

THE STATE OF TEXAS

COUNTY OF CAMERON

BE IT REMEMBERED on the 25th day of APRIL, 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

NATIVIDAD ATIVIE@ 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 9:35 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 April 20, 2000, at 1:14 P.M.:

At this time, Commissioner Valencia stated that criticism had been made by members of the Court and the public concerning the attendance by Commissioner Precinct No. 4 to the Hurricane Conference in New Orleans, Louisiana, and noted that over seventeen hundred individuals had attended the conference. He explained that the conference was very informative and allowed County Officials to obtain information on how to better protect the community in case of hurricanes. Commissioner Valencia noted that performing the proper procedures and addressing the problems during the hurricanes prevented the expenditures of additional federal funds.

Commissioner Matz noted that in the past, he had submitted the information obtained at the conference to the Court, in order to share the recommendations and ideas offered at the conference.

Judge Hinojosa stated that evacuation measures of the County needed to be addressed, in order to make precise decisions of evacuating the residents out of areas.

Commissioner Cascos clarified that the criticism had been aimed at the budgetary process and added that the issue was addressed as a result of an error in the Budget Amendments by the County Auditor's Office. He explained that the amount of \$4,000.00 had been transferred from a Postage Allowance in the Commissioner's budget to increase the travel budget and added that the funds should have been transferred from the Extra Help Line Item. Commissioner Cascos added that the Travel Policies were subject to the availability of funds in the travel budgets and stated that the County Officials were not exempt from the policy, noting that the trip to the conference had been taken prior to availability of the funds. He stated that the funds were being transferred from the Extra-Help Line Item, in the amount of \$10,000.00, which was requested and budgeted at the beginning of the fiscal year and added that the conferences which were held annually should have been anticipated in the budgetary process.

Commissioner Valencia clarified that the Budget Amendment request had been submitted two weeks prior to the travel request and noted that the error had been done in the Auditor's Office.

Commissioner Cascos stated that the concerns had been based on the budget amendment distributed to the Court and suggested that the County Auditor's Office should submit backup documentation along with the Budget Amendments.

Mr. Mark Yates, County Auditor, confirmed that the coding error occurred in the Auditor's Office and clarified that the amount of \$4,000.00 should have been allocated from the Extra Help Line Item, as opposed to Postage Allowance.

Commissioner Valencia stated that the Extra Help Line Item had been included in the Precinct No. 3 budget with the intent to hire an individual in the office and added that it had been difficult to hire an employee for the amount of compensation being offered.



At this time, Judge Hinojosa questioned when the Request for Proposals would be advertised for the architectural plans on the Engineering and Health Department Building and Mr. Juan Bernal, County Engineer, responded that the matter would be addressed once the construction of the County Jail began in six (6) months.

Judge Hinojosa stated that the Engineering and Health Department would alleviate the problem in the San Benito area and noted that the Justices of the Peace would be moved into the current Health Department Building, once the Health Department relocated to the building at the new County Jail site.

Mr. Wright recommended that if payments to the Justices of the Peace were withheld, due to the lack of an adequate Agreement, a public notice should be posted, in order to allow the individuals to justify their situations and added that a policy decision could then be placed on the Agenda.

At this time, Mr. Joseph Ardito, Property Management Coordinator, stated that a generic Contract had been created, but noted that the landlords were not in agreement with the County's Lease Agreement.

Judge Hinojosa stated that the Justices of the Peace were given an office allowance for using their own personal property and added that the allowances should be consistent among the Justices of the Peace, noting that the office allowance did not require a Lease Agreement. He stated that if the Justice of the Peace was not given an office allowance and was leasing from a different individual, the County should then negotiate the Lease Agreement and make the payment directly to the lessors. Judge Hinojosa noted that the County would deviate from the office allowances once the proposed buildings were built and suggested that Justice of the Peace Gualberto Weaver should be relocated to the Free Trade Bridge at Los Indios, which would place him in a centralized location.

Commissioner Cascos noted that the matter was referred to as Areal estate rental and added that if the Lease Agreements were not required, Legal Counsel should inform the Court.

Mr. Wright stated that Legal Counsel had made the determination, based on the Attorney General's Opinion, that payment of the office allowance to the individual for use of their own space was acceptable.

