

**THE STATE OF TEXAS**

**COUNTY OF CAMERON**

**BE IT REMEMBERED** on the 17th 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:**

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**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**

**Claudia L. Cabrera Deputy**  
**COUNTY CLERK**

**ABSENT:**

**GILBERTO HINOJOSA**

**=====**

The meeting was called to order by Judge Pro-tem Carlos H. Cascos, CPA at 9:31 A.M. He then asked Pastor Juan J. Morales, Church on the Rock, for the invocation and Ms. Yvette Salinas, Health Administrator, 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 13, 1999, at 11:02 A.M.:

**(8) PUBLIC HEARING ON CAMERON COUNTY TAX RATE**

At this time, Mr. Mark Yates, County Auditor, explained that the Public Hearing was held, in order for the General Public to be informed of the Tax Rate Hearing regarding the proposed Fiscal Year 2000 Tax Rate.

Upon motion by Commissioner Matz, seconded by, Commissioner Benavides and carried unanimously the Public Hearing on Cameron County Tax Rate was opened for public comment.

At this time, Judge Pro-tem Cascos explained that the desired Tax Rate for Fiscal Year 2000 was \$.0325934/\$100, which was the same as the current Tax Rate.

Commissioner Matz emphasized that the Tax Rate ceiling could not go any higher, but might be lowered.

Hearing and sensing no further comments, upon motion by Commissioner Matz, seconded by, Commissioner Benavides and carried unanimously the Public Hearing on the Cameron County Tax Rate was closed.

**The Notice is as follows:**

**(9) SETTING OF CAMERON COUNTY TAX RATE  
FOR TAX YEAR 1999 AT \$0.325934./\$100 ASSESSED  
TAXABLE VALUE AND AUTHORIZATION TO  
PUBLISH REQUIRED NOTICE**

Commissioner Matz moved that Cameron County Tax Rate for Tax Year 1999 be set at \$0.325934/\$100, assessed taxable value and that the required notice be published.

The motion was seconded by Commissioner Benavides and carried unanimously.

**The Report is as follows:**

**(12) AUTHORIZATION TO ACCEPT PALOMA DRIVE,  
LOCATED IN RESACA PALOMA SUBDIVISION  
NO.1, INTO THE COUNTY ROAD SYSTEM**

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, the Paloma Drive, located in Resaca Paloma Subdivision No.1, was accepted into the County Road System.

**(11) POSSIBLE ACTION REGARDING LEAL ROAD IN  
LA PALOMA (A COUNTY ROAD) AND DONATION  
OF ROAD MATERIALS FROM RESIDENTS**

Commissioner Valencia expressed his support concerning the request, due to the high number of roads that needed to be worked on but noted that the residents should not expect the roads to be paved within a year.

Commissioner Valencia moved that the donations of road materials from residents be accepted for Leal Road in La Paloma that being a County road.

The motion was seconded by Commissioner Matz and carried unanimously.

**(16) CONSIDERATION AND THE APPOINTMENT OF  
THE ELECTION SYSTEM TASK FORCE**

At this time, Commissioner Valencia appointed Ms. Gloria Casas, La Feria, Texas, and Mr. Jose Muñoz, Harlingen, Texas, to serve on the Election System Task Force.

Commissioner Matz appointed Ms. Debbie Moustos, South Padre Island, Texas, and Mr. Eliseo Muñoz, Brownsville, Texas.

Commissioner Benavides appointed Father Guevara, Christ the King Church, Brownsville, Texas and Mr. Johnny Pineda, Brownsville resident.

Judge Pro-tem Cascos appointed Mr. Henry Gonzalez, Brownsville, Texas, and Mr. Henry Leveir, Finance Director for Brownsville Independent School District.

Judge Hinojosa appointed Mr. Alex Perez, Brownsville, Texas, and Dr. Raul Garza, San Benito, Texas.

Commissioner Matz moved that the following individuals be appointed to the Elections System Task Force: Ms. Gloria Casas, La Feria, Texas, Mr. Jose Muñoz, Harlingen, Texas, Ms. Debbie Moustos, South Padre Island, Texas, Mr. Eliseo Muñoz, Brownsville, Texas, Father Guevara, Christ the King Church, Mr. Johnny Pineda, Brownsville resident, Mr. Henry Gonzalez, Brownsville, Texas, Mr. Henry Levier, Brownsville Independent School District, Mr. Alex Perez, Brownsville, Texas and Dr. Raul Garza, San Benito, Texas.

The motion was seconded by Commissioner Valencia and carried unanimously.

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(1) **APPROVAL OF COUNTY CLAIMS**

Commissioner Matz questioned the expense for Warrant NO. 17699 for purchasing business cards and Mr. Mark Yates, County Auditor, responded the Departments had been advised that the County's Printing Department should be utilized for said items, noting that Printing Department did not provide gold seals.

Commissioner Benavides moved that the County Claims be approved as presented by the County Auditor.

The motion was seconded by Commissioner Matz and carried unanimously.

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(2) **APPROVAL OF THE BUDGET AMENDMENTS**

Commissioner Benavides moved that the 1999 Fiscal Year Budget Amendment No. 99-41 be approved.

The motion was seconded by Matz and carried unanimously.

**The Budget Amendments are as follow:**

- (3) **IN THE MATTER OF MINUTES OF AUGUST 10, 1999 (NO ACTION TAKEN)**



- (4) **ACKNOWLEDGMENT OF THE SUMMARY OF MONTHLY REPORTS FOR THE MONTHS OF JANUARY THROUGH JUNE OF 1999, AS REQUIRED BY LOCAL GOVERNMENT CODE SECTION 114.026**

Commissioner Matz moved to that the Summary of Monthly Reports for the months of January through June of 1999, as required by Local Government Code, Section 114.026 be acknowledged.

The motion was seconded by Commissioner Benavides and carried unanimously.

**The Reports are as follows:**

**(5) ACKNOWLEDGMENT OF THE QUARTERLY  
REPORT FOR THE QUARTER ENDING JUNE 30,  
1999, ON INVESTMENTS OF COUNTY FUNDS**

Upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, the Quarterly Report for the quarter ending June 30, 1999, on Investments of County Funds was acknowledged, subject to the correction noted on Page No. 1.

**The Report is as follows:**

**(6) AUTHORIZATION TO RELEASE THE AMOUNT  
OF \$175,602.49, AT MARKET, IN COLLATERAL,  
TO CHASE BANK**

Upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, the amount of \$175,602.49, at market, in collateral was released to Chase Bank.

**The Contract is as follows:**



**(7) AUTHORIZATION TO RELEASE \$22,094,592.62, AT  
PAR, IN COLLATERAL, TO INTERNATIONAL  
BANK OF COMMERCE**

Upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, the amount of \$22,094,592.62, at Par, in collateral was released to International Bank of Commerce.

**The Contract is as follows:**

**(10) CONSIDERATION AND AUTHORIZATION FOR CAMERON COUNTY TO RAISE THE LAW LIBRARY FEE FROM \$20.00 TO \$35.00 AS PER HOUSE BILL 1477 EFFECTIVE SEPTEMBER 1, 1999**

Commissioner Matz moved that Cameron County raise the Law Library fee from \$20.00 to \$35.00, as per House Bill 1477, effective September 1, 1999.

The motion was seconded by Commissioner Benavides and carried unanimously.

**(13) DISCUSSION ON THE OPERATION OF THE CAMERON COUNTY COURTHOUSE NORTHWEST PARKING LOT ON 7<sup>TH</sup> AND HARRISON STREET, BROWNSVILLE, TEXAS**

At this time Mr. Pete Sepulveda, International Bridge System Director, explained that the project had been approved by the Engineering Department and that the estimated cost of operation would be \$16,000.00, noting that the Parking Lot would be opened from 7:00A.M. to 4P.M. Mr. Sepulveda noted that he has taken the project because it was a revenue making operation, similar to the Bridge System.

Commissioner Benavides moved that the operation of the Cameron County Courthouse Northwest Parking Lot on 7<sup>th</sup> and Harrison Street, Brownsville, Texas be acknowledged.

The motion was seconded by Commissioner Matz and carried unanimously.

**(14) APPROVAL OF THE PROFESSIONAL SERVICE AGREEMENT WITH CARTER AND BURGESS TO PREPARE AN INVENTORY/MARKET ANALYSIS AND PARKS, RECREATION AND OPEN SPACE MASTER PLAN**

At this time, Mr. Javier Mendez, Parks System Director, explained that the total cost of the Project would be changed to \$66,292.50 and added that the firm of Carter & Burgess had agreed to eliminate the fixed fee and that the method of payment would be as the work was completed.

Commissioner Matz questioned whether there would be a Committee for said Project and Mr. Mendez replied that a Committee would be formed, consisting of a diverse selection of individuals from the community.

Commissioner Matz suggested that the direct cost should be reviewed before it was approved, and that the number of laminated copies of the Master Plan to be submitted be determined.

Judge Pro-tem Cascos clarified that the Agreement would be approved, subject to the submission of invoices and number of Master Plan copies that would be submitted.

