

THE STATE OF TEXAS

COUNTY OF CAMERON

BE IT REMEMBERED on the 10th 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:

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The meeting was called to order by Judge Gilberto Hinojosa at 9:30 A.M. He then asked Mr. Daniel Blanco, 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 August 6, 1999, at 11:43 A.M.:

**(4) ADOPTION OF A RESOLUTION DEDICATING  
THE NEW ADULT PROBATION OFFICE  
BUILDING, 854 E. HARRISON STREET,  
BROWNSVILLE, TEXAS, IN HONOR OF MR.  
CARLOS HECTOR TAPIA**

Judge Hinojosa moved that the Resolution dedicating the new Adult Probation Office Building, 854 E. Harrison Street in Brownsville, Texas, in honor of the late Mr. Carlos Hector Tapia, for his many years of service to Cameron County as a Law Enforcement Officer, Chief Probation Officer, and Chief Deputy Sheriff, be adopted.

The motion was seconded by Commissioner Benavides and carried unanimously.

**The Resolution is as follows:**

**(5) ADOPTION OF A RESOLUTION HONORING MR. DAVID D. PEÑA, BLACK BELT GOLD MEDALIST, AT THE 19<sup>TH</sup> UNITED STATES JUNIOR OLYMPIC TAEKWONDO CHAMPIONSHIP TOURNAMENT**

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the Resolution honoring Mr. David D. Peña, Black Belt Gold Medalist at the 19<sup>th</sup> United States Junior Olympic Taekwondo Championship Tournament, was adopted.

**The Resolution is as follows:**

**(6) ADOPTION OF A RESOLUTION HONORING MR. JUSTIN RUMBO AND MR. NICK TRESNICKY FOR THEIR RECENT ACTS OF HEROISM AND RESCUE**

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Resolution honoring Mr. Justin Rumbo, Harlingen, Texas, and Mr. Nick Tresnicky, Harlingen, Texas, for their recent acts of heroism and rescue was adopted.

**The Resolution is as follows:**

(7) **ADOPTION OF A RESOLUTION SUPPORTING  
PREPARATION OF THE STATEWIDE  
TRANSPORTATION ENHANCEMENT PROGRAM  
APPLICATION FOR HIKE AND BIKE TRAILS AND  
PUBLIC SPACE DEDICATED BY THE PROPOSED  
PASEO DE LA RESACA PROJECT**

Commissioner Cascos moved that the Resolution supporting the preparation of the Statewide Transportation Enhancement Program Application, for hike and bike trails and public space dedicated by the proposed Paseo de la Resaca Project, be adopted.

The motion was seconded by Commissioner Matz and carried unanimously.

**The Resolution is as follows:**

**(8) ADOPTION OF A RESOLUTION HONORING MR. MARTIN PEÑA, JR. ON HIS RETIREMENT AS SUPERINTENDENT FROM THE POINT ISABEL INDEPENDENT SCHOOL DISTRICT**

Commissioner Cascos moved that the Resolution honoring Mr. Martin Peña, Jr. on the occasion of his retirement as Superintendent from the Point Isabel Independent School District be adopted.

The motion was seconded by Commissioner Benavides and carried unanimously.

**The Resolution is as follows:**

**(9) AUTHORIZATION TO ADVERTISE FOR PROPOSALS ON SEVENTY (70) BULLET PROOF VESTS WITH THE FEDERAL GOVERNMENT FUNDING 50%**

Commissioner Cascos moved that the advertisement for proposals on seventy (70) bullet proof vests with the Federal Government funding 50% be adopted.

The motion was seconded by Commissioner Valencia and carried unanimously.



**(10) IN THE MATTER OF A PROFESSIONAL SERVICE AGREEMENT WITH CARTER & BURGESS TO PREPARE AN INVENTORY/MARKET ANALYSIS AND PARKS, RECREATION AND OPEN SPACE MASTER PLAN (TABLED)**

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



**(1) APPROVAL OF COUNTY CLAIMS**

At this time, Commissioner Cascos requested a list of all the planned remodeling projects throughout the County Buildings from the Building Maintenance Director.

Upon motion by Commissioner Valencia, seconded by Commissioner Benavides 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**

Mr. Mark Yates, County Auditor, presented a brief summary of the Fiscal Year 2000 Budget and a discussion followed concerning anticipated revenues, should the County maintain the same tax rate as last year.