Judge Hinojosa stated that the office allowance was only available to the Elected Official when an acceptable County Building was not available in their respective Precincts and added that the Elected Officials were required to house their offices in County Buildings, if the building was available.

At this time, Mr. Yates presented an additional late claim as to Warrant No. 33454, payable to Jury Fund, in the amount of \$11,874.00.

Commissioner Cascos reported that he had received a call from a Juror noting that the Juror had served in January, 2000, and had not received a check.

Mr. Yates explained that modifications and the payment for the new software implemented in the District Clerk's Office had caused the delay of dispersing the jurors' checks, noting that additional modifications which would cause further delays were not anticipated.

Commissioner Valencia moved that the County Claims be approved, as presented by the County Auditor, inclusive of the late claim as to Warrant No. 33454, in the amount of \$11,874.00.

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

**AYE:** Commissioners Benavides, Cascos, Matz and Valencia

**NAY:** None

**ABSTAINED:** Judge Hinojosa, as to Warrant No. 33062, payable to Laguna Madre Water District.

**The Affidavit is as follows:**

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

Commissioner Matz moved that the 2000 Fiscal Year Budget Amendment No. 2000-25 and the following Salary Schedules be approved:

Juvenile Department, Fund No. 450-5880;

Juvenile Department, Fund No. 310-5880;

Juvenile - Community Corrections, Fund No. 310-5710; and

Road and Bridge Engineering, Fund No. 150-6220.

The motion was seconded by Commissioner Valencia and carried unanimously.

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

**(3) APPROVAL OF MINUTES OF MARCH 28, 2000**

Upon motion by Commissioner Valencia, seconded by Commissioner Cascos and carried unanimously, the Minutes of the Regular Meeting held March 28, 2000, at 9:30 A.M., were approved, subject to the corrections noted on Items No. 1 and No. 4.

**(3) IN THE MATTER OF THE MINUTES OF MARCH 21, 2000 (TABLED)**

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

**(4) ACKNOWLEDGMENT OF THE COMPLETION OF THE COUNTY INVESTMENT OFFICER EDUCATION REQUIREMENTS FOR 1999**

Commissioner Cascos moved that completion of the County Investment Officer Education Requirements for 1999 by Mr. Eddie A. Gonzalez, County Treasurer, be acknowledged.

The motion was seconded by Commissioner Matz and carried unanimously.

**The Certificate is as follows:**

**(5) AUTHORIZATION TO UTILIZE QUOTES FOR THE PURCHASE OF CAMERON COUNTY COURTHOUSE NORTHWEST PARKING LOT EQUIPMENT FOR AN AMOUNT OVER \$15,000.00, BUT LESS THAN \$25,000.00**

At this time, Mr. Remi Garza, Executive Assistant to the County Judge, explained that the purchase of toll equipment was for the parking lot, located between the Federal and County Courthouses and added that three (3) quotes were required from the State based on the amount.

Commissioner Matz stated that the quotes would be obtained for the toll equipment, but noted that the funding source had not been identified or allocated.

Judge Hinojosa stated that the funds would be allocated from the tolls collected at the parking lot and noted that the bulk of the tolls would be monthly rental fees for the Federal Jurors.

Commissioner Matz requested that a report of the projections from the tolls be submitted to the Court, in order to determine the revenues from the parking lot.

Judge Hinojosa explained that the parking lot had been constructed primarily for the Federal Courthouse, but noted that the Federal Government had not provided funding for the construction. He stated that the parking lot would charge a toll fee and stated that County employees and State Jurors were exempt from the toll fees.

Commissioner Cascos moved that the quotes be utilized for the purchase of Cameron County Courthouse Northwest Parking lot equipment for an amount over \$15,000.00, but less than \$25,000.00.

The motion was seconded by Commissioner Valencia and carried unanimously.