Commissioner Benavides moved that the Agreement with Carter & Burgess to prepare an Inventory/Market Analysis and Parks, Recreation and Open Space Master Plan be approved, subject to the changes noted.

The motion was seconded by Commissioner Matz and carried unanimously.

**The Agreement is as follows:**

**(15) AUTHORIZATION TO ISSUE A STATIONARY PERMIT (RENEWAL) #V6 TO BRENNAN & MISTY WELLS, DOING BUSINESS AS WELLS BEACH RENTALS**

Upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, the Stationary Permit (Renewal) No. V6 was issued to Brennan & Misty Wells, doing business as Wells Beach Rentals.

**(17) AUTHORIZATION TO PURCHASE VEHICLE FOR THE CAMERON COUNTY HEALTH DEPARTMENT FROM HOUSTON GALVESTON AREA COUNCIL OF GOVERNMENT INTER-LOCAL PURCHASE AGREEMENT TO BE USED BY THE MOTHER CHILD HEALTH PROGRAM AND MANAGEMENT STAFF**

Upon motion by Commissioner Benavides, seconded by Commissioner Matz and carried unanimously, the purchase of a vehicle for the Cameron County Health Department from Houston Galveston Area Council of Government Inter-Local Purchase Agreement, to be used by the Mother Child Health Program and Management Staff, was approved.

**(18) APPROVAL TO ADVERTISE FOR INFIRMARY LABORATORY AND RADIOLOGIC DIAGNOSTIC SERVICES AND APPROVAL OF PROPOSED DRAFT**

Upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, the advertisement for Infirmary Laboratory and Radiologic Diagnostic Services and the proposed draft were approved.

**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 Benavides seconded by Commissioner Matz and carried unanimously, the AConsent® Agenda Items were approved as follow, excluding Item No. 19 Ag®.

At this time, there was some discussion regarding Item No. 19 Ag® regarding the expenses incurred by the County as opposed to the Texas Department of Public Safety.

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

- a) Commissioner-s Court to attend the ATexas Association of Counties Conference® in Austin, Texas, on August 18, 1999, to August 20, 1999;
- b) 107<sup>th</sup> District Court employee, to attend the AEclipse Software Professionals Network Seminar® in New Orleans, Louisiana, on September 16-19, 1999;

- c) Two (2) Sheriff-s Deputies to attend the AMedia Advocacy Training@ in San Antonio, Texas, on August 13-14, 1999;
- d) Three (3) Sheriff-s Deputies to attend the A30<sup>th</sup> Annual Jail Management Conference@ in Huntsville, Texas, on October 4-8, 1999;
- e) Two (2) Sheriff-s Deputies to attend the APrisoner Control, Search and Transportation Techniques@ in San Antonio, Texas, on September 20-31, 1999;
- f) Commissioner Precinct No. 3 to attend the AUnited States Environmental Protection Agency NAC/GAC Meeting@, at no cost to County in Seattle, Washington, on September 7-10, 1999;
- g) Texas Department of Public Safety Secretary to attend the@Word Perfect, Excel, and Access Training Computer Course@ in Laredo, Texas, on August 23-27, 1999;
- h) Two (2) Assistant District Attorneys to attend the AAnnual Criminal and Civil Law Update Conference@ in Corpus Christi, Texas, on September 21-24, 1999;
- i) District Attorney to attend the AAnnual Criminal and Civil Law Update@ in Corpus Christi, Texas, on September 22-24, 1999;
- j) Project Development & Management (PD&M) employee to attend the ALRLGVDC Solid Waste Advisory Committee Meeting@ in Weslaco, Texas on August 11, 1999;
- k) Unified Narcotics Intelligence Task-Force Assistant Director to attend the ASouth Texas HIDTA Executive Committee Meeting@ in San Antonio, Texas, on September 6-8, 1999;
- l) Health Department Jail Infirmary employee to attend the A2<sup>nd</sup> Annual correctional Health Care Issues Nursing Conference@ in Victoria, Texas, on August 11-13, 1999;
- m) Health Department Employee to attend the ASexually Transmitted Diseases Facts and Fallacies Training@ in Weslaco, Texas, on September 12-13, 1999;
- n) Two (2) Health Department employees to attend the ATraining for Community Assessment at the Texas Department of Human Services Regional Training Center@ in McAllen, Texas, on August 23-24, 1999;
- o) Health Department employee and Vista Volunteer to attend the APre-Service Orientation@ in Austin, Texas, on August 30-September 3, 1999;
- p) Health Department employee to attend an AOn-Site Presenter-s Workshop@ in Austin, Texas, on August 24-25, 1999;
- q) Assistant County Auditor to attend the ALocal Law Enforcement Block Grant Program@ in San Antonio, Texas, on October 19, 1999;
- r) Assistant County Auditor to attend the AHIDTA Finance & Budget Seminar@ in San Francisco, California, on August 8, 1999; and
- s) Assistant County Administrator and Property Management Coordinator to attend a AMeeting with the United States Army Corporation of Engineers@ in Corpus Christi, Texas, on August 10, 1999.