At this time, Judge Hinojosa questioned what impact a ten-cent increase to the tolls collection at Gateway Bridge would have on the budget, and Mr. Yates responded that the revenue would increase by \$260,000 a month from the tolls. Judge Hinojosa added that if the County faced a situation in which it needed to increase the toll at the Bridges in order to give salary increases to employees, that there should be no problem.

Mr. Yates requested direction from the Court on the tax rates and anticipated revenues.

Commissioner Cascos suggested that the County Auditor prepare a Budget representing the existing tax rate and another with a ten-cent increase on the tolls.

Commissioner Cascos moved that the 1999 Fiscal Year Budget Amendment No. 99-39, and the Salary Schedules be approved.

The motion was seconded by Commissioner Matz and carried unanimously.

**The Budget Amendments and/or Salary Schedules are as follow:**



**(3) APPROVAL OF MINUTES OF JULY 27, 1999, AND  
AUGUST 3, 1999**

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Minutes of the Meetings held July 27, 1999, at 9:30 A.M., and August 3, 1999, at 9:30 A.M., were approved.

**(11) APPROVAL OF AGREEMENT BETWEEN THE  
UNIVERSITY OF TEXAS AT BROWNSVILLE AND  
CAMERON COUNTY HEALTH DEPARTMENT TO  
HAVE NURSING STUDENTS UTILIZE CAMERON  
COUNTY FACILITIES FOR CLINICAL  
EXPERIENCE**

Commissioner Cascos moved that an Agreement between the University of Texas at Brownsville and Cameron County Health Department in order to have nursing students utilize Cameron County Facilities for clinical experience, be approved.

The motion was seconded by Commissioner Matz and carried unanimously.

**The Agreement is as follows:**

**(12) APPROVAL OF CONTRACT BETWEEN CAMERON COUNTY HEALTH DEPARTMENT WOMEN, INFANTS & CHILDREN (WIC) PROGRAM AND OUR HEAVENLY FATHER CHURCH LOCATED IN OLMITO TO RENT SPACE FOR WIC PROGRAM SERVICES**

Upon motion by Commissioner Cascos seconded by Commissioner Benavides and carried unanimously, the Contract between Cameron County Health Department Women, Infants, & Children (WIC) Program and Our Heavenly Father Church, located in Olmito, for rented space for the WIC Program services, was approved.

**The Contract is as follows:**

- (13) **APPROVAL OF CONTRACT BETWEEN CAMERON COUNTY AND TEXAS DEPARTMENT OF HEALTH TO PROVIDE GRANT FUNDING FOR TUBERCULOSIS PREVENTION AND CONTROL PROGRAM**
- (14) **APPROVAL OF CONTRACT BETWEEN CAMERON COUNTY AND TEXAS DEPARTMENT OF HEALTH TO PROVIDE GRANT FUNDING FOR MATERNAL AND CHILD HEALTH SERVICES**
- (15) **APPROVAL OF CONTRACT BETWEEN CAMERON COUNTY AND TEXAS DEPARTMENT OF HEALTH TO PROVIDE GRANT FUNDING FOR THREE (3) STATE FUNDED POSITIONS, ESSENTIAL HEALTH SERVICES, AND POPULATION BASED SERVICES GRANTS**

Commissioner Valencia moved that the Contracts with Texas Department of Health, to provide grant funding for, Tuberculosis Prevention and Control Program, Maternal and Child Health Services, and Three (3) State Funded positions, essential Health Services, and Population Based Services, be approved.

The motion was seconded by Commissioner Matz and carried unanimously.

**The Contracts are as follows:**

**(16) APPROVAL OF A MUTUAL AGREEMENT  
BETWEEN THE CITY OF HARLINGEN AND  
CAMERON COUNTY TO ENFORCE THE ON-SITE  
SEWERAGE FACILITIES AND REGULATIONS**

Commissioner Matz moved that the Agreement between the City of Harlingen and Cameron County to Enforce the On-Site Sewerage Facilities and Regulations be approved.

The motion was seconded by Commissioner Valencia and carried unanimously.

**The Agreement is as follows:**

**(17) AUTHORIZATION TO GRANT AN ELECTRICAL EASEMENT TO CENTRAL POWER & LIGHT COMPANY (CPL) FOR THE FATHER JOSEPH O-BRIAN HEALTH CLINIC**

Upon motion by Commissioner Valencia, seconded by Commissioner Benavides and carried unanimously, an electrical easement to Central Power & Light Company (CPL) for the Father Joseph O-Brian Health Clinic was approved.

