

THE STATE OF TEXAS

COUNTY OF CAMERON

BE IT REMEMBERED on the 20th day of **APRIL, 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 Gilberto Hinojosa at 9:45 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 April 16, 1999, at 2:44 P.M.:

(1) APPROVAL OF COUNTY CLAIMS

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

Warrant No. 11933, as to John Deere Credit, in the amount of \$19,861.36;

Warrant No. 11934, as to Jail Capital Improvements, in the amount of \$175.00;

Warrant No. 11935, as to Los Tomates Bridge I S, in the amount of \$130,000.00;

Warrant No. 11936, as to Los Tomates Construction Fund, in the amount of \$75,000.00;

Warrant No. 11937, as to Parking Garage, in the amount of \$3,500.00;

Warrant No. 11938, as to South Texas Boot Camp, in the amount of \$100,000.00; and

Warrant No. 11939, as to Texas Department of Transportation, in the amount of \$17,760.00.

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, the County Claims were approved, as presented by the County Auditor, inclusive of the following late claims:

Warrant No. 11933, in the amount of \$19,861.36;

Warrant No. 11934, in the amount of \$175.00;

Warrant No. 11935, in the amount of \$130,000.00;

Warrant No. 11936, in the amount of \$75,000.00;

Warrant No. 11937, in the amount of \$3,500.00;

Warrant No. 11938, in the amount of \$100,000.00; and

Warrant No. 11939, in the amount of \$17,760.00.

NOTE: JUDGE HINOJOSA LEFT THE COURT ROOM.

**(2) IN THE MATTER OF THE BUDGET
AMENDMENTS (TABLED)**

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

(2) APPROVAL OF SALARY SCHEDULES

At this time, Judge Pro-tem Cascos expressed concerns as to evaluations being provided to the Personnel/Safety Risk Department for each County employees receiving an increase to their salaries and as to the Policy regarding evaluations and job descriptions.

Mr. Manuel Villarreal, Personnel Director, stated that the majority of the evaluations were retained within the Departments in the employees=files and clarified that the majority of the records retained in the Personnel Department consisted of enrollment and health files.

NOTE: JUDGE HINOJOSA RETURNED TO THE COURT ROOM.

At this time, Judge Hinojosa clarified that the Department Heads were required to retain the employees evaluations and that the County Judge=s Office was reorganizing and changing slots and functions within the Department.

Commissioner Matz expressed concern as to the funding source for the reorganization in the County Judge=s Office, in the amount of \$1,500.00, and the County Auditor responded that the funding was being allocated from the County Judge=s Office Travel Budget until the end of the Fiscal Year.

Commissioner Cascos moved that the following Salary Schedules be approved:

Personnel/Safety Risk - Fund No. 100-4020;

County Judge - Fund No. 100-4010;

Health Immunizations - Fund No. 240-6380;

Health Title V A PI - Fund No. 270-6430;

Health Department - Fund No. 100-6300;

WIC - Fund No. 320-6300;

Title V-A (MCH) - Fund No. 270-6290;

Juvenile - Community Corrections - Fund No. 310-5719;

Juvenile Department - Fund No. 450-5889;

C.C. Juvenile Probation Department - Fund No. 430-5719;

County Clerk - Fund No. 100-4030; and

County Clerk Records Management - Fund No. 100-4040.

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

AYE: Commissioners Benavides, Cascos and Valencia

NAY: Commissioner Matz.

The Salary Schedules are as follow:

(3) APPROVAL OF MINUTES OF APRIL 6, 1999

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Minutes of the Regular Meeting held April 6, 1999, at 9:30 A.M., were approved.

(6) PRESENTATION OF THE RESOLUTION FOR MR. JOSE TORRES, ON THE OCCASION OF HIS RETIREMENT

At this time, Judge Hinojosa presented the Resolution to Mr. Jose Torres, Public Works Department, on the occasion of his retirement and expressed gratitude for his years of service to the County.

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, the presentation of the Resolution for Mr. Jose Torres, Public Works Department, on the occasion of his retirement was acknowledged.

(4) PRESENTATION OF A RESOLUTION FOR MR. OVIDIO ESPINOZA, ON THE OCCASION OF HIS RETIREMENT

At this time, Judge Hinojosa presented the Resolution to Mr. Ovidio Espinoza, Public Works Department, on the occasion of his retirement and expressed his gratitude for his years of service to the County.

Commissioner Valencia moved that the presentation of the Resolution for Mr. Ovidio Espinoza, Public Works Department, on the occasion of his retirement be acknowledged.

The motion was seconded by Commissioner Matz and carried unanimously.

At this time, Commissioner Valencia expressed his gratitude to Mr. Torres and Mr. Espinoza for their dedicated years of service to the County and highlighted their commitment beyond the call of duty to the County.

(7) ADOPTION OF A RESOLUTION HONORING THE MEMORY OF BORDER PATROL AGENTS RICARDO GUILLERMO SALINAS AND SUSAN LYNN RODRIGUEZ

Commissioner Matz moved that the Resolution honoring the memory of Border Patrol Agents Ricardo Guillermo Salinas and Susan Lynn Rodriguez be adopted.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Resolution is as follows:

**(8) ADOPTION OF A PROCLAMATION
DECLARING THE WEEK OF APRIL 19-23, 1999,
AS A WEEK OF THE YOUNG CHILD® IN
CAMERON COUNTY, TEXAS**

Upon motion by Commissioner Valencia, seconded by Commissioner Benavides and carried unanimously, the Proclamation declaring the week of April 19-23, 1999, as AWeek of the Young Child® in Cameron County, Texas, was adopted.

The Proclamation is as follows:

(9) **ADOPTION OF A RESOLUTION SUPPORTING
THE CREATION OF A NEW DISTRICT COURT
IN CAMERON COUNTY, TEXAS**

At this time, Judge Hinojosa explained that State Representative Jim Solis had filed a bill regarding the creation of a new District Court as requested by the District Judges, which would be effective September 1, 2001. He reported that the District Court would require an appointment of a District Judge by the Governor of Texas and stated that the funding source would need to be determined for the District Court Staff and construction of the Court. Judge Hinojosa reported that there had been a twenty percent (20%) increase in District Court cases and noted that a new Court had not been created since 1984.

Mr. Mark Yates, County Auditor, stated that the District Attorney's Office and the District Clerk's Office would require additional personnel, in order to assist the additional District Court and that additional space would need to be addressed for the Court.

Judge Hinojosa stated that the location for the District Court had been figured into the Budget, whether it would be placed at the new Jail site or any other site.

Commissioner Cascos moved that the Resolution supporting the creation of a new District Court in Cameron County, Texas, be adopted.

The motion was seconded by Commissioner Valencia and carried unanimously.

The Resolution is as follows:

**(10) PRESENTATION OF THE SECOND QUARTER
REPORT FOR THE INTERNATIONAL BRIDGE
SYSTEMS**

Commissioner Matz moved that the Second Quarter Report for the International Bridge Systems be acknowledged.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Reports are as follow:

(11) PRESENTATION AND ACKNOWLEDGMENT OF THE CAMERON COUNTY COMPUTER USER-S GROUP (C.C.C.U.G.) FORMED BY THE COMPUTER SERVICES CENTER

Upon motion by Commissioner Benavides, seconded by Commissioner Valencia and carried unanimously, the presentation of the Cameron County Computer User-s Group (C.C.C.U.G.), formed by the Computer Services Center was acknowledged.

(12) APPROVAL OF THE ADVERTISING SERVICES AGREEMENT BETWEEN CAMERON COUNTY AND BREEDEN, MCCUMBER AND GONZALEZ, INCORPORATED, FOR THE VETERANS INTERNATIONAL BRIDGE AT LOS TOMATES

At this time, Mr. Pete Sepulveda, Jr., Bridge Systems Director, stated that modifications had been made to the Agreement as recommended by the County Auditor and the Commissioners- Court Legal Counsel.

Mr. Mark Yates, County Auditor, stated that limiting the scope of the project to the Veterans International Bridge at Los Tomates had been included in the Agreement and noted that if an additional scope was necessary, it would be presented to the Court as an addendum to the Agreement. He stated that the advertising should have been addressed in November or December of 1998 and that Request for Proposals should have been advertised.

Commissioner Valencia moved that the Advertising Services Agreement between Cameron County and Breedden, McCumber and Gonzalez, Incorporated, for the Veterans International Bridge at Los Tomates be approved, subject to Legal review.

The motion was seconded by Commissioner Benavides.

At this time, Commissioner Matz expressed concern as to the Request for Qualifications not being advertised and as to the selection of the firm.

Mr. Sepulveda responded that due to time constraints and the lengthy process of the Request for Qualifications, the only option was to negotiate with one advertising firm.

Commissioner Matz stated that the matter should have been anticipated and expressed concern as to the language of the Agreement regarding the charge for outside services and research services which would be negotiated on an hourly bases.

Mr. Sepulveda responded that said services would go beyond the original scope of services and that the matters would be submitted to the Court, noting that additional work was not anticipated.

Upon motion duly made, Commissioner Valencia moved that the Advertising Services Agreement between Cameron County and Breeden, McCumber and Gonzalez, Incorporated, for the Veterans International Bridge at Los Tomates be approved, subject to Legal review.

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

AYE: Commissioners Benavides, Cascos and Valencia

NAY: Commissioner Matz.

The Agreement is as follows:

(13) **APPOINTMENT OF A COUNTY REPRESENTATIVE TO THE METROPOLITAN PLANNING ORGANIZATION (MPO) INTELLIGENT TRANSPORTATION SYSTEM COMMITTEE**

Judge Hinojosa moved that Mr. Pete Sepulveda, Jr., Bridge Systems Director, be appointed to the Brownsville Metropolitan Planning Organization (MPO) Intelligent Transportation System Committee

The motion was seconded by Commissioner Cascos and carried unanimously.

(14) **APPROVAL OF THE AGREEMENT BETWEEN O.C.I., INCORPORATED, DOING BUSINESS AS, SHARY ACRES NURSERY AND CAMERON COUNTY FOR THE VETERANS INTERNATIONAL BRIDGE AT LOS TOMATES REVEGETATION PLAN**

Upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, the Agreement between O.C.I., Incorporated, doing business as, Shary Acres Nursery and Cameron County for the Veterans International Bridge at Los Tomates Revegetation Plan was approved.

The Agreement is as follows:

(15) AUTHORIZATION TO NEGOTIATE THE CONTRACT WITH TEDSI INFRASTRUCTURE FOR TRAFFIC ENGINEERING STUDIES (REQUEST FOR PROPOSAL NO. 99-02-01)

Judge Hinojosa moved that the Contract with TEDSI Infrastructure for Traffic Engineering Studies (Request for Proposal No. 99-02-01) be negotiated.

The motion was seconded by Commissioner Benavides and carried unanimously.



(16) APPROVAL OF AN INTERLOCAL COLLABORATIVE AGREEMENT BETWEEN CAMERON COUNTY AND TEXAS A&M UNIVERSITY HEALTH SCIENCE CENTER

Upon motion by Commissioner Benavides, seconded by Commissioner Cascos and carried unanimously, the Interlocal Collaborative Agreement between Cameron County and Texas A&M University Health Science Center was approved.



(17) AUTHORIZATION TO ISSUE T-4 TOWING PERMIT TO MR. PAUL ASHBAUGH, DOING BUSINESS AS, ISLA PLAYA TOWING

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the T-4 Towing Permit was issued to Mr. Paul Ashbaugh, doing business as, Isla Playa Towing.



(18) APPROVAL OF ONE (1) RESERVE DEPUTY CONSTABLE GUILLERMO ALVAREZ, FOR CONSTABLE PRECINCT NO. 4

Commissioner Cascos moved that one (1) Reserve Deputy Constable, Guillermo Alvarez, be approved for Constable Precinct No. 4, as recommended by the Personnel Director.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Bond is as follows:

(19) **IN THE MATTER OF THE FUNDING FOR RELOCATION OF IRRIGATION PIPES AS PART OF THE BROWNSVILLE IRRIGATION AND DRAINAGE DISTRICT'S NEW DITCH WORK FOR THE VALLE ESCONDIDO/VALLE HERMOSO DRAINAGE IMPROVEMENT PROJECT (TABLED)**

At this time, Mr. Frank Bejarano, Program Development and Management Director, stated that the Brownsville Irrigation and Drainage District had requested funding, in the amount of \$23,000.00, for the relocation of irrigation pipes for the Valle Escondido/Valle Hermoso Drainage Improvement Project, which was not budgeted.

Commissioner Cascos questioned whether the funding would be reimbursed for the fixed costs for labor to the Brownsville Irrigation and Drainage District and Mr. Joe A. Barrera, Brownsville Irrigation and Drainage District Manager, responded in the affirmative.

Judge Hinojosa stated that an Agreement had been made that the Brownsville Irrigation and Drainage District would cooperate with the County and expressed concern as to why the County was being charged for the labor.

Mr. Barrera explained that due to the acquisition of the necessary easements, the pipe lines would have to be relocated, noting that the expenses had been made for the easements by the Brownsville Irrigation and Drainage District.

At this time, there was some discussion as to the funding being allocated from the Contingency Fund and Judge Hinojosa suggested that the Item be Tabled, in order to discuss the matter with the Brownsville Irrigation and Drainage District and Mr. Jim Holdar, Holdar-Garcia and Associates, Incorporated.

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



(20) **APPROVAL OF THE CONSTRUCTION CONTRACT WITH JIMMY CLOSNER AND SONS FOR THE LA PALOMA CUT-OFF SANITARY SEWER PROJECT (TCDP CONTRACT NO. 717045)**

Commissioner Matz moved that the Construction Contract with Jimmy Closner and Sons be approved for the La Paloma Cut-Off Sanitary Sewer Project, that being the Texas Community Development Program Contract No. 717045), subject to approval of Bonds.

The motion was seconded by Commissioner Valencia 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:

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

- a) Two (2) Health Department employees to attend the ALocal Health Officers Meeting® in El Paso, Texas, on April 28-29, 1999;
- b) Five (5) Health Department employees to attend a APatient Flow Analysis Training Phase II® in Edinburg, Texas, on April 27-28, 1999;
- c) Health Department employee to attend a ALocal Agency Automation Committee Meeting® in Austin, Texas, on May 13, 1999;
- d) Health Department employee to attend the ATexas Department of Health Quality Assurance Workshop® in Houston, Texas, on May 5-7, 1999;
- e) Maintenance A/C Technician to attend a AConstruction Seminar and take a test for a Texas Air Conditioning and Refrigeration Contractor=s License® in Austin, Texas, on April 24-28, 1999;
- f) Constable Precinct No. 3 and Deputy to attend the AConstable=s Management Seminar® in San Antonio, Texas, on May 2-5, 1999;
- g) Two (2) Computer Center employees to attend the ADemo on Development Programming Language Seminar® in Monterrey, N.L., Mexico, on April 28-29, 1999;
- h) Four (4) Computer Center employees to attend a Seminar on an Overview of Enterprise Backup and Recovery from an HP Perspective, Configuration Examples, and Backup Recovery Solution Examples® in Houston, Texas, on May 6, 1999;
- I) Sheriff=s Department employee to attend the APolice Emergency Driving Instructor Course® in College Station, Texas, on May 3-7, 1999;
- j) Constable Precinct No. 2 and Solid Waste Enforcement Officer to attend the ASpring 1999 A Solution Oriented Training for Local Government Conference® in Weslaco, Texas, on April 27, 1999;
- k) Emergency Management Coordinator to attend a AHurricane Preparedness Course® in Austin, Texas, on May 3-5, 1999; and
- l) Five (5) District Court employees, two (2) County Court at Law employees and a Juvenile Court employee to attend the ATexas Court Reporter Association=s Annual Convention/Seminar® in Dallas, Texas, on June 9-13, 1999.

(22) PURCHASE OF ONE (1) BACKHOE LOADER TRACTOR FROM HOUSTON GALVESTON AREA COUNCIL OF GOVERNMENTS - INTERLOCAL PURCHASING AGREEMENT

(23) PRELIMINARY AND FINAL APPROVAL

a) Precinct No. 2

La Paloma Grove Estates - being 3.93 acres out of Lot 49, Block No. 12;

b) Precinct No. 3

Sugarland Acres Subdivision - being 17.22 acres out of Block No. 162 and Block No. 163, out of the Los Fresnos Land and Irrigation Company Subdivision;

c) Precinct No. 3

Walls Subdivision - being 18.56 acres out of Block No. 7, Thompson Tract Subdivision in Cameron County, Texas; and

d) Precinct No. 3

Saenz Subdivision - being 0.756 acre tract of land out of an unsubdivided portion of Share No. 8 of Espiritu Santo Grant.



(24) EXECUTIVE SESSION

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Court met in Executive Session at 10:34 A.M. to discuss the following matters::

- a) Confer with County Counsel on the case styled H.L. Watkins, Jr., vs. Cameron County, et. al., Cause No. V-99-014, United States District Court-Victoria Division, to discuss the case and authorization for District Attorney-s Office to represent individual defendants; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(A);
- b) Confer with County Counsel on the case styled Jose R. Castillo vs. Cameron County, et. al., Cause No. B-93-260, United States District Court - Brownsville Division, to discuss settlement and attorney fees; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(A&B); and
- c) Deliberation regarding the Real Property concerning the possible land acquisition of a potential park site; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072

Upon motion by Commissioner Benavides, seconded by Commissioner Cascos and carried unanimously, the Court reconvened in Regular Session at 11:15 A.M.



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

- a) **Confer with County Counsel on the case styled H.L. Watkins, Jr., vs. Cameron County, et. al., Cause No. V-99-014, United States District Court-Victoria Division, to discuss the case and authorization for District Attorney's Office to represent individual defendants.**

Upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, the Status Report by County Counsel was acknowledged, the District Attorney's Office was authorized to represent the individual defendants in the case styled H.L. Watkins, Jr., vs. Cameron County, et. al., Cause No. V-99-014, United States District Court-Victoria Division, and the Commissioners= Court Legal Counsel was authorized to represent the County defendants.

- b) **Confer with County Counsel on the case styled Jose R. Castillo vs. Cameron County, et. al., Cause No. B-93-260, United States District Court - Brownsville Division, to discuss settlement and attorney fees.**

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the Status Report by County Counsel was acknowledged regarding the case styled Jose R. Castillo vs. Cameron County, et. al., Cause No. B-93-260, United States District Court - Brownsville Division.

- c) **Deliberation regarding the Real Property concerning the possible land acquisition of a potential park site.**

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the Status Report by Counsel was acknowledged regarding the Real Property concerning the possible land acquisition of a potential park site.



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 **11:16 A.M.**

APPROVED this **4th** day of **May, 1999**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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