**(20) OPEN BIDS AND/OR REQUEST FOR PROPOSALS**

- a) Request for Proposal No. 99-08-01 Lomax-Myers & Gran Tesoro Sanitary Sewer Project;
- b) Request for Proposal No. 99-08-02 Laguna Heights-Drainage improvements project; and
- c) Pick-up Truck (in stock)-Engineering Dept.

**The Bids and/or Request for Proposals received and opened are as follows:**

**(21) PRELIMINARY AND FINAL APPROVAL**

**a) Precinct No. 4**

R.O.C.R. Subdivision, 10.00 (10) acre tract of land, being the West ten (10) acres of Block No. 13 out of Hicks Reserve, Subdivision No. 1.

**(22) FINAL APPROVAL**

**a) Precinct No. 2**

El Charico Subdivision-being 1.000 acre out of Lot No. 2, Contreras Estates out of Lot No. 11, Block No. 10, Barrera Gardens Subdivision, Map No. 2.

**b) Precinct No. 3**

Selena Subdivision-being a subdivision of 3.002 acres and being all of Lot No. 8, Block No. 1, of Laguna Escondida Heights Subdivision.

**(23) PRELIMINARY APPROVAL**

**a) Precinct 4**

Laura Subdivision, Section No. 1, Resubdivision of 13.791 acres comprised of 10.702 acres out of an 82.75 acre tract in Subdivision No. 1 of Hicks Reserve, 2.809 acres, out of an abandoned one hundred feet wide San Benito and Rio Grande Valley Railway Company Right-of-Way, purchased on March 10, 1994, by Deed recorded in Cameron County Official Records, Volume 2803, Page 327; 0.280 acre tract out of two (2) separate tracts referred to in the Cameron County Official Records, Volume 5316, Page 321, out of the East ten (10) feet of Tract II.



**(24) EXECUTIVE SESSION**

Upon motion by Commissioner Matz seconded by Commissioner Benavides and carried unanimously, the Court met in Executive Session at 10:14A.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 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 Legal representation for Cameron County in the Bankruptcy Case Filed by S.R. Marine Center, Incorporated, pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A);
- c) Deliberation regarding Real Property concerning possible Concession at Andy Bowie Park; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- d) Deliberation regarding the Real Property concerning Cameron County Trustee Property, known as Brownsville-Virginia Heights Lot No. 8, Block No. 6; pursuant

to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072; and

- e) Confer with Commissioners= Court Legal Counsel on potential litigation against Cameron County Drainage District No.1; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(1)(A).

Upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, the Court reconvened in Regular Session at 10:47A.M.

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

- a) **Confer with Commissioners= Court Legal Counsel concerning 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 Matz, seconded by Commissioner Benavides and carried unanimously, County Counsel was directed to hire a Real Estate Attorney for 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) **Confer with Commissioners= Court Legal Counsel on Legal Representation for Cameron County in the Bankruptcy case filed by S.R. Marine Center, Incorporated.**

Commissioner Matz moved that County Counsel hire Mr. Shelby Jordan, Attorney at Law, at the rate of \$175.00 per hour, for the Legal Representation for Cameron County in the Bankruptcy Case filed by S.R. Marine Center.

The motion was seconded by Benavides and carried unanimously.

- c) **Deliberation regarding Real Property concerning possible Concession at Andy Bowie Park.**

Upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, the Status Report by Mr. Javier Mendez, Parks System Director, was acknowledged concerning the concession agreement at Andy Bowie Park.



- d) **Deliberation regarding the Real Property concerning Cameron County Trustee Property, known as Brownsville-Virginia Heights, Lot No. 8, Block No. 6.**

Commissioner Matz moved that Mr. Joseph Ardito, Property Management Coordinator, be directed to collect the back taxes and execute the Quick Claim Deed regarding the Brownsville-Virginia Heights, Lot No. 8, Block No. 6.

The motion was seconded by Commissioner Benavides and carried unanimously.

- e) **Confer with Commissioners= Court Legal Counsel on potential litigation against Cameron County Drainage District No. 1.**

Commissioner Matz moved that County Counsel be directed to proceed with the collection of fees owed by Drainage District No. 1.

The motion was seconded by Commissioner Benavides and carried unanimously.

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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 10:50A.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**