

THE STATE OF TEXAS

COUNTY OF CAMERON

BE IT REMEMBERED on the 3rd day of AUGUST, 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 9:40 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 July 30, 1999, at 10:12 A.M.:

(1) APPROVAL OF COUNTY CLAIMS

At this time, Commissioner Cascos requested that the County Auditor should present the Fiscal Year 1999-2000 Budget for the General Fund based on the previous year's Budget, utilizing the same tax rate and assuming a zero tax increase, in order to determine any shortfalls and tax increases for the next Fiscal Year.

Mr. Mark Yates, County Auditor, highlighted the expected revenues from the International Bridges and the possible salary increases for Law Enforcement personnel.

Upon motion by Commissioner Matz, seconded by Commissioner Valencia 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, Mr. Mark Yates, County Auditor, briefly highlighted the new system in the Auditor's Office which would improve the internal control of check distributions and added that the new system would eliminate early release of warrants.

There were some concerns expressed as to emergency situations which would require early release of warrants and the County Treasurer stated that said situations would be allocated from the Imprest Fund Account.

Commissioner Cascos expressed concern as to whether Direct Deposit of employee payroll checks would be addressed and added that Direct Deposit would alleviate the issue of early payroll check releases.

Mr. Yates stated that Direct Deposit for payroll checks would be addressed and added that the changes would be implemented on a gradual basis.

Commissioner Cascos moved that the 1999 Fiscal Year Budget Amendment No. 99-38, and be approved.

The motion was seconded by Commissioner Matz and carried unanimously.

The Budget Amendments are as follow:

**(3) ACKNOWLEDGMENT OF DISTRICT CLERK-S
APRIL, MAY AND JUNE MONTHLY FEE AND
FINES REPORTS**

Upon motion by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, the District Clerk-s April, May and June Monthly Fee and Fines Reports were acknowledged.

The Reports are as follow:

(5) APPROVAL OF THE RENEWAL LEASE BETWEEN CAMERON COUNTY AND BOCA CHICA TOWER FOR THE CAMERON COUNTY DRUG ENFORCEMENT TASK FORCE OFFICES FROM JUNE 1, 1999, THROUGH MAY 31, 2000

Upon motion by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, the Lease between Cameron County and Boca Chica Tower for the Cameron County Drug Enforcement Task Force Offices was renewed from June 1, 1999, through May 31, 2000.

The Agreement is as follows:

(4) **PRESENTATION BY THE INFORMATION SERVICE OFFICER ON THE AS/400 UPGRADE PLANS AND ON THE REQUEST FOR INFORMATION OF SOFTWARE DEVELOPMENT TOOL**

At this time, Mr. Rudy Juarez, Chief Information Officer, briefly highlighted the need and options available to upgrade the AS/400 Operating System and the Software Development Tool concerning the Judicial Project.

Commissioner Cascos moved that Presentation by the Information Service Officer on the AS/400 Upgrade plans and the Request for Information (RFI) of the Software Development Tool be acknowledged.

The motion was seconded by Commissioner Matz and carried unanimously.

The Report is s follows:

(6) AUTHORIZATION TO REFUND TAXES

Commissioner Cascos moved that the following taxes be refunded:

- a) Circuit City Stores, Incorporated, No. 00-0100-0047-0005-95, in the amount of \$2,573.72, as per agreed judgement;
- b) Circuit City Stores, Incorporated, No. 00-0100-0047-0005-95, in the amount of \$7,231.88, as per agreed judgement; and
- c) Circuit City Stores, Incorporated, No. 00-0100-0047-0005-95, in the amount of \$4,362.69, as per agreed judgement.

The motion was seconded by Commissioner Matz and carried unanimously.

(7) AUTHORIZATION TO PURCHASE TWO (2) FIFTEEN (15) PASSENGER VANS FROM THE HOUSTON/GALVESTON AREA COUNCIL OF GOVERNMENT INTER-LOCAL PURCHASE AGREEMENT FOR THE RESTITUTION CENTER

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the purchase of two (2) fifteen (15) passenger vans from the Houston/Galveston Area Council of Government Inter-Local Purchase Agreement for the Restitution Center was approved.

(8) APPROVAL TO PURCHASE SIX (6) HEMOCUE HEMOGLOBIN PHOTOMETERS AND CUVETTES FROM HARTMANN MEDICAL AND DESIGNATION OF HARTMANN MEDICAL AS A SOLE SOURCE SUPPLIER

Commissioner Cascos moved that six (6) Hemocue Hemoglobin Photometers and Cuvettes be purchased from Hartmann Medical and that Hartmann Medical be designated as the sole source supplier.

The motion was seconded by Commissioner Benavides and carried unanimously.

(9) APPROVAL OF THE CONTRACT BETWEEN CAMERON COUNTY HEALTH DEPARTMENT WIC PROGRAM AND INFANT NUTRITION PROGRAM TO PROVIDE BREAST-FEEDING SUPPORT SERVICES

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the Contract between Cameron County Health Department WIC Program and Infant Nutrition Program to provide Breast-Feeding Support Services was approved.

The Contract is as follows:

(10) **AUTHORIZATION TO PURCHASE A CARGO VAN FROM HOUSTON GALVESTON AREA COUNCIL OF GOVERNMENT INTER-LOCAL PURCHASE AGREEMENT FOR THE WIC PROGRAM**

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the purchase of a cargo van from the Houston/Galveston Area Council of Government Inter-Local Purchase Agreement for the WIC Program was approved.

(11) **AUTHORIZATION FOR THE PROGRAM DEVELOPMENT AND MANAGEMENT DEPARTMENT TO APPLY FOR A LOCAL ENFORCEMENT BLOCK GRANT FROM THE BUREAU OF JUSTICE ASSISTANCE AND SELECTION OF A DISPARATE ALLOCATION APPLICATION OPTION**

Commissioner Valencia moved that the Program Development and Management Department be authorized to apply for a Local Enforcement Block Grant from the Bureau of Justice Assistance and that the County Judge's Office be directed to negotiate for Option No. 2 with the Cities of Brownsville and Harlingen.

The motion was seconded by Commissioner Cascos and carried unanimously.

(28) **EXECUTIVE SESSION**

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the Court met in Executive Session at 10:23 A.M. to discuss the following matters:

- a) Confer with County Counsel concerning the possible litigation involving Schlitterbahn Water Park at South Padre Island and on matters relating to the water park in which the duty of the Attorney to the governmental body under the Texas Disciplinary Rules of the State Bar of Texas, conflicts with the Open Meetings Act; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (2);
- b) Deliberation regarding the Real Property concerning five (5) acres of land, more or less and being the Southeast five (5) acres of Block No. 71, McLeod-Hood Subdivision, No. 1, Cameron County, Texas; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- c) Deliberation regarding the Real Property concerning the Brownsville-West Brownsville Addition, Lot No. 3, Block No. 35; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- d) In the matter of the possible Concession at Andy Bowie Park; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072; **(TABLED)** and
- e) Confer with County Counsel regarding the possible litigation pertaining to default of Concession Agreement by S.R. Marine, Incorporated; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(A).

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the Court reconvened in Regular Session at 10:50 A.M.

(29) ACTION RELATIVE TO EXECUTIVE SESSION

- a) **Confer with County Counsel concerning the possible litigation involving Schlitterbahn Water Park at South Padre Island and on matters relating to the water park in which the duty of the Attorney to the governmental body under the Texas Disciplinary Rules of the State Bar of Texas, conflicts with the Open Meetings Act.**

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the Status Report by County Counsel was acknowledged regarding the possible litigation involving Schlitterbahn Water Park at South Padre Island and on matters relating to the water park, in which the duty of the Attorney to the governmental body under the Texas Disciplinary Rules of the State Bar of Texas, conflicts with the Open Meetings Act.

- b) **Deliberation regarding the Real Property concerning five (5) acres of land, more or less and being the Southeast five (5) acres of Block No. 71, McLeod-Hood Subdivision, No. 1, Cameron County, Texas.**

Commissioner Matz moved that the donation of five (5) acres of land, more or less being the Southeast five (5) acres of Block No. 71, McLeod-Hood Subdivision, No. 1, Cameron County, Texas, be accepted, provided that no encumbrances or liens exist.

The motion was seconded by Commissioner Valencia and carried unanimously.

- c) **Deliberation regarding the Real Property concerning Brownsville-West Brownsville Addition, Lot No. 3, Block No. 35.**

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the payment of the Real Property concerning the Brownsville-West Brownsville Addition, Lot No. 3, Block No. 35, was approved.

- d) **In the matter of the Real Property concerning the possible Concession at Andy Bowie Park. (TABLED)**

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

- e) **Confer with County Counsel regarding the possible litigation pertaining to default of Concession Agreement by S.R. Marine, Incorporated.**

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the Status Report by County Counsel was acknowledged and County Counsel was directed to negotiate the possible hiring of outside counsel, to be funded through the Parks System, for the possible litigation pertaining to default of Concession Agreement by S.R. Marine, Incorporated.

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(12) AUTHORIZATION TO ADVERTISE FOR BIDS FOR INFRASTRUCTURE IMPROVEMENTS IN SUPPORT OF THE LAGUNA MADRE AFFORDABLE HOUSING INITIATIVE (TCDP CONTRACT NO. 718118)

Upon motion by Commissioner Benavides, seconded by Commissioner Matz and carried unanimously, the advertisement of Bids for infrastructure improvements in support of the Laguna Madre Affordable Housing Initiative was approved, that being the Texas Community Development Program Contract No. 718118.

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(13) AUTHORIZATION TO EXTEND THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS COLONIA SELF-HELP CENTER CONTRACT TO AUGUST 31, 1999 (TDHCA CONTRACT NO. 716003)

Commissioner Matz moved that the Texas Department of Housing and Community Affairs Colonia Self-Help Center Contract be extended to August 31, 1999, that being the Texas Department of Housing and Community Affairs Contract No. 716003.

The motion was seconded by Commissioner Valencia and carried unanimously.

The Contract is as follows:

(14) AUTHORIZATION TO TRANSFER 12.48 ACRES OF THE VILLARREAL TRACT TO THE CITY OF BROWNSVILLE FOR THE WEST RETENTION BASIN

Commissioner Benavides moved that 12.48 acres of the Villarreal Tract be transferred to the City of Brownsville for the West Retention Basin.

The motion was seconded by Commissioner Valencia and carried unanimously.

(15) AUTHORIZATION TO PARTICIPATE IN THE TEXAS COOPERATIVE PURCHASING NETWORK (TCPN) REGION IV EDUCATION SERVICE CENTER INTER-LOCAL PURCHASING AGREEMENT

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the participation in the Texas Cooperative Purchasing Network (TCPN) Region IV Education Service Center Inter-Local Purchasing Agreement was approved.

(16) POSSIBLE ACTION REGARDING CHANGE IN STATE STATUTE ON DISPOSAL OF SURPLUS COUNTY PROPERTY, WHICH NOW ALLOWS THE COUNTY TO SELL SURPLUS OR SALVAGE PROPERTY TO OTHER COUNTIES OR POLITICAL SUBDIVISIONS IN CAMERON COUNTY

At this time, Mr. Mark Yates, County Auditor, reported that the State had passed legislation whereas, the County could sell surplus County Property to other Counties or political subdivisions without going through the auction process and added that the County would need to determine whether each property would be reviewed on a case by case basis.

Upon motion by Commissioner Valencia, seconded by Commissioner Cascos and carried unanimously, the change in State Statute on disposal of surplus County property, which now allows the County to sell surplus or salvage property to other Counties or Political Subdivisions in Cameron County, was acknowledged, noting that each property would be reviewed by the Court on a case by case basis.

(17) APPROVAL OF CHANGE TO CAMERON COUNTY PURCHASING MANUAL INCREASING MINIMUM BIDDING REQUIREMENTS FROM \$15,000 TO \$25,000, EFFECTIVE SEPTEMBER 1, 1999, PURSUANT TO CHANGE IN STATE STATUTE

At this time, Commissioner Cascos expressed his opposition to the change in State Statute and explained that the State had increased the bidding requirement threshold to \$25,000.00, noting that the County still maintained the discretion to accept the change on a case by case basis. He suggested that purchases between the amounts of \$15,000.00 through \$25,000.00, be presented to the Court, in order to determine the matter on a case by case basis.

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the change to the Cameron County Purchasing Manual increasing the minimum bidding requirements from \$15,000.00 to \$25,000.00, effective September 1, 1999, pursuant to change in State Statute was approved, noting that purchases between \$15,000.00 and \$25,000.00 be presented and determined by the Court.



(18) ACCEPTANCE OF STATE CRIMINAL ALIEN ASSISTANCE PROGRAM FUNDS FROM THE BUREAU OF JUSTICE ASSISTANCE FOR FISCAL YEAR 1999

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the State Criminal Alien Assistance Program Funds were accepted from the Bureau of Justice Assistance for Fiscal Year 1999.



(19) ADOPTION OF A RESOLUTION AMENDING THE AWARD FOR THE CORRECTED AMOUNT OF CJD FUNDS AND CASH MATCH

Commissioner Valencia moved that the Resolution amending the award for the corrected amount of CJD Funds and cash match be adopted.

The motion was seconded by Commissioner Matz and carried unanimously.



(20) POSSIBLE ACTION DESIGNATING TAXI PARKING SPACES FOR THE CAMERON COUNTY COURTHOUSE COMPLEX AND THE FEDERAL JUDICIAL BUILDING

At this time, Commissioner Benavides explained that Taxi Companies had expressed interest in providing services and designating parking spaces at the Federal and County Courthouses. He suggested that two (2) parking spaces be designated at each Courthouse.

There was some discussion as to the determination of Taxi Companies being allowed to provide the services and as to the fees to be charged by the County.

Judge Hinojosa suggested that two (2) parking spaces be designated at each Courthouse and that the County Auditor, the Bridge Systems Director and the Executive Assistant to the County Judge implement a Parking Lot Management Plan, in order to determine the rate to be charged for the spaces and the selection of the Taxi Companies.

Commissioner Benavides moved that two (2) Taxi Parking Spaces be designated for the Cameron County Courthouse Complex and the Federal Judicial Building and that the Parking Lot Management Plan be implemented, in order to determine the rate and selection of Taxi Companies.

The motion was seconded by Commissioner Valencia and carried unanimously.

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:

At this time, Commissioner Cascos expressed concern as to Item No. 21 Ab regarding Constable Precinct No. 2 and the use of the County vehicle.

Mr. Mark Yates, County Auditor, explained that Constable Precinct No. 2 had requested to have a family member travel with him to the conference and added that the Policy prohibited family members from traveling in County vehicles.

Judge Hinojosa clarified that if a personal vehicle was utilized, the gas would be reimbursed based on the State Mileage Guide and added that if a County vehicle was used, family members would not be allowed to travel with the County employee.

There was some discussion as to private individuals riding along with County Commissioners and Officials in County vehicles and Mr. Yates clarified that private individuals were allowed to ride with County Officials if the purpose was business related.

Upon motion by Commissioner Benavides, seconded by Commissioner Valencia and carried unanimously, the Consent 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) Program Development and Management Staff to attend a Bureau of Justice Assistance Disparate Allocation Training Session in Corpus Christi, Texas, on August 19, 1999;
- b) Constable Precinct No. 2 to attend the Supervise/Manage Training for Department Seminar in San Antonio, Texas, on August 8-10, 1999;
- c) Sheriff's Deputy to attend the Introduction to Practical Crime Scene Techniques in San Antonio, Texas, on May 23, 1999;
- d) Health Department employee to attend a WIC 25th Anniversary State Meeting in Austin, Texas, on August 10-11, 1999;
- e) Health Department employee to attend the Texas Association of Local Health Officials Meeting in Austin, Texas, on August 11-13, 1999;
- f) Health Department employee to attend the 11th Annual Texas Nurse Practitioners Conference in San Antonio, Texas, on August 26-29, 1999;
- g) JJAEP Administrator to attend the Region One Education Center Legislative Update in Pharr, Texas, on July 28, 1999;
- h) Two (2) Juvenile Probation Officers to attend a Weed and Seed National Conference in Houston, Texas, on August 1-4, 1999;
- I) Juvenile Assistant Program Specialist to visit Residential Placement Facility for mandatory monitoring purposes in New Waverly, Texas, on August 13-14, 1999;
- j) County Extension Agent to attend the District 12 4-H FCS Clothing and Textiles and Foods and Nutrition Project Day Camp in Kingsville, Texas, on July 26, 1999;
- k) Five (5) County Extension Agents to attend the Mid-Year Review Conference in Weslaco, Texas, on July 22, 1999; and
- l) Sheriff's Investigator to attend the 1999 Crimes Against Children Conference in Dallas, Texas, on August 1-6, 1999.

(22) AWARD ANNUAL BID NO. 2020 FOR COMPUTER SUPPLIES

OFFICE DEPOT - Harlingen, Texas
Total - \$6,328.10 Miscellaneous Catalog 29% Discount

(23) OPEN BIDS FOR THE DANCY BUILDING EXTERIOR RESTORATION

(1) **ADVERTISE ANNUAL BIDS FOR FISCAL YEAR 1999-2000 FOR THE FOLLOWING ATTACHMENT**

The Attachment is as follows:

25) **PRELIMINARY AND FINAL APPROVAL**

a) **Precinct No. 4**

La Iglesia Vieja Subdivision Section 3 - being a tract of land containing 12.00 acres, out of Block No. 23 of Rancho De Santa Maria Subdivision.

(26) **PRELIMINARY APPROVAL**

a) **Precinct No. 4**

Villagomez Subdivision - being a resubdivision of all of Lot No. 4 (3.4845 acres), Bixby Road Ranchette Subdivision, according to the Map or Plat thereof recorded in Cabinet No. 1.

(27) **FINAL APPROVAL**

a) **Precinct No. 3**

La Brecha Subdivision Phase No. 3 - being a subdivision of 31.41 acres out of Partition Share No. 22, Espiritu Santo Grant.

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At this time, Mr. Francisco Sifuentes, Brownsville resident, expressed concerns regarding Fire Systems for facilities being constructed in the rural areas and suggested that the County should review the matter of implementing the systems.

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here 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 **11:30 P.M.**

APPROVED this **10th** day of **August, 1999**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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