

(15) **AUTHORIZATION FOR THE HISTORICAL CAPITAL THEATRE RESTORATION PROJECT AND THE BROWNSVILLE SOCIETY FOR THE PERFORMING ARTS TO USE CERTAIN COUNTY PROPERTY IN DOWNTOWN BROWNSVILLE BOUNDED BY E. ELIZABETH, E. WASHINGTON AND INTERNATIONAL BOULEVARD, AS PART FOR THE 1999 LEVEE STREET JAZZ FESTIVAL**

At this time, Mr. John E. Chosy, Attorney at Law, requested that a portion of County property, located in downtown Brownsville be utilized to place a stage for a Jazz Festival and stated that the property would be utilized from 7:00 A.M. to 6:00 P.M., on November 27, 1999.

Commissioner Matz noted that the matter should be cleared with UETA and the Commissioners= Court Legal Counsel.

Commissioner Matz moved that the Historical Capital Theatre Restoration Project and the Brownsville Society for the Performing Arts utilize certain County property in downtown Brownsville bounded by E. Elizabeth, E. Washington and International Boulevard, as part for the 1999 Levee Street Jazz Festival, subject to clearance by UETA and County Counsel.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Agreement is as follows:

(1) **APPROVAL OF COUNTY CLAIMS**

At this time, Judge Pro-tem Cascos expressed concern as to Warrant No. 21541, in the amount of \$375.00, for framing of Resolutions

Mr. Mark Yates, County Auditor, stated that the County Judge's Office had budgeted the amount of \$2,000.00, but noted that due to the cost and number of Resolutions, the funding would be over the budget.

Mr. Remi Garza, Executive Assistant to the County Judge, explained that the Warrant for \$375.00, was for multiple resolutions in the Adult Probation Office, noting that the funding for said resolutions would be allocated from the Adult Probation Office Budget. He noted that a template of the frame had been provided to the Maintenance Department, in order to attempt to create the frames in-house.

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

Commissioner Benavides moved that the 2000 Fiscal Year Budget Amendment No. 2000-02, be approved.

The motion was seconded by Commissioner Valencia and carried unanimously.

The Budget Amendments are as follow:

**(3) ADOPTION OF A PROCLAMATION DECLARING
THE WEEK OF NOVEMBER 8-12, 1999, AS
AVETERANS APPRECIATION WEEK® IN
CAMERON COUNTY, TEXAS**

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, the Proclamation declaring the week of November 8-12, 1999, as AVeterans Appreciation Week® in Cameron County, Texas, was adopted.

The Proclamation is as follows:

(4) **IN THE MATTER OF THE CAMERON COUNTY PUBLIC WORKS DEPARTMENT TO DONATE OR SELL SURPLUS EQUIPMENT (BACKHOE) TO THE CITY OF SANTA ROSA (TABLED)**

At this time, Mr. Remi Garza, Executive Assistant to the County Judge, noted that the matter had previously been considered by the Court and added that the County Auditor had made the suggestion to Table the item until after the Legislative Session, in order for the equipment to be transferred without it having to be declared as surplus property.

Mr. Mark Yates, County Auditor, explained that as of September 1, 1999, Legislation allowed cooperation between governments to sell at a fair price, to be determined between the governments, as opposed to auctioning the equipment.

Commissioner Valencia stated that the backhoe was approximately fourteen (14) to fifteen (15) years old and added that the piece of equipment was not being utilized by the County, noting that repairing the backhoe would be costly.

Commissioner Valencia moved that the County Public Works Department sell surplus equipment (backhoe) to the City of Santa Rosa, at an amount of \$10.00.

The motion was seconded by Commissioner Benavides.

At this time, Ms. JuaNita Brodecky, Rio Hondo resident, expressed her concerns regarding said matter and noted that the County should limit the giving of gifts concerning taxpayer money.

Commissioner Matz questioned whether a Policy existed reflecting the process of the sale of surplus equipment and noted that there were many communities that would be interested in purchasing surplus equipment at a fair price.

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, this Item was **TABLED** for one (1) week.

Judge Pro-tem Cascos requested that County Counsel inquire as to whether such a policy existed concerning the sale or bidding of surplus property/equipment between governmental entities and that the County Engineer locate additional equipment throughout the County Departments.

(5) **AUTHORIZATION TO REFUND TAXES**

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the following taxes were refunded:

- a) Hunt Building Corporation, in the amount of \$4,808.90, Change value;
- b) Wal-Mart Stores East Incorporated, in the amount of \$6,351.57, Change value;

- c) Wal-Mart Stores East Incorporated, in the amount of \$5,610.33, Change value;
- d) Wal-Mart Stores East Incorporated, in the amount of \$1,389.64, Change value;
- e) Wal-Mart Stores East Incorporated, in the amount of \$4,705.49, Change value;
- f) Wal-Mart Stores East Incorporated, in the amount of \$2,744.70, Change value;
- g) Wal-Mart Stores East Incorporated, in the amount of \$6,078.80, Change value;
- h) Copelco Capital, in the amount of \$765.51, Change value;
- i) Michael B. Putegnat, in the amount of \$905.75, Change value;
- j) 1st American Real Estate Tax, in the amount of \$817.14, Payment in error;
- k) Michael B. Putegnat, in the amount of \$896.77, Change value; and
- l) Michael B. Putegnat, in the amount of \$532.01, Change value.

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**(6) APPROVAL OF ADDITIONAL PERSONNEL FOR
THE SAN BENITO COUNTY TAX OFFICE TO
SERVICE THE CITY OF SAN BENITO TAX
COLLECTIONS CONTRACT**

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, additional personnel for the San Benito County Tax Office, to serve the City of San Benito Tax Collections Contract, was approved.

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**(7) APPROVAL OF THE AGREEMENT BETWEEN
CAMERON COUNTY AND DRC, INCORPORATED,
FOR THE REMOVAL AND DISPOSAL OF DEBRIS
FOR POST HURRICANE/DISASTER RECOVERY
OPERATIONS**

Upon motion by Commissioner Valencia, seconded by Commissioner Benavides and carried unanimously, the Agreement between Cameron County and DRC, Incorporated, for the removal and disposal of debris for Post Hurricane/Disaster Recovery Operations was approved.

The Agreement is as follows:

(8) APPROVAL OF THE AGREEMENT BETWEEN CAMERON COUNTY AND J&W ENGINEERING, LTD, FOR HAZARDOUS WASTE COLLECTION, CHARACTERIZATION, PACKAGING, TRANSPORTATION AND DISPOSALS FOR POST HURRICANE DISASTER RECOVERY OPERATIONS

Commissioner Valencia moved that the Agreement between Cameron County and J&W Engineering, LTD., for hazardous waste collection, characterization, packaging, transportation and disposals for Post Hurricane/Disaster Recovery Operations be approved.

The motion was seconded by Commissioner Matz and carried unanimously.

The Agreement is as follows:

(9) APPROVAL OF THE INDIGENT HEALTH CARE PROGRAM GATEKEEPER CONTRACTS BETWEEN CAMERON COUNTY AND DR. RAUL GARZA, DR. PAUL LENZ, DR. INDAL M. SEUDEAL AND DR. RICHARD J. YBARRA

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, the Indigent Health Care Program Gatekeeper Contracts between Cameron County and Dr. Raul Garza, Dr. Paul Lenz, Dr. Indal M. Seudeal and Dr. Richard J. Ybarra, were approved.

The Contracts are as follow:

**(10) APPROVAL OF ADDITIONAL EQUIPMENT TO BE
PLACED ON THE FISCAL YEAR 2000 EQUIPMENT
LIST**

At this time, Mr. Mark Yates, stated that the Elections Administration Office had requested flat computer screen panels, as opposed to large monitors, due to the limitation of space in the office.

Mr. Remi Garza, Executive Assistant to the County Judge, stated that the County Judge's Office had added a fax machine and two (2) filing cabinets to the list, which totaled to \$3,000.00.

Commissioner Valencia moved that additional equipment be placed on the Fiscal Year 2000 Equipment List.

The motion was seconded by Commissioner Benavides and carried unanimously.

The List is as follows:

(11) **APPROVAL OF THE PUBLIC WORKS
EQUIPMENT LIST**

At this time, Judge Pro-tem Cascos noted that the Public Works Department was requesting the amount of \$723,000 in additional equipment and that the County Engineer had requested direction as whether to allocated the funds from the Road and Bridge Budget or Bond Funds. He expressed concern as to utilizing the Bond Funds and explained that the equipment tended to become obsolete while the funds were stilling being paid, noting that the interest costs associated with the Bond Funds were high.

Mr. Mark Yates, County Auditor, reported that Bond Funds were not available at the current time and added that the Bond Funds associated with Road and Bridge were targeted for Project Road Map.

Commissioner Valencia noted that due to the recent heavy rains and the condition of the existing equipment, the additional equipment was necessary for the Public Works Department to operate efficiently.

Mr. Yates stated that the equipment should continuously be replaced and evaluated for maintenance and repairs, as opposed to purchasing the equipment all at once.

Upon motion by Commissioner Valencia, seconded by Commissioner Benavides and carried unanimously, the Public Works Equipment List was approved.

Judge Pro-tem Cascos suggested that the life span of the equipment be evaluated and that the financing of the equipment be based on the life span.

The List is as follows:

(12) RATIFICATION OF AN INTERLOCAL AGREEMENT BETWEEN CAMERON COUNTY AND TEXAS A&M UNIVERSITY FOR THE SHARED SUPERVISION OF CENTER DIRECTOR AT LA ESPERANZA PARK

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, the Interlocal Agreement between Cameron County and Texas A&M University was ratified for the shared supervision of the Center Director at La Esperanza Park.

The Agreement is as follows:

**(13) AUTHORIZATION TO ENTER INTO AN
INTERLOCAL COOPERATION CONTRACT
BETWEEN THE STATE OF TEXAS ATTORNEY
GENERAL'S OFFICE AND THE CAMERON
COUNTY PARK RANGER DIVISION**

Commissioner Matz moved that the Interlocal Cooperation Contract between the State of Texas Attorney General's Office and the Cameron County Park Ranger Division be approved.

The motion was seconded by Commissioner Valencia and carried unanimously.

The Contract is as follows:

(14) **IN THE MATTER OF THE CONTRACT BETWEEN THE STATE OF GENERAL LAND OFFICE AND CAMERON COUNTY FOR THE PURCHASE OF BEACH CLEANING EQUIPMENT FOR BOCA CHICA (CONTRACT NO. 00-139R) (TABLED)**

At this time, Mr. Frank Bejarano, Program Development and Management Director, explained that the grant was for the purchase of beach cleaning equipment and required a match by the Public Works Department, in the amount of \$43,750.00. He added that a force account contribution was also required, in the amount of \$62,542, which was the cost of a maintenance crew at three (3) days a week.

Mr. Juan Bernal, County Engineer, expressed his opposition to the Project and noted that a maintenance crew could not be provide three (3) times a week.

Commissioner Benavides expressed concern as to why the beaches at South Padre Island were maintained daily and the maintenance at Boca Chica Beach was limited.

At this time, there was a lengthy discussion regarding the maintenance by the Parks System at South Padre Island compared to the maintenance at Boca Chica Beach. Judge Pro-tem Cascos explained a fee was assessed at the beaches at South Padre Island and reported that the public had been opposed to accessing a fee at Boca Chica Beach, which would have provided for daily maintenance of the beach.