**(18) ACCEPTANCE OF LA BRECHA DRIVE, PRECINCT NO. 3, LOCATED IN LA BRECHA SUBDIVISION, PHASE I, INTO THE COUNTY ROAD SYSTEM**

Upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, La Brecha Drive, Precinct No. 3, located in La Brecha Subdivision Phase I, was accepted into the County Road System.

**(19) ADOPTION OF A RESOLUTION TO RELOCATE OFF SYSTEM BRIDGE AT COUNTY ROAD 725 AND RESACA DE LOS FRESNOS TO TURNER ROAD AND RESACA DE LOS FRESNOS**

Commissioner Benavides moved that the Resolution to relocate Off System Bridge at County Road 725 and Resaca de Los Fresnos to Turner Road and Resaca de Los Fresnos be adopted.

The motion was seconded by Commissioner Valencia and carried unanimously.

**The Resolution is as follows:**

(20) **APPROVAL OF AN INTER-LOCAL AGREEMENT BETWEEN CAMERON COUNTY AND THE RIO HONDO INDEPENDENT SCHOOL DISTRICT**

Commissioner Valencia moved that the Inter-local Agreement between Cameron County and the Rio Hondo Independent School District be approved, subject to verification of payment.

The motion was seconded by Commissioner Cascos and carried unanimously.

(21) **APPROVAL OF AN ADDENDUM TO EXISTING CAMERON COUNTY CONTRACT WITH ROBERTO RUIZ ARCHITECT, INC, DATED FEBRUARY 11, 1997, FOR THE INTERIOR RESTORATION OF THE DANCY BUILDING**

Mr. Frank Bejarano, Project, Development & Management Director, explained that the Addendum being made to the existing contract with Roberto Ruiz Architect Inc, was for 7% of what was originally agreed for the work being done on the exterior of the building. He noted that the fee for the work was established before the scope of work was approved.

Commissioner Cascos stated that he did not approve of open ended contracts, and County Counsel explained the work needed to be done and that Roberto Ruiz Architect, Inc. was willing to negotiate.

Mr. Bejarano stated that approval of a contract was needed in order to apply for a grant from the Texas Historical Commission. He added that plans and specifications were needed, and could only be obtained from the contract.

Upon motion by Commissioner Valencia seconded by Commissioner Cascos and carried unanimously, an Addendum to the existing Cameron County Contract with Roberto Ruiz Architect, Inc. dated February 11, 1997, for the Interior Restoration of the Dancy Building was approved.

(22) **APPROVAL OF COOPERATIVE AGREEMENT FOR COLLEGE WORKSTUDY PROGRAM WITH UNIVERSITY OF TEXAS AT BROWNSVILLE AND TEXAS SOUTHMOST COLLEGE AND CAMERON COUNTY FOR FISCAL YEAR 2000**

Commissioner Matz moved that the Agreement for College Workstudy Program with the University of Texas at Brownsville and Texas Southmost College and Cameron County for Fiscal Year 2000 be approved.

The motion was seconded by Commissioner Valencia and carried unanimously.

**(23) AUTHORIZATION TO SUBMIT TO THE TEXAS DEPARTMENT OF PUBLIC SAFETY (TDPS) DIVISION OF EMERGENCY MANAGEMENT, AN APPLICATION FOR FUNDING FROM THE STATE LOCAL ASSISTANCE PROGRAM FUNDS**

Upon motion by Commissioner Matz seconded by Commissioner Valencia and carried unanimously, the Application to the Texas Department of Public Safety (TDPS) Division of Emergency Management was authorized for funding from the State Local Assistance Program.

**(24) AUTHORIZATION TO ADVERTISE REQUEST FOR QUALIFICATIONS (RFQ-S) ON POST HURRICANE/DISASTER RECOVER PRE-POSITIONED CONTRACTS FOR DAMAGE ASSESSMENT AND TO ADVERTISE**

Commissioner Matz moved that the advertisement for Request for Qualifications (RFQ-s) on Post Hurricane/disaster Recover Pre-positioned Contracts for damage assessment was approved.

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

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

- a) Assistant Administrator, Program, Development and Management (PD&M) Director, County Auditor, Chief Civil Division, and Dancy Building Project Architect, to meet with Texas Historic Commission Officials in Austin, Texas, on August 19, 1999;
- b) International Bridge System Director, to tour the Industrial Parks in Reynosa, Tamps., Mexico, on August 2, 1999;
- c) County Extension Agent, to attend the American Association of Diabetes Educators Meeting in Orlando Florida, on August 18, 1999;
- d) County Extension Agent, to attend the Child Care Providers Conference in Roma, Texas on August 7, 1999;
- e) District Clerk and three (3) Deputies, to review the Apollo Child Support Software and the Jury Systems software in Aransas County and Fort Bend County, on August 4-5, 1999;

- f) County Extension Agent, to travel to College Station, Texas, on August 8-11, 1999, to attend the Beef Cattle Short Course and Cattlemens College Station;
- g) Project Development & Management (PD&M) Employee, to attend the LRGVDC Professional Advisory Review Panel Meeting in Weslaco, Texas, on August 11, 1999;
- h) Emergency Management Coordinator, to meet with the Area Emergency Management Coordinator in Weslaco, Texas, on August 19, 1999;
- i) Project Development & Management (PD&M) Director, to attend the Texas Historical Commission Courthouse Preservation Workshop in Austin, Texas on August 13, 1999; and
- j) Project Development & Management (PD&M) Employee to attend the LRLGVDC Solid Waste Advisory Committee Meeting in Weslaco, Texas on August 11, 1999.

**(26) EXECUTIVE SESSION**

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Court met in Executive Session at 11:10A.M. to discuss the following matters:

- a) Confer with Commissioners= Court Legal Counsel concerning possible litigation involving Schilletterbahn Water Park at South Padre Island and confer 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(1)(A) and Section 551.071(2);
- b) Confer with Commissioners= Court Legal 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; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.071(1)(A&B);
- c) Confer with Commissioners= Court Legal Counsel on the case styled Edward Alcala, vs. Alex Perez, Case No. B-96-203, U.S.D.C.-Southern District Brownsville Division, to discuss settlement, pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551-071(1)(A&B);
- d) Deliberation regarding the Real Property: concerning possible concession at Andy Bowie Park; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.072;
- e) Deliberation regarding the Real Property: concerning Old NFL Furniture/Ed/OGDEE Building, 174 North Sam Houston Street, San Benito, Texas; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072, and
- f) Discussion on and deliberation on the duties of the Civil Legal Division for the Commissioners= Court; pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551-074(1).

Upon motion by Commissioner Valencia, seconded by Commissioner Benavides and carried unanimously, the Court reconvened in Regular Session at 12:10 P.M.



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

- a) **Confer with Commissioners= Court Legal Counsel concerning possible litigation involving Schilitterbahn Water Park at South Padre Island and confer 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 Matz seconded by Commissioner Valencia and carried unanimously, the Status Report by County Counsel regarding litigation involving Schilitterbahn Water Park at South Padre Island and the conference 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 Meeting Act, was acknowledged.

- b) **Confer with Commissioners= Court Legal 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.**

Commissioner Matz moved that County Counsel be directed to negotiate the settlement on the case styled Jose R. Castillo vs. Cameron County, Cause No. B93-260, United States District Court, Brownsville Division.

The motion was seconded by Commissioner Valencia and carried unanimously.

- c) **Confer with Commissioners= Court Legal Counsel on the case styled Edward Alcala vs. Alex Perez, ET AL, Case No. B-96-203, U.S.D.C.-Southern District Brownsville Division, to discuss settlement.**

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Status Report by County Counsel was acknowledged regarding the case styled Edward Alcala, vs. Alex Perez, Case No. B-96-203, U.S.D.C.-Southern District Brownsville Division.

- d) **Deliberation regarding the Real Property concerning possible concession at Andy Bowie Park.**

Commissioner Matz moved that the Status Report by the Parks System Director be acknowledged, regarding the concession at Andie Bowie Park, subject to the change in the addendum.

The motion was seconded by Commissioner Valencia and carried unanimously.

- e) **Deliberation regarding the Old NFL Furniture/Ed/OGDEE Building, 174 North Sam Houston Street, San Benito, Texas.**

Commissioner Benavides moved that the offer to purchase the Old NFL Furniture/Ed/OGDEE Building, 174 North Sam Houston Street, San Benito, Texas not be accepted.

The motion was seconded by Commissioner Valencia and carried unanimously.

- f) **Discussion on and deliberation on the duties of the Civil Legal Division for the Commissioners= Court.**

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the discussion on the duties of the Civil Legal Division for the Commissioners= Court was acknowledged.

There being no further business to come before the Court, upon motion by Commissioner Matz seconded by Commissioner Valencia and carried unanimously, the meeting was **ADJOURNED** at 12:12 P.M.

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**APPROVED** this 7<sup>th</sup> day of **September, 1999**.

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**GILBERTO HINOJOSA**  
**COUNTY JUDGE**

**ATTEST:**

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