

THE STATE OF TEXAS

COUNTY OF CAMERON

BE IT REMEMBERED on the 22nd day of FEBRUARY, 2000, 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

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 9:38 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 February 18, 2000, at 11:51 A.M.:

(5) **ADOPTION OF A RESOLUTION DEDICATING
AND NAMING THE SOUTH TEXAS BOOT CAMP
AND EDUCATION CENTER TO HONOR THE
MEMORY OF MR. AMADOR RODRIGUEZ**

At this time, Judge Hinojosa briefly highlighted the accomplishments and dedication of the late Mr. Amador Rodriguez, Chief Juvenile Probation Officer, towards the implementation of the South Texas Boot Camp and Education Center.

Upon motion by Judge Hinojosa, seconded by Commissioner Cascos and carried unanimously, the Resolution dedicating and naming the South Texas Boot Camp and Education Center to honor the Memory of Mr. Amador Rodriguez was adopted.

At this time, Mr. Joe Rodriguez, brother, expressed his gratitude on behalf of the Rodriguez Family for the honor and for giving Mr. Amador Rodriguez the opportunity to fulfill his career as the Juvenile Probation Director.

The Resolution is as follows:

(1) APPROVAL OF COUNTY CLAIMS

At this time, Mr. Mark Yates, County Auditor, stated that the Court had expressed concern as to Warrant No. 27836, payable to the Brownsville Herald, at the previous Meeting which had been coded as AAd Litem® and explained that the required posting in the newspaper concerned a minor, whereas an Ad Litem was appointed to the minor.

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the County Claims were approved, as presented by the County Auditor.

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

Commissioner Matz moved that the 2000 Fiscal Year Budget Amendment No. 2000-17 be approved.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Budget Amendments are as follow:

**(3) IN THE MATTER OF THE MINUTES OF
FEBRUARY 1, 2000 (TABLED)**

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

(4) ADOPTION OF A RESOLUTION HONORING MS. SYLVIA PINAL AS MR. AMIGO 1999, FOR HER MANY ACCOMPLISHMENTS AND TRIUMPHS IN THE WORLD OF ENTERTAINMENT, CONFIRMATION OF STATUS OF HONORARY CITIZEN OF CAMERON COUNTY AND PROCLAIMING FEBRUARY 20-26, 2000, AS SYLVIA PINAL WEEK®

Commissioner Matz moved that the Resolution honoring Ms. Sylvia Pinal as Mr. Amigo 1999, for her many accomplishments and triumphs in the World of Entertainment and confirmation of Status of Honorary Citizen of Cameron, be adopted and that February 20-26, 2000, be proclaimed as ASylvia Pinal Week®.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Resolution is as follows:

(6) AUTHORIZATION TO REFUND TAXES

Commissioner Cascos moved that the taxes be refunded to Gajanan, Incorporated, No. 61-0820-1270-0122-00, in the amount of \$1,367.54, for change value.

The motion was seconded by Commissioner Benavides and carried unanimously.

**(7) ACTION REGARDING ██████████
AGREEMENT WITH KERR COUNTY FOR
MENTAL HEALTH AND CHEMICAL
DEPENDENCY**

At this time, Judge Hinojosa reported that the Charter Palms Facility had closed and expressed his support for the Interlocal Agreement to accommodate commitments outside of the Valley, in the case of an overload of commitments in the Valley.

Mr. Doug Wright, Commissioners-Court Legal Counsel, stated that once an individual had been committed, the individual was given the option to hold the hearing at that location. He stated that the County's District Attorney previously would hear the cases in the County and at the Charter Palms location and expressed concern as to where the funding would be allocated to reimburse Kerr County.

Mr. Frank Martinez, District Attorney's Office, stated that the District Attorney heard the cases in Cameron County and added that the County would be responsible to fund any commitments sent to Kerr County.

Commissioner Matz expressed concern as to whether the funds had been budgeted and as to whether the Budget Officer had reviewed the issue.

Judge Hinojosa stated that the County allocated funds for commitments in general and that the existing funds would be utilized to pay the Kerr County Facility. He stated that the mental health services were previously provided by the Charter Palms Hospital and Medicaid, but noted that the issue would need to be reviewed to determine the options available.

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the Interlocal Agreement with Kerr County for Mental Health and Chemical Dependency was approved.

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(8) AUTHORIZATION TO LEASE VEHICLE STORAGE SPACE FROM CAMERON COUNTY VEHICLE MAINTENANCE, LOCATED AT CORNER OF FM/510 AND 3462, SAN BENITO, TEXAS, AT \$550.00, PER MONTH FROM JANUARY 1, 2000, THROUGH MAY 31, 2000

Upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, a vehicle storage space was leased from the Cameron County Maintenance, located at the corner of FM/510 and 3462, San Benito, Texas, at \$550.00, per month from January 1, 2000, through May 31, 2000.

The Agreement is as follows:

(9) **AUTHORIZATION TO REJECT REQUEST FOR PROPOSAL NO. 1728-991204 FOR SURVEYING SERVICES**

Commissioner Cascos moved that Request for Proposal No. 1728-991204 for surveying services be rejected,

The motion was seconded by Commissioner Matz and carried unanimously.

(10) **APPROVAL OF A RESOLUTION OPPOSING PROPOSED CHANGES TO THE YEAR 2000 TEXAS COMMUNITY DEVELOPMENT PROGRAM APPLICATION THRESHOLDS**

At this time, Mr. Frank Bejarano, Program Development and Management Director, explained that the Resolution would oppose the limited thresholds set by the Texas Department of Housing and Community Affairs which prevented some projects to be completed within a specified time, due to unforeseen complications.

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the Resolution opposing proposed changes to the Year 2000 Texas Community Development Program Application Thresholds was adopted.

The Resolution is as follows:

(11) APPROVAL OF THE CONTRACT BETWEEN THE STATE OF TEXAS GENERAL LAND OFFICE AND CAMERON COUNTY FOR THE PURCHASE OF BEACH CLEANING EQUIPMENT FOR BOCA CHICA BEACH (GLO CONTRACT NO. 00-139R)

At this time, Mr. Frank Bejarano, Program Development and Management Director, explained that the Court had requested the number of beach cleaning be reduced to two (2) times a week during the summer months and once a week for the rest of the year, but noted that the County was still required to provide a local match. He stated that part of the match was a cash contribution and the other portion was from the Public Works=Force Account for the cleaning operation, which would total \$79,710 allocated from the Public Works Department, noting that the amount had decreased from the original budget, in the amount of \$106,292.

Commissioner Cascos expressed concern as to why the County's local cash match was not reduced proportionally compared to the reduction in the total budget and the cleaning times.

Mr. Bejarano stated that it was his understanding that the Court did not want to commit in a Contract to cleaning the beach three (3) or more times a week and added that this Contract would commit the County to clean the beach only once a week, noting that the cleaning times were not limited.

Commissioner Cascos questioned whether the funds for the equipment had been allocated in the Road and Bridge budget and Mr. Juan Bernal, County Engineer, responded that there were no funds available in the Road and Bridge budget in road materials for said matter.

Commissioner Cascos noted the Budget Amendments were normally done through the Road Materials budget and questioned where the cash contribution, in the amount of \$43,000 would be allocated.

Mr. Bernal reiterated that there were no funds available in the Road Materials budget and added that the funds would have to be allocated from the Lapsed Salaries Fund.

Commissioner Cascos expressed concern as to the amount in the Lapsed Salaries Fund since it had only been six (6) months into the fiscal year and noted that slots, which had not been filled, had been allocated at the beginning of the budget cycle. He questioned whether it was necessary to budget the slots at the beginning of the budget year, since the positions had not yet been filled.

Judge Hinojosa clarified that there were no funds available in the Road Materials budget since the majority of the funds had been allocated to Cameron Park, located in Precinct No. 2, and added that many of the slots in the County Engineer's Department had not been filled for many reasons, but were necessary slots. He stated that it was a one time deal to purchase the equipment to clean up the beach in Precinct No. 1, and added that much time and effort had not been dedicated to Precinct No. 1, due to the amount of work in the other precincts. He stated that the Lapsed Salaries Fund

should be allocated to the one time purchase of equipment to clean up the Boca Chica Beach and added that the purchase would assist in obtaining a Grant for additional equipment by committing to clean the beach.

Commissioner Benavides expressed concern as to whether the purchase of the equipment would be exclusively utilized at Boca Chica Beach and Mr. Bernal responded that the equipment would be limited to Boca Chica Beach.

Commissioner Cascos questioned how much money had been budgeted in the Road Materials budget for the Fiscal Year 1999-2000 and how much of the funds had been utilized for the Cameron Park Project.

Mr. Bernal stated that the amount of \$1.08 million had been budgeted for road materials and that approximately \$280,000 had been allocated towards the completion of the roads in Cameron Park.

Mr. Mark Yates, County Auditor, stated that the County had contracted with Texas Agencies to clean the beaches and part of the cost for reimbursement, was the County's cost for equipment and added that since the State was only funding a portion of the Project, the equipment should not be utilized exclusively for Boca Chica Beach. He stated that the Parks System should maintain and manage the operations of all the County Parks and Beaches maintained by the County.

Commissioner Cascos stated that the Lapsed Salaries would be needed by the Road and Bridge Department to complete the fiscal year and suggested that the matter be budgeted in the next fiscal year.

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the Contract between the State of Texas General Land Office and Cameron County was approved for the purchase of beach cleaning equipment for Boca Chica Beach, that being the General Land Office Contract No. 00-139R, said funding to be allocated from the available Lapsed Salaries Fund and that the remaining balance be funded in the next Fiscal Year.

The Contract is as follows:

(12) **ADOPTION OF A RESOLUTION IN SUPPORT OF A YEAR 2000 FIRST-TIME HOMEBUYERS- GRANT APPLICATION AND AN OWNER-OCCUPIED HOUSING ASSISTANCE APPLICATION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS HOME PROGRAM BY THE COMMUNITY DEVELOPMENT CORPORATION OF BROWNSVILLE**

Commissioner Matz moved that the Resolution be adopted in support of a Year 2000 First-Time Homebuyers-Grant Application and an Owner-Occupied Housing Assistance Application to the Texas Department of Housing and Community Affairs Home Program by the Community Development Corporation of Brownsville.

The motion was seconded by Commissioner Cascos and carried unanimously.

The Resolution is as follows:

**(13) APPROVAL FOR RESERVE DEPUTY JOSE
SANTOS VARGAS, JR., FOR CONSTABLE
PRECINCT NO. 4**

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously,
Reserve Deputy Jose Santos Vargas, Jr., for Constable Precinct No. 4, was approved.

The Bond is as follows:

(14) IN THE MATTER OF THE BONDS RENEWALS FOR MR. LEOPOLDO MENCHACA AND MR. JEFFERY FRANK VANCISE, RESERVE DEPUTY CONSTABLES (TABLED)

At this time, Mr. Doug Wright, Commissioners= Court Legal Counsel, noted that the Deputy Bond renewals should be executed along with the beginning term of the Elected Official and recommended that the renewals should not be renewed at this time.

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

(15) IN THE MATTER OF THE LICENSE AGREEMENT BETWEEN SEA TURTLE, INCORPORATED, AND THE CITY OF SOUTH PADRE ISLAND (TABLED)

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

(16) AUTHORIZATION OF THE REMOVAL OF COVERED FOUNTAIN IN THE CAMERON COUNTY JUDICIAL BUILDING LOBBY

At this time, Judge Hinojosa explained the Elections Administrator had requested that the covered fountain be removed, since it was not being used, but noted that there would be costs associated with the removal of the covered fountain.

Mr. Roger Ortiz, Maintenance Superintendent, explained that tile would need to be purchased to match the existing tile, which would cost approximately \$950 to \$1000, and stated that the process to replace the tile would not be complete until after the upcoming election.

Commissioner Cascos noted that the funding be allocated from the Maintenance Budget and that the funds be replenished from the General Fund-s Lapsed Salaries if needed at the end of the fiscal year.

Commissioner Cascos moved that the removal of the covered fountain in the Cameron County Judicial Building Lobby be approved.

The motion was seconded by Commissioner Benavides 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 Cascos, seconded by Commissioner Matz and carried unanimously, the

AConsent® Agenda Items were approved as follow:

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

- a) County Extension Agent to attend the AObesity: Weighing the Facts Conference® in College Station, Texas, on February 3-5, 2000;
- b) County Extension Agent to represent Cameron County at the ATexas Agriculture Association Annual Meeting® in El Campo, Texas, on February 16-17, 2000;
- c) Assistant District Attorney to attend the ATexas Juvenile Probation Commission Meeting® in Austin, Texas, on February 24-25, 2000; and
- d) Sheriff-s Officer to attend a AProperty and Evidence Room Management Seminar® in San Antonio, Texas, on February 23-26, 2000.

(18) FINAL APPROVAL

a) Precinct No. 3

R&S Farms Subdivision Phase III - being a 52.382 acre tract of land more or less, same being all of Blocks No. 50 through No. 52, Kepner-s Citrus Groves; and

b) Precinct No. 4

Luz del Cielo Subdivision, Section III, Phase II, Subdivision - being 13.27 acres of land out of the 45.40 acre tract.

(19) PRELIMINARY AND FINAL APPROVAL

a) Precinct No. 3

San Jose North Subdivision - being a 13.774 acre tract of land, more or less out of Share No. 17, Espiritu Santo Grant; and

b) Precinct No. 4

Chevrolet Country Estates - being a 8.85 acre resubdivision out of Block No. 14, Stuart Place Subdivision, Survey No. 138.

(20) EXECUTIVE SESSION

Upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, the Court met in Executive Session at 10:39 A.M. to discuss the following matters:

- a) Confer with County Counsel on the possible settlement of Cause No. 1997-CCL-517-C, County of Cameron vs. Israel Lizka, Tally Galonsky and Nurith Galonsky; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(B);
- b) Confer with County Counsel on matters pertaining to the Sea Ranch Marina Concession Agreement in which the duty of the attorney to the governmental body, under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, clearly conflicts with this chapter; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 92);
- c) Confer with County Counsel regarding possible litigation between Cameron County and Alpine Assurance LTD.; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(A);
- d) In the matter of the evaluation of Mr. Pedro (Pete) Sepulveda, Jr., Bridge Systems Director; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.074; **(TABLED)** and
- e) In the matter of the Laguna Madre Water District: application for approval of \$7,971,000 bond; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (2). **(TABLED)**

(21) ACTION RELATIVE TO EXECUTIVE SESSION

- e) **In the matter of the Laguna Madre Water District: application for approval of \$7,971,000 bond issue. (TABLED)**

Commissioner Cascos moved that this Item be **TABLED**.

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

AYE: Commissioners Benavides, Cascos and Matz

ABSTAINED: Judge Hinojosa.

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the Court reconvened in Regular Session at 11:20 A.M.

(21) ACTION RELATIVE TO EXECUTIVE SESSION

- a) **Confer with County Counsel on the possible settlement of Cause No. 1997-CCL-517-C, County of Cameron vs. Israel Lizka, Tally Galonsky and Nurith Galonsky.**

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the settlement of Cause No. 1997-CCL-517-C, County of Cameron vs. Israel Lizka, Tally Galonsky and Nurith Galonsky, was approved, in the amount of \$36,000 on behalf of the County.

- b) **Confer with County Counsel on matter pertaining to the Sea Ranch Marina Concession Agreement in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, clearly conflicts with this chapter.**

Commissioner Matz moved that the Status Report by County Counsel be acknowledged regarding the Sea Ranch Marina Concession Agreement in which the duty of the attorney to the governmental body, under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, clearly conflicts with this chapter.

The motion was seconded by Commissioner Cascos and carried unanimously.

- c) **Confer with County Counsel regarding the possible litigation between Cameron County and Alpine Assurance, Ltd.**

Commissioner Matz moved that the possible litigation between Cameron County and Alpine Assurance, Ltd., be negotiated for outside Counsel.

The motion was seconded by Commissioner Benavides and carried unanimously.

- d) **In the matter of the evaluation of Mr. Pedro APete® Sepulveda, Jr., Bridge Systems Director. (TABLED)**

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

There being no further business to come before the Court, upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the meeting was **ADJOURNED** at **11:21 P.M.**

APPROVED this 28th day of March, 2000.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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