**(6) ADOPTION OF A RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE 2000 TEXAS COMMUNITY DEVELOPMENT PROGRAM COLONIA AREA PLANNING FUND ON BEHALF OF THE HARRIS TRACT COLONIA IN RURAL CAMERON COUNTY AND AUTHORIZING THE COUNTY JUDGE TO ACT IN ALL MATTERS PERTAINING TO SAID APPLICATION**

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the Resolution was adopted authorizing the submission of a Grant Application to the 2000 Texas Community Development Program Colonia Area Planning Fund on behalf of the Harris Tract Colonia in rural Cameron County and the County Judge was authorized to act in all matters pertaining to said application.



At this time, Judge Hinojosa questioned whether the Harris Tract qualified for the Grant and Mr. Frank Bejarano, Program Development and Management Director, responded that the Harris Tract was not a platted subdivision and would need to go through the Planning Process as a Planning Application.

**The Resolution is as follows:**

(7) **ADOPTION OF A RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE 2000 TEXAS COMMUNITY DEVELOPMENT PROGRAM COLONIA CONSTRUCTION FUND ON BEHALF OF THE TIERRA BONITA AND GRANDE ACRES COLONIAS AND AUTHORIZING THE COUNTY JUDGE TO ACT IN ALL MATTERS PERTAINING TO SAID APPLICATION**

Commissioner Matz moved that the Resolution authorizing the submission of a Grant Application to the Texas 2000 Community Development Program Colonia Construction Fund on behalf of the Tierra Bonita and Grande acres Colonias be adopted and that the County Judge be authorized to act in all matters pertaining to said application.

The motion was seconded by Commissioner Valencia and carried unanimously.

**The Resolution is as follows:**

**(8) AUTHORIZATION TO PURCHASE A PASSENGER MINIVAN FROM HOUSTON GALVESTON AREA COUNCIL OF GOVERNMENT INTERLOCAL PURCHASE AGREEMENT**

Upon motion by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, the purchase of a passenger minivan from the Houston Galveston Area Council of Government Interlocal Purchase Agreement was approved.

**(9) AUTHORIZATION TO APPLY FOR A TEXAS DEPARTMENT OF HEALTH IMMUNIZATION PROGRAM GRANT FOR THE DELIVERY OF IMMUNIZATION SERVICES**

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the application for a Texas Department of Health Immunization Program Grant for the delivery of Immunization Services was approved.

**(10) AUTHORIZATION TO ADVERTISE FOR BIDS FOR A DOUBLE WIDE MODULAR BUILDING TO PROVIDE WOMEN, INFANTS AND CHILDREN (WIC) PROGRAM SERVICES IN CAMERON PARK**

Commissioner Cascos moved that the advertisement of Bids for a double wide modular building to provide Women, Infants and Children (WIC) Program Services in Cameron Park be approved.

The motion was seconded by Commissioner Benavides and carried unanimously.

At this time, Judge Hinojosa recommended that the Bids be thoroughly examined concerning the quality of the manufactured home and that the County Engineer review the construction and materials utilized for the modular building.

**(11) APPROVAL OF INTERLOCAL AGREEMENT BETWEEN CAMERON COUNTY AND BROWNSVILLE INDEPENDENT SCHOOL DISTRICT FOR OFFICE SPACE FOR UNIDOS PODEMOS ADMINISTRATIVE STAFF**

Upon motion by Commissioner Benavides, seconded by Commissioner Valencia and carried unanimously, the Interlocal Agreement between Cameron County and Brownsville Independent School District for office space for Unidos Podemos Administrative Staff was approved, subject to Legal review.

**The Agreement is as follows:**

**(12) AUTHORIZATION TO REFUND TAXES**

Commissioner Valencia moved that the following taxes be refunded:

- a) Gus Daniels, in the amount of \$657.04, Change Value;
- b) Juan Manuel Zuniga, in the amount of \$673.49, Change Value;
- c) American Mobile Home and Recreational Vehicle (RV) Park, in the amount of \$6,655.10, Change Value;
- d) Auto Parts Acquisition, Incorporated, in the amount of \$1,679.21, Payment in error; and
- e) Guillermo Aguilar, in the amount of \$582.65, Payment in error.

The motion was seconded by Commissioner Benavides and carried unanimously.

**(13) POSSIBLE APPROVAL OF AGREEMENT BETWEEN CAMERON COUNTY AND AMBIOTEC FOR PROFESSIONAL ENