

THE STATE OF TEXAS

COUNTY OF CAMERON

BE IT REMEMBERED on the 18th day of MAY, 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

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:
CARLOS H. CASCOS, C.P.A.

The meeting was called to order by Judge Gilberto Hinojosa at 9:50 A.M. He then asked Pastor Daniel Blanco, Templo La Hermosa, for the invocation and 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 May 14, 1999, at 2:29 P.M., and the Supplemental Agenda posted and filed on May 14, 1999, at 4:04 P.M.:

At this time, Judge Hinojosa stated "Before we get started, I just want to make a little comment with respect to a Memorandum that I got from Commissioner Matz in an article that appeared in the paper, in the San Benito News, to clarify certain items. Commissioner Matz reported to the San Benito News and to the Commissioners that our Office had somehow intentionally left out certain items that he requested, and I just wanted to clarify that issue. He is complaining of a March 19, 1997, Agenda Item Request, which had to do with a Justice of the Peace. We did place an item on the Agenda on the JP request to whether or not to eliminate the JP Slot. We combined it with a request that was made by the Auditor's Office a week before and we expanded it. That was inclusive, that Agenda Item was inclusive of the item that Commissioner Matz had requested and we modified it to include other additional information that we wanted on it. It did not make any sense to include two separate Agenda Items that were identical. On Item No. 2, we have not figured out where that Item was, that is a May 11, 1998, or that was a July 13, 1998, item, May 11, 1998, that was requested.

Mr. Remi Garza, Executive Assistant to the County Judge, stated "Judge, we don't know the specifics of that particular item that was submitted on May 6th by Dylbia Jefferies. I don't know whether she asked us to hold it on that day on Tuesday. Apparently Commissioner Matz sent us a fax with his signature on it. It was included on the Meeting of the 19th."

Judge Hinojosa stated "It was in there and it was not held back at our request at all. And the last item is the July 13, 1998, letter, where he requested a Report on a bunch of items, along with Carlos Cascos, those items were broken down because we couldn't cover it in one meeting. I specifically talked to Carlos. Carlos told me that he talked to Commissioner Matz about breaking it down to different workshops, so that we could fully cover all the items. So his item was not left out, but broken down to different items at the concurrence with the co-requestee and his representation that he spoke to Commissioner Matz. And I just don't appreciate, Commissioner Matz, that you misrepresent these items to the press. I mean, this is a constant effort on your part of misrepresenting what goes on in this Commissioners' Court. The article seemed to sound like if somehow Precinct No. 3 is being unrepresented in this Commissioners' Court for some reason for us leaving items out of the Agenda. If it is not being represented, it is because you engage in these types of misrepresentations that are unethical and I question them. This kind of stuff causes you to lose credibility on this Commissioners' Court. And that is probably why, other than on occasional concurrence by Commissioner Cascos, you don't get many people listening to you. And I don't appreciate, also that these items are placed, I thought that the press was trying to be objective. And what did they do, they never once picked up the phone and called my Office to find out exactly what our side was, on this issue. I mean, that kind of 'yellow dog' journalism is what gives a bad

reputation to the press, particular the San Benito News. And it really upsets me, because we did nothing wrong on any of these items. And this is AB.S.@, as far as I am concerned.@

Commissioner Matz responded AJudge, I haven't seen the article in the San Benito News. I look forward to reading it. I think the Memorandum speaks for itself and it stands alone. You made representation that your Office has never not honored an Agenda Item Request and that simply isn't true.@

Judge Hinojosa replied AWell, if you look at these things we did not, not honor them.@

Commissioner Matz stated AExcuse me please. I didn't interrupt you, Judge.@

Judge Hinojosa stated AWell, you are still misrepresenting what you are saying.@

Commissioner Matz replied AI think what would really be good, if you want to make sure these things are correct in the future, we all ought to go under oath when we start these meetings. And then we can see where the chips fall.@

Judge Hinojosa stated AIf you went under oath, Commissioner Matz, you would be found in perjury every time.@

Commissioner Matz replied AI would be the first to take it, Judge, and I would look forward to seeing you, as in a few other things, where there were rather untruthful statements that you made. And these are part of the record.@

Judge Hinojosa stated AIt is clearly untruthful for you to be stating that your Agenda Items are being left out when in fact they are included in concurrence with your co-Agenda persons, the persons that requested the Agenda.@

Commissioner Matz replied AThat is not true because, and it is unfortunate that Carlos is not here to answer for himself, but he did not talk to me about that. I did not know until I got the Agenda, that it had not been included.@

Mr. Doug Wright, Commissioners= Court Legal Counsel, stated AThis item is not on the Agenda for public discussion.@

Commissioner Matz stated AI didn't bring it up.@

Mr. Wright stated AWell, I think we need to cut it off at this point. If you want to make a public comment.@

Judge Hinojosa stated AI am making a public comment. I am not engaging in a discussion. I wanted to make a public comment responding to it, because apparently the San Benito News doesn't feel it necessary to call my Office to ask for a response when these allegations are made. And I am making a public comment at this point.@

Mr. Wright stated AJudge, what I am trying to do is, there are public members out here to hear action taken by the Court and a better place would be to call either a Press Conference or etcetera, to make public comments with regards to a dispute between members of the Court. I think we need to get on with the Agenda and get to work now.@

Judge Hinojosa replied AAnd we are prepared to do that. Item No. 1, Approval of County Claims.@

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(1) **APPROVAL OF COUNTY CLAIMS**

At this time, Ms. Maria Robles, Assistant County Auditor, presented an additional late claim as to Warrant No. 13426, payable to Payroll Fund, in the amount of \$367,757.67.

Upon motion by Commissioner Benavides, seconded by Commissioner Valencia and carried unanimously, the County Claims were approved, as presented by the Assistant County Auditor, inclusive of the late claim as to Warrant No. 13426, in the amount of \$367,757.67.

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

Commissioner Matz moved that the 1999 Fiscal Year Budget Amendment No. 99-30 be approved.

The motion was seconded by Commissioner Valencia and carried unanimously.

The Budget Amendments are as follow:

(3) ACKNOWLEDGMENT OF THE PRESENTATION BY THE UNITED STATES POST OFFICE REAL ESTATE SPECIALIST CONCERNING A PROPOSED MODULAR POST OFFICE TO BE LOCATED ON CAMERON COUNTY OWNED PROPERTY IN SANTA MARIA

At this time, Mr. Doug Wright, Commissioners= Court Legal Counsel, noted that the Property Management Coordinator had determined that the property was not owned by Cameron County and added that the County contained a long term Lease of the property. He stated that the Agenda Item was not accurate and that the Court did not have the discretion or authorization as to the property.

Mr. Melvin Harris, United States Postal Service Real Estate Specialist, explained that the United States Postal Service was proposing to acquire land, in order to place a modular post office in the Santa Maria area. He stated that there were safety issues which existed at the present location and added that the modular post office would add value to the community.

Judge Hinojosa stated that the County would assist the United States Postal Service in locating property, in order to serve the rural residents of the County.

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Presentation by the United States Post Office Real Estate Specialist concerning a proposed modular post office to be located on Cameron County owned property in Santa Maria was acknowledged.



(4) ADOPTION OF A PROCLAMATION DECLARING THE WEEK OF MAY 24-30, 1999, AS HURRICANE AWARENESS WEEK® IN CAMERON COUNTY, TEXAS

Commissioner Valencia moved that the Proclamation declaring the week of May 24-30, 1999, as Hurricane Awareness Week® in Cameron County, Texas, be acknowledged.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Proclamation is as follows:

**(5) APPROVAL OF THE CONTRACT FOR THE
SOUTH TEXAS HIDTA REGIONAL DIRECTORS
OFFICE-INTELLIGENCE COORDINATOR**

Upon motion by Commissioner Valencia, seconded by Commissioner Benavides and carried unanimously, the Contract for the South Texas High Intensity Drug Trafficking Areas (HIDTA) Regional Directors Office-Intelligence Coordinator was approved.

The Contract is as follows:

(6) AUTHORIZATION TO PURCHASE MOBILE PHONE AND SERVICES FOR THE VEHICLE INVENTORY DIVISION IN THE TAX OFFICE

Commissioner Benavides moved that a mobile phone and services be purchased for the Vehicle Inventory Division in the Tax Office.

The motion was seconded by Commissioner Valencia and carried unanimously.

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(7) AUTHORIZATION TO HOLD A COUNTY-WIDE AUCTION ON JUNE 12, 1999

Commissioner Matz moved that a County-Wide Auction be conducted on June 12, 1999.

The motion was seconded by Commissioner Valencia and carried unanimously.

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(8) ACTION REGARDING THE PRESENTATION BY PRE-PAID LEGAL SERVICES, INCORPORATED

At this time, Mr. Luis Carlos Lucio, Pre-Paid Legal Casualty, Incorporated, requested that Pre-Paid Legal Casualty, Incorporated, be allowed to offer services to all County employees and briefly highlighted the functions and operations of the company.

Judge Hinojosa suggested that the proposal be reviewed by the Personnel Department and Legal Counsel and requested that a report be submitted to the Court regarding said matter.

Upon motion by Commissioner Benavides, seconded by Commissioner Valencia and carried unanimously, the Presentation by Pre-Paid Legal Services, Incorporated, was acknowledged.

The Report is as follows:

(9) **IN THE MATTER OF THE PRE-PLANNING FOR POST-HURRICANE RECOVERY OPERATIONS CONTRACT WITH THE SHINER, MOSELY AND ASSOCIATES, INCORPORATED (TABLED)**

At this time, Ms. Grace Salinas, Director of Management, stated that the Evaluation Committee had met on several occasions to review and discuss the proposed Contract, in order to locate State Funds to reimburse the cost of the Consultant Fees. She noted that the State and Local Assistance Program did not reimburse consultant fees, but added that a Proposition Contract, in the event of a Presidential Declaration, would be reimbursed at seventy-five percent (75%). Ms. Salinas reported that letters were sent out to the municipalities for joint participation of the Project and noted that only one (1) response from the City of Harlingen had been received. She stated that a Debris Management Plan, which was required to be included in the Contract, had been drafted by the County and would be submitted to the Court for review. She briefly highlighted the additional items and costs as reflected on the Re-Planning for Post-Hurricane Recovery Operation Report.

Captain Tom Rodino, Shiner, Moseley and Associates, Incorporated, highlighted the process of the proposed Contract and the additional services included in the Proposed Contract.

Mr. Doug Wright, Commissioners-Court Legal Counsel, informed the Court that the Contract had previously been presented to the Court and that the Court had authorized negotiations based on a lesser scope of services. He noted that the County did contain adequate time and staff, in order to provide said services and stated that the Contract consisted of the original proposal by Shiner, Moseley and Associates, Incorporated. Mr. Wright suggested that the Court direct the Evaluation Committee to begin the negotiations of the Contract and that the Item should be placed back on the Agenda properly authorizing the negotiations based on the current proposed Contract. He stated that certain issues concerning the Contract should be discussed in Executive Session prior to taking action on the matter and that the Court should determine the scope of services to be negotiated.

Ms. Dylbia Jefferies-Vega, County Counsel, recommended that the Item be Tabled and placed back on the Agenda as an Executive Session and Action Item, noting that the intent of the Item was to authorize the additional services included in the proposed Contract.

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

The Report is as follows:

**(10) APPROVAL OF THE CONTRACT AGREEMENT
BETWEEN THE TEXAS DEPARTMENT OF
HEALTH AND CAMERON COUNTY TO PROVIDE
MATERNAL AND CHILD HEALTH, TITLE V.A.
SERVICES**

Upon motion by Commissioner Valencia, seconded by Commissioner Benavides and carried unanimously, the Contract Agreement between the Texas Department of Health and Cameron County to provide Maternal and Child Health, Title V.A. Services was approved.

The Agreement is as follows:

(11) IN THE MATTER OF THE CONTRACT WITH DR. VICTOR M. GONZALEZ, JR., TO ACT AS THE CAMERON COUNTY HEALTH AUTHORITY (TABLED)

At this time, Ms. Yvette Salinas, Health Administrator, stated that there were certain issues to be reviewed by County Counsel and that the compensation, in the amount of \$40,000.00, was being discussed with the Auditor's Office.

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

(12) ACTION RELATIVE TO THE SEASONAL MAINTENANCE AND OPERATION OF BEACH ACCESS NO. 6 ON SOUTH PADRE ISLAND, TEXAS

At this time, Judge Hinojosa questioned the status of the issues concerning the Texas General Land Office regarding the access point and Mr. Javier Mendez, Parks System Director, responded that the concerns by the Texas General Land Office had been submitted to County Counsel for Legal review.

Mr. Remi Garza, Executive Assistant to the County Judge, expressed concern as to the cleaning of the sand off the roadway, noting that Access No. 6 had become the last access to the beach and added that a Project had been implemented to clear the roadway.

Mr. Mendez stated that a Beach Nourishment Project had been created as a joint effort between the Town of South Padre Island, the Texas Department of Transportation (TxDOT) and the Parks System to remove the sand off the roadway and on to the beaches.

Mr. Doug Wright, Commissioners-Court Legal Counsel, reported that there were issues as to the proper signage which had not been provided at certain locations.

Mr. Mendez stated that the signage was continually removed by the public, but noted that the Texas Department of Transportation (TxDOT) had replaced the signs. He added that the Texas General Land Office had requested that signage be placed displaying the free parking areas and noted that the current signage displayed only the access points.

Mr. Wright suggested that a Workshop be scheduled to discuss the concerns expressed by the Texas General Land Office and added that the Parks Systems Director would need authorization by the Court regarding additional expenses for appropriate signage.

Upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, the seasonal maintenance and operation of Beach Access No. 6 on South Padre Island, Texas, was approved.

- (13) **IN THE MATTER OF ONE FULL-TIME AND TWO (2) PART-TIME PERMANENT POSITIONS TO BE ADDED TO THE DEPARTMENT OF ELECTIONS AND VOTER REGISTRATION, EFFECTIVE JUNE 1, 1999 (TABLED)**

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

SUPPLEMENTAL AGENDA

- (1) **AUTHORIZATION FOR THE COUNTY PARKS DEPARTMENT TO REQUEST ENGINEERING AND/OR ARCHITECTURAL PROPOSALS FOR A PARKS SYSTEM MASTER PLAN AND SCHEMATIC DESIGN SERVICES FOR ONE OR MORE POTENTIAL PARK SITES**

At this time, Judge Hinojosa stated that the Texas Department of Parks and Wildlife had expressed interest in providing part of the funding for the County's proposed Parks System Master Plan and he suggested that the funding for the construction of the proposed park should be allocated from the bond money set aside, in the amount of \$500,000.

Upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, the County Parks Department was authorized to request Engineering and/or Architectural Proposals for a Parks System Master Plan and Schematic Design Service for one or more potential park sites.

CONSENT AGENDA ITEM

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

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

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

- a) Sheriff's Deputy to attend the ASpecial Investigation Topics Course Prevention of Family Violence Seminar and Civic Process Procedures Seminar® in Georgetown, Texas, on May 18-20, 1999;
- b) Elections Administrator and employee to visit with Johnson County (Kansas) and Voter Registration Software vendor in Kansas City, Kansas, and Fayetteville, Arkansas, on May 23-25, 1999;
- c) Two (2) Sheriff's Deputies to attend the ABasic Special Weapons and Tacts (S.W.A.T.) Training® in Bryan, Texas, on May 10-14, 1999;

- d) Constable Precinct No. 5 Deputy to attend the ACivil Process Seminar® in Corpus Christi, Texas, on May 16-19, 1999;
- e) Two (2) County Extension Agents to attend the ARange Management Training for District No. 12" in Aguilares, Texas, on May 6-7, 1999;
- f) Two (2) Tax Office employees to attend the ACourse 130: Property Tax Assessment and Collection® in San Benito, Texas, on May 17-20, 1999;
- g) Two (2) Tax Office employees to attend the ACourse 235: Property Tax Assessment® in Edinburg, Texas, on June 21-23, 1999;
- h) Community Development Coordinator to meet with Willacy County Judge regarding the Cameron/Willacy Counties Self-Help Center in Raymondville, Texas, on May 7, 1999;
- I) District Attorney to attend the AOffice Administration Course® in San Francisco, California, on May 16-20, 1999;
- j) Two (2) County Drug Enforcement Officers to attend the ABasic Narcotic Investigation School® in Austin, Texas, on June 6-11, 1999;
- k) Two (2) Health Department employees to attend the ADesignated Representative Certification Course® sponsored by TEEEX in Weslaco, Texas, on June 15-18, 1999;
- l) County Extension Agent to attend the ADiabetes Volunteer Training at the District 12 Office® in Weslaco, Texas, on May 3, 1999;
- m) County Extension Agent to attend the ASan Antonio Livestock Exposition-Leadership Extension Class IV® in College Station, Texas, on May 3, 1999;
- n) Health Department employee to attend the ATroubleshooting, Maintaining and Upgrading PC's Workshop® in Harlingen, Texas, on June 14-15, 1999; and
- o) Three (3) Health Department employees to attend the ARegular Quarterly Indigent Health Care Program Meeting® in McAllen, Texas, on June 2-3, 1999.

(15) PRELIMINARY APPROVAL

a) Precinct No. 3

Hilda Perez Subdivision - being 10.0 acres out of Block No. 13, Citrus Garden Subdivision, Section 6, Share 27, Espiritu Santo Grant.

(16) EXECUTIVE SESSION

Upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, the Court met in Executive Session at 10:40 A.M. to discuss the following matters:

- a) Deliberation regarding the Real Property concerning possible land acquisition for 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 possible authorization to enter into a long term Concession Agreement with NB Development, doing business as Schlitterbahn Waterpark at South Padre Island; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072; and
- c) Deliberation regarding the Real Property concerning United States Post Office Proposal to lease county property in Santa Maria; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072.

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Court reconvened in Regular Session at 11:05 A.M.



(17) ACTION RELATIVE TO EXECUTIVE SESSION

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

Upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, the Status Report by the Property Management Coordinator was acknowledged regarding the possible land acquisition for a potential park site and the County Engineer was directed to begin the process of identifying the titles of the potential areas.

- b) **Deliberation regarding the Real Property concerning possible authorization to enter into a long term Concession Agreement with NB Development, doing business as Schlitterbahn Waterpark at South Padre Island.**

Commissioner Benavides moved that the County Judge be authorized to sign the legal documents, concerning the long term Concession Agreement with NB Development, doing business as Schlitterbahn Waterpark at South Padre Island, subject to Legal review.

The motion was seconded by Commissioner Valencia and carried unanimously.

- c) **Deliberation regarding the Real Property concerning United States Post Office proposal to lease County property in Santa Maria.**

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Property Management Coordinator was directed to contact the Catholic Church Diocese of Brownsville to negotiate the Lease Agreement concerning the United States Post Office proposal to lease the property in Santa Maria.



There being no further business to come before the Court, upon motion by Commissioner Valencia, seconded by Commissioner Benavides and carried unanimously, the meeting was **ADJOURNED**.

APPROVED this 1st day of **June, 1999**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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