Commissioner Cascos expressed concern as to County Officials traveling by airfare and not meeting the seven (7) day requirement, which resulted in a higher airfare amount for the County.

Judge Hinojosa suggested that a Memorandum to be effective April 15, 1999, should be sent to all Departments stating that any requests would be rejected for travel to conferences which had been set for more than thirty (30) days whereby the airfare reservation was not purchased within the seven (7) day requirement, unless justified and approved by the Court.

Commissioner Cascos moved that the Imprest Travel Fund be increased from the amount of \$21,000.00 to \$25,000.00.

The motion was seconded by Commissioner Benavides and carried unanimously.

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 Cascos, seconded by Commissioner Benavides and carried unanimously, the AConsent® Agenda Items were approved as follow:

(24) TRAVEL AND/OR TRAVEL EXPENSES FOR THE FOLLOWING, SUBJECT TO FUNDS IN THEIR BUDGET AND ALL APPLICABLE COUNTY POLICIES:

- a) Six (6) Parks System employees to attend the A1999 TRAPS/TPWD Annual Institute® in Waco, Texas, on March 1-6, 1999;
- b) HIDTA Director to attend a ASouth Texas HIDTA Executive Committee Meeting® in San Antonio, Texas, on February 15-17, 1999;
- c) Health Department employee to attend a ATX-WIN and YSK Software Testing® in Austin, Texas, on March 9-10, 1999;
- d) Two (2) Sheriff-s Deputies to attend the ATraining Seminar Practical Crime Scene and Arson Photography Techniques® in South Padre Island, Texas, on March 24-25, 1999;
- e) Two (2) Juvenile Probation Supervisors to attend the ATexas Juvenile Probation Commission Case Planning Workshop® in Austin, Texas, on March 3-5, 1999;
- f) Two (2) Sheriff-s Deputies to attend the ATraining Seminar® in South Padre Island, Texas, on February 22-23, 1999;
- g) Health Department employee to attend a A1999 NE/BJ Workshop® in Austin, Texas, on March 10-11, 1999;

- h) Program Development and Management Director to attend a Meeting with the Secretary of State and the Texas Department of Housing and Community Affairs on Colonia Matters in Weslaco, Texas, on February 23, 1999;
- I) HIDTA Director to attend a South Texas HIDTA Executive Committee Meeting in Austin, Texas, on March 16-18, 1999;
- j) Sheriff's Investigator to attend the Bridge Children Advocacy Center Training in Amarillo, Texas, on February 28, 1999, through March 3, 1999;
- k) Two (2) Health Department employees to attend an Indigent Health Care Directors Meeting in Rockport, Texas, on March 3-4, 1999; and
- l) County Clerk to attend the 104th Annual Conference of the County and District Clerks Association of Texas in Fort Worth, Texas, on June 27, 1999, through July 1, 1999.

(25) PRELIMINARY AND FINAL APPROVAL

a) Precinct No. 2

Perez/Guerra Subdivision - being a 4.775 acres of land and being a replat of Tract No. 8, Olmito 400 Subdivision Section II.

(26) EXECUTIVE SESSION

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Court met in Executive Session at 11:07 A.M. to discuss the following matters:

- a) Evaluation of the Personnel Director; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.074;
- b) Confer with County Counsel concerning the appointment of the Jail Doctor; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.074; and
- c) Confer with County Counsel concerning the possible litigation with the Schlitterbahn Water Park Concession; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072.

Upon motion by Commissioner Valencia, seconded by Commissioner Benavides and carried unanimously, the Court reconvened in Regular Session at 11:55 A.M.

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

a) **Evaluation of the Personnel Director.**

Upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, the positive evaluation of the Personnel Director was acknowledged.

b) **Confer with County Council concerning the appointment of the Jail Doctor.**

Commissioner Cascos moved that the recognition of Dr. Paul A. Lenz, Brownsville, Texas, as the Interim Jail Physician, be acknowledged and that the contract be negotiated on a monthly basis.

The motion was seconded by Commissioner Benavides and carried unanimously.

c) **Confer with County Council concerning the possible litigation with the Schlitterbahn Water Park Concession.**

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the Status Report by County Council was acknowledged regarding the possible litigation with the Schlitterbahn Water Park Concession.

There being no further business to come before the Court, the meeting was **ADJOURNED** at 11:56 A.M.

APPROVED this 30th day of March, 1999.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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