Commissioner Valencia noted that the use of manpower was the main concern for the Public Works Department and suggested that the Prisoners at Work (PAW) Program should be utilized to maintain the beach.

At this time, Ms. JuaNita Brodecky, expressed her concerns as to the Road and Bridge Consolidation and added that the Road and Bridge Department should work within the Priority List.

Commissioner Valencia noted that more improvements had been made since the Road and Bridge Consolidation was in effect, but added that more personnel and equipment was necessary to address all the roads in need.

Commissioner Benavides noted that the amount of \$62,000. was not a true figure because the County was being requested to match the amount of \$43,000. plus an additional \$62,000 for salaries, noting that the salaries and fringe benefits were already being paid whether or not the grant was awarded.

Commissioner Matz noted that the crew would be dedicated to Boca Chica Beach and would not be able to respond to the multitude Countywide requests, which corresponded to the Road and Bridge Department.

Commissioner Valencia suggested that the matter be Tabled, in order to discuss the item with the Sheriff's Department and attempt to amend the work plan concerning the grant.

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

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(16) **APPROVAL OF TRAVEL AND/OR TRAVEL EXPENSES, SUBJECT TO FUNDS IN THEIR BUDGET AND ALL APPLICABLE COUNTY POLICIES**

Upon motion by Commissioner Benavides, seconded by Commissioner Valencia and carried unanimously, the following travel and/or travel expenses were approved, subject to funds in their budget and all applicable County Policies:

- a) Two (2) Health Department employees to attend a Texas Breast-Feeding Summit in Austin, Texas, on November 1-3, 1999;
 - b) Parks System Director to attend the 1999 Hearing on Rules and Procedures for Texas Parks and Wildlife Department Grant Program in McAllen, Texas, on October 28, 1999;
 - c) Commissioners- Court Legal Counsel to attend the Attorney General's Regional Conferences on Open Government in Corpus Christi, Texas, on November 5, 1999;
 - d) Health Department employee to attend the 1999 Indigent Health Care All Region Meeting in San Antonio, Texas, on November 16, 1999;
 - e) Juvenile Budget Administrator to meet with CJD Grant Coordinator at the Lower Rio Grande Valley Development Council in McAllen, Texas, on October 13, 1999;
 - f) Eight (8) Court Administrators/Coordinators to attend the 1999 TACA Education Conference in Austin, Texas, on October 13, 1999;
 - g) Child Protective Homemaker to pick up child in Brownsville, Texas, on September 29, 1999;
 - h) Child Protective Homemaker to transport child under the conservatorship of the Texas Department of Protective and Regulatory Services to San Antonio, Texas, on September 16-17, 1999;
 - I) Child Protective Homemaker to transport child under the conservatorship of the Texas Department of Protective and Regulatory Services to Corpus Christi, Texas, on October 4, 1999;
 - j) International Bridge Systems Director to tour industrial parks in Reynosa, Mexico, on October 22, 1999;
 - k) County Extension Agent to attend a Binational Conference Planning Meeting in Weslaco, Texas, on September 24, 1999;
 - l) County Extension Agent to attend the 1999 Collaborative Action Team Training Institute in Little Rock, Arkansas, on October 27-29, 1999; and
 - m) Four (4) Sheriff's Deputies to attend the Intoxilyzer 5000 Operations Annual RE-Certification Classes in McAllen, Texas, on October 29, 1999.
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CONSENT AGENDA ITEMS

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

(17) **PRELIMINARY AND FINAL APPROVAL**

Commissioner Valencia moved that the following subdivision be approved:

a) **Precinct No. 4**

La Siesta Subdivision - 0.930 acre tract of land, situated in and being part of Block No. 14, Stuart Place Subdivision, Survey 138.

The motion was seconded by Commissioner Benavides and carried unanimously.

