

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 27th 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 Pro-tem Carlos H. Cascos, C.P.A. 9:38 A.M. He then asked Ms. Esmeralda Guajardo, Health Department, 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 23, 1999, at 11:28 A.M., and the Supplemental Agendas posted April 23, 1999, at 4:19 P.M.:

**(3) IN THE MATTER OF MINUTES OF APRIL 6, 1999
(NO ACTION TAKEN)**

At this time, the Deputy Clerk noted that there were no Minutes for approval.

**(7) ACKNOWLEDGMENT OF THE DISTRICT
CLERK'S JANUARY, FEBRUARY AND MARCH
MONTHLY FEE AND FINES REPORTS**

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, the District Clerk's January, February and March Monthly Fee and Fines Reports were acknowledged.

The Reports are as follow:

At this time, Judge Pro-tem Cascos asked Mr. Bob Clark, Brownsville resident, for the invocation.

(1) APPROVAL OF COUNTY CLAIMS

NOTE: JUDGE HINOJOSA JOINED THE MEETING.

At this time, Commissioner Cascos expressed concern as to Warrant No. 12083, payable to Mr. Arturo Gomez, for contractual expenses and as to whether the contract had been approved by the Court, noting that said Warrant was a second payment to Mr. Gomez.

Mr. Mark Yates, County Auditor, stated that the Warrant was funded through Drug Enforcement Task-Force Funds and added that many employees in the Drug Enforcement Task-Force had transferred from County employees to Contractual employees, noting that the matter would be researched.

Commissioner Cascos questioned Warrant No. 12138, as to Dr. Paul A. Lenz, in the amount of \$35.00, and expressed concern as to why the individual warrant was not included in the contractual compensation.

Mr. Yates stated that Dr. Lenz had purchased a subscription to the Jail Commission Standards, in order to remain in compliance with the Jail Standards and that the Warrant in the amount of \$35.00, was a reimbursement to Dr. Lenz.

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

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

At this time, Commissioner Matz expressed concern as to the Civil Division, Fund No. 100-6072, in the amount of \$145,400.00 to \$130,495.00, for settlements.

Mr. Mark Yates, County Auditor, stated that the amount of \$145,400.00, had been set aside for settlements and that there was a number of services being provided, in conjunction with certain litigations which were allocated from the \$145,400.00.

Commissioner Matz moved that the 1999 Fiscal Year Budget Amendment No. 99-27 be approved.

The motion was seconded by Commissioner Cascos and carried unanimously.

The Budget Amendments are as follow:

SUPPLEMENTAL AGENDA

- (1) **ACTION ON GRANT AWARD FROM THE DIVISION OF EMERGENCY MANAGEMENT, IN THE AMOUNT OF \$5,000.00, TO CONTINUE A PUBLIC OUTREACH PROGRAM WITH BORDERPLEX ENVIRONMENTAL INFORMATION CENTER**

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Grant Award from the Division of Emergency Management, in the amount of \$5,000.00, to continue a Public Outreach Program with Borderplex Environmental Information Center was approved.

The Agreement is as follows:

**(4) ADOPTION OF A RESOLUTION HONORING
MR. LEO ARAGUZ, FOR HIS DEDICATION TO
COMMUNITY SERVICE**

Commissioner Valencia moved that Resolution honoring Mr. Leo Araguz, Harlingen, Texas, for his dedication to community service be adopted.

The motion was seconded by Commissioner Cascos and carried unanimously.

The Resolution is as follows:

(5) **ADOPTION OF A PROCLAMATION
DECLARING THE WEEK OF MAY 23-29, 1999,
AS THE "1999 WHITE HOUSE COMMUNITY
EMPOWERMENT ZONE CONFERENCE WEEK"
IN CAMERON COUNTY**

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the Proclamation declaring the week of May 23-29, 1999, as the "1999 White House Community Empowerment Zone Conference Week" in Cameron County, was adopted.

(6) **ADOPTION OF A PROCLAMATION
DECLARING THE MONTH OF APRIL 1999, AS
"NATIONAL YOUTH ALCOHOL AWARENESS"
IN CAMERON COUNTY, TEXAS**

Commissioner Valencia moved that the Proclamation declaring the Month of April 1999, as "National Youth Alcohol Awareness" in Cameron County, Texas, be adopted.

The motion was seconded by Commissioner Benavides and carried unanimously.

(8) **IN THE MATTER OF A COMMISSIONERS'
COURT ORDER TO CHANGE EXISTING
VOTING PRECINCTS IN CAMERON COUNTY,
THAT BEING PRECINCTS NOS. 69, 70, 71, 72, 73,
74, 75, 76, 77, 78, 79, 80, 81, 82 AND 83, PURSUANT
TO V.T.C.A. ELECTION CODE SECTIONS 42.001,
42.002, 42.003, 42.004, 42.005, 42.006 AND 42.007,
TO BE EFFECTIVE JANUARY 2000 (TABLED)**

At this time, Mr. Robert Garcia, Port Isabel City Manager, stated that the residents had expressed concerns as to the Precinct in Port Isabel being divided along Highway 100 and requested that the Court consider the City of Port Isabel's proposal to divide the Precinct along the channel line.

Mr. Robert Mendoza, Elections Administrator, reported that dividing the Precinct along the channel line would not affect the required number of registered voters in the Precinct.

Upon motion by Commissioner Valencia, seconded by Commissioner Benavides and carried unanimously, this Item was **TABLED** and recessed until April 29, 1999, at 8:30 A.M., for reconsideration.

(9) ACCEPTANCE OF A DONATION OF TREES AND GREENERY FROM THE CITY OF BROWNSVILLE TO CAMERON COUNTY FOR THE NORTHWEST COUNTY PARKING LOT

At this time, Mr. Remi Garza, Executive Assistant to the County Judge, explained that the City of Brownsville was donating \$10,000.00 worth of trees and labor for the islands located in the parking lots adjacent to the Federal Courthouse.

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the donation of trees and greenery from the City of Brownsville to Cameron County for the Northwest County Parking Lot was accepted.

At this time, Mr. Robert Mendoza, Elections Administrator, noted that the maps reflecting the changes in Precincts had been posted on the first floor of the Courthouse Administrative Building.

Commissioner Benavides noted that an agreement had been made with the Elections Administrator and stated that Precinct No. 53 would be divided in two (2) sections and that Precinct No. 14 would remain at the El Jardin location.

(10) APPROVAL OF THE INTERLOCAL AGREEMENT BETWEEN CAMERON COUNTY AND THE CITY OF BROWNSVILLE REGARDING THE MAINTENANCE OF THE EAST RETENTION BASIN AND WEST RETENTION BASIN

At this time, Mr. Pete Sepulveda, Jr., Bridge Systems Director, explained that the Agreement would allow the City of Brownsville to be reimbursed by the County for any maintenance expenses incurred.

Mr. Mark Yates, County Auditor, clarified that the title to the land in question would remain with the City of Brownsville and that the City of Brownsville would be paying half of the costs of the Project.

Mr. Sepulveda explained that the City of Brownsville's Engineering Department would maintain the basins because the County Bridge Systems did not have the expertise or staff to maintain the pumps at the basins. He stated that the water being drained into the retention basins would be draining from County property and added that the reimbursements would be allocated from the Toll Bridge Systems Fund.

Commissioner Cascos moved that the Interlocal Agreement between Cameron County and the City of Brownsville regarding the maintenance of the east retention basin and the west retention basin be approved.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Agreement is as follows:

(11) ACTION TO AWARD THE LOW BID FOR PERSONAL COMPUTERS FOR THE VETERANS INTERNATIONAL BRIDGE AT LOS TOMATES

Commissioner Valencia moved that the low bid for personal computers for the Veterans International Bridge at Los Tomates be awarded to Download C.S.

The motion was seconded by Commissioner Benavides and carried unanimously.

(12) AUTHORIZATION TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE CITY OF PRIMERA TO PAVE A 0.15 MILE ROAD, TWENTY-TWO FEET WIDE CALICHE AND TWENTY FEET TWO COURSE AGGREGATE

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, the Interlocal Agreement with the City of Primera to pave a 0.15 mile road, twenty-two feet wide caliche and twenty feet two course aggregate, was approved.

The Agreement is as follows:

**(13) APPROVAL TO EXTEND THE TDHCA COLONIA
SELF-HELP CENTER CONTRACT TO MAY 30,
1999 (TDHCA CONTRACT NO. 716003)**

Commissioner Cascos moved that the Texas Development of Housing and Community Affairs (TDHCA) Colonia Self-Help Center Contract be extended to May 30, 1999, that being the TDHCA Contract No. 716003.

The motion was seconded by Commissioner Matz and carried unanimously.