(18) **PURCHASES WITHOUT PURCHASE ORDERS**

Upon motion by Commissioner Valencia, seconded by Commissioner Benavides and carried unanimously, the following purchases without purchase orders were approved, subject to audit review:

- a) Nolana Animal Hospital, in the amount of \$185.08, District Attorney;
- b) Thomas Creative Apparel, in the amount of \$103.10, County Court at Law No. 2; and
- c) Elia Cornejo Lopez, in the amount of \$338.84, County Court at Law No. 2.

(19) **PURCHASE VEHICLE FOR THE CAMERON COUNTY JUDGE-S DEPARTMENT FROM HOUSTON GALVESTON AREA COUNCIL OF GOVERNMENT INTER-LOCAL PURCHASE AGREEMENT**

At this time, Judge Pro-tem Cascos questioned why the vehicle was being purchased from the Houston Galveston Area Council of Government, as opposed to advertising bids for the vehicle.

Mr. Mike Forbes, Purchasing Agent, stated that the local car dealerships would not be included and explained that advertising the bids was a lengthy process. He stated that the price would be lower if the bids were advertised and that the price would be higher if the vehicle was purchased as an in-stock item.

Judge Pro-tem Cascos noted that items were purchased the Houston Galveston Area Council of Government on emergency situations or if the purchases were being allocated from grant funds which needed to be used before the end of a fiscal year or period. He noted that said purchase would exclude the local car dealerships in the Valley from bidding and recommended that an in-stock bid be advertised, which would take three (3) to four (4) weeks.

Commissioner Matz expressed his opposition to the matter and suggested that mileage should be submitted, as opposed to purchasing a vehicle.

Commissioner Valencia moved that a vehicle be purchased for the Cameron County Judge-s Department from Houston Galveston Area Council of Government Interlocal Purchase Agreement.

The motion was seconded by Commissioner Benavides and the vote is as follows:

AYE: Commissioners Benavides and Valencia

NAY: Judge Pro-tem Cascos and Commissioner Matz.

Judge Pro-tem Cascos recommended that the vehicle be purchased as an in-stock item, which would allow two (2) weeks for delivery and added that said process would allow the local dealerships to participate in the process.

Commissioner Benavides moved that the vehicle for the Cameron County Judge-s Department be purchased as an in-stock item, noting that the Houston Galveston Area Council of Government be utilized as a benchmark.

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

AYE: Commissioners Benavides, Valencia and Judge Pro-tem Cascos

NAY: Commissioner Matz.

(20) EXECUTIVE SESSION

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Court met in Executive Session at 10:45 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 (1)(A) and Section 551.071 (2);
- b) Confer with County Counsel on the case styled Esteban Molina vs. Cameron County, et. al., Cause No. 1998-CCL-648-B, in the County Court at Law No. 2, to authorize settlement; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(B); and
- c) Confer with County Counsel on the bankruptcy case filed by S.R. Marine Center, Incorporated, to discuss case; 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 Valencia and carried unanimously, the Court reconvened in Regular Session at 11:09 A.M.

(21) **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; and**
- c) **Confer with County Counsel on the bankruptcy case filed by S. R. Marine Center, Incorporated.**

Upon motion by Commissioner Benavides, seconded by Commissioner Valencia and carried unanimously, the Status Reports by County Counsel were 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 and the bankruptcy case file by S. R. Marine Center, Incorporated.

- b) **Confer with County Counsel on the case styled Esteban Molina vs. Cameron County, et. al., Cause No. 1998-CCL-648-B, in the County Court at Law No. 2, to authorize settlement.**

Commissioner Matz moved that the settlement be approved on the case styled Esteban Molina vs. Cameron County, et. al., Cause No. 1998-CCL-648-B, in the County Court at Law No. 2.

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 Valencia and carried unanimously, the meeting was **ADJOURNED** at **11:10 P.M.**

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APPROVED this **9th** day of **November, 1999.**

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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