The Contract is as follows:

(14) AUTHORIZATION TO SOLICIT A REQUEST FOR INFORMATION FOR (RFI) A COUNTY-WIDE COMMUNICATION UPGRADE PROJECT

Commissioner Cascos moved that the Request for Information (RFI), a County-wide Communication Upgrade Project, be solicited.

The motion was seconded by Commissioner Matz and carried unanimously.

(15) AUTHORIZATION TO SOLICIT A REQUEST FOR INFORMATION (RFI) FOR COMPUTER PROGRAM DEVELOPMENT TOOL

Commissioner Matz moved that the Request for Information (RFI) for Computer Program Development Tool be solicited.

The motion was seconded by Commissioner Cascos and carried unanimously.

(16) IN THE MATTER OF BIDS FOR A DOUBLE WIDE MOBILE HOME TO PROVIDE WIC PROGRAM SERVICES (TABLED)

At this time, Ms. Yvette Salinas, Health Administrator, stated that the funds were not available to construct a facility and added that the Texas Department of Health was providing the funds to purchase a double wide mobile home to house the WIC Program Services.

Judge Hinojosa stated that constructing a facility of the same size as the double wide mobile home would be more cost efficient and would be constructed with higher quality materials.

Commissioner Cascos explained that the Texas Department of Health's intent was to move the mobile home from Colonia to Colonia to provide the WIC Services.

Ms. Salinas stated that the mobile home would be placed in Cameron Park until a permanent facility was constructed and that the mobile home would then be transferred to another Colonia, noting that the Texas Department of Health would allocate the entire funding for the mobile home.

Judge Hinojosa stated that mobile homes were not adequately insulated and that the County would have to pay the high utility costs. He added that placing a mobile home in the Cameron Park Subdivision would be inconsistent with the type of buildings being constructed in the area and noted that the mobile home would be dangerous during the hurricane season.

Commissioner Cascos suggested that the item be Tabled, in order for the Health Administrator to discuss the matter with the Texas Department of Health regarding the construction of two (2) permanent facilities, as opposed to purchasing the mobile home.

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

(17) AUTHORIZATION FOR THE CAMERON COUNTY HEALTH DEPARTMENT TO SUBMIT APPLICATION TO CONTINUE FUNDING TO THE TEXAS DEPARTMENT OF HEALTH UNDER TITLE V, PART A AND B

Commissioner Matz moved that the Cameron County Health Department submit an application to continue funding to the Texas Department of Health under Title V, Part A and B.

The motion was seconded by Commissioner Cascos and carried unanimously.

(18) APPROVAL OF CHANGES TO THE LAW ENFORCEMENT GRANT EQUIPMENT LIST FOR CONSTABLE PRECINCT NO. 2

Upon motion by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, the changes to the Law Enforcement Grant Equipment List for Constable Precinct No. 2 were approved.

The List is as follows:

(19) APPROVAL TO FUND THE 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

At this time, Mr. Frank Bejarano, Program Development and Management Director, presented the final proposal by the Brownsville Irrigation and Drainage District which consisted of the County providing a four (4) man labor crew and the purchase of 19" pipe and elbows, at an estimated cost of \$15,500.00.

Mr. Mark Yates, County Auditor, stated that the Project would need to be completed before the hurricane season and that the determination should be made as to whether the project pertained to an irrigation district or a drainage district.

Commissioner Cascos questioned which project would be delayed as a result from utilizing four (4) employees from the Public Works Department and Mr. Juan Bernal, County Engineer, responded that the project in Precinct No. 1 would be delayed.

Commissioner Matz questioned where the funding source would be allocated and Mr. Yates replied that the funds would be allocated from the Contingency Fund, which contained an available amount of \$92,000.00.

Commissioner Cascos expressed concern as to whether the work qualified as a Road and Bridge Project and the County Engineer confirmed that the completion of the project would benefit the roads.

Commissioner Cascos stated that the funds should be allocated from the Road and Bridge Fund, since the work would qualify as a legitimate Road and Bridge Project.

Commissioner Cascos moved that the funding of the 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 be allocated from the Road and Bridge Fund, noting that the Project be declared as a Road and Bridge Project.

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

AYE: Commissioners Benavides, Cascos and Valencia

NAY: Commissioner Matz.

The Proposal is as follows:

CONSENT AGENDA ITEM

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

At this time, Commissioner Matz expressed concern as to Item No. 20 "e" which consisted of the Tax Assessor-Collector testifying in Austin, Texas, on legislative matters concerning tax issues.

Commissioner Cascos clarified that the legislation would have affected the Tax Assessor-Collector, but noted that the proposed bill had not passed.

Mr. Mark Yates, County Auditor, stated that the Tax Assessor-Collector had drafted a letter to Austin with his concerns regarding the proposed bill and as a result, the Tax Assessor-Collector had not traveled to Austin, noting that the Item was irrelevant.

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the "Consent" Agenda Items were approved as follow, with the exception of Item No. 20 "e":

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

- a) High Intensity Drug Trafficking Areas (HIDTA) Director to attend a "South Texas High Intensity Drug Trafficking Areas Executive Committee Meeting" in San Antonio, Texas, on May 3-5, 1999;
- b) District Clerk and two (2) Deputies to attend the "Archival Presentation Training" in Edinburg, Texas, on May 10, 1999;
- c) District Clerk and three (3) Deputies to attend the "County and District Clerks' Association of Texas 1999 Annual Conference" in Fort Worth, Texas, on June 27, 1999, through July 1, 1999;
- d) High Intensity Drug Trafficking Areas (HIDTA) Assistant Director to attend a "South Texas High Intensity Drug Trafficking Areas Executive Committee Meeting" in San Antonio, Texas, on April 12-14, 1999;
- e) Tax Assessor-Collector and Chief Deputy to attend the "Legislative Matters Concerning Tax Issues" in Austin, Texas, on April 21-22, 1999;
- f) Health Department employee to transport a TB patient to the Texas Center Infectious Disease Hospital in San Antonio, Texas, on April 16, 1999; and
- g) County Judge's Office employee to attend the "Organize Files and Records Seminar" in Harlingen, Texas, on May 14, 1999.

(21) PRELIMINARY APPROVAL

a) Precinct No. 3

Pederson Brothers No. 4 Subdivision - a 13.705 acre tract of land, more or less, being 4.263 acres out of Block No. 115, 6.720 acres out of Block No. 114, Fresno Land and Irrigation Company Subdivision, and all of Lot No. 4, Block No. 3, Lots No. 17 and No. 18, Block No. 2, out of Pederson Brothers No. 3 Subdivision; and

b) Precinct No. 3

Guadalupe Sanchez Subdivision - being a subdivision of 4.68 acres of land and being a resubdivision of Lot No. 9, Block No. 1, of the Shoemaker Acres Subdivision.

(22) EXECUTIVE SESSION

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the Court met in Executive Session at 10:27 A.M. to discuss the following matters:

- a) 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;
- 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;
- c) Deliberation regarding the Real Property concerning the possible sale of Cameron County Trustee Property, known as Primera-Buenos Aires Subdivision No. 2, Lot No. 28, Block No. 2; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- d) Deliberation regarding the Real Property concerning 15.775 acres adjacent to Isla Blanca Park; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072; and
- e) Confer with County Counsel regarding the Peace Officers and Justices of the Peace on matters in which the duty of the Attorney of the Governmental Body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, clearly conflicts with this Chapter; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (2).

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the Court reconvened in Regular Session at 11:37 A.M.

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

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

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

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

Commissioner Matz moved that Property Management Coordinator be directed to continue the negotiations on the land in La Feria, Texas.

The motion was seconded by Commissioner Valencia and carried unanimously.

- c) **Deliberation regarding the Real Property concerning the possible sale of Cameron County Trustee Property, known as Primera-Buenos Aires Subdivision No. 2, Lot No. 28, Block No. 2.**

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Property Management Coordinator was directed to sell the Cameron County Trustee Property, known as Primera-Buenos Aires Subdivision No. 2, Lot No. 28, Block No. 2, for the purchase price of \$5,000.00.

- d) **Deliberation regarding the Real Property concerning 15.775 acres adjacent to Isla Blanca Park.**

Commissioner Cascos moved that the Property Management Coordinator be directed to open the Proposals received for the 15.775 acres adjacent to Isla Blanca Park and to negotiate the long term lease, pursuant to the Request for Proposals.

The motion was seconded by Commissioner Benavides and carried unanimously.

- e) **Confer with County Counsel regarding Peace Officers and Justices of the Peace, on matters in which the duty of the Attorney of the Governmental Body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, clearly conflicts with this Chapter.**

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Status Report by County Counsel was acknowledged regarding the Peace Officers and Justices of the Peace, on matters in which the duty of the Attorney of the Governmental Body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, clearly conflicts with this Chapter.

There being no further business to come before the Court, upon motion by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, the meeting was **RECESSED** at **11:40** A.M., until April 29, 1999, at 8:30 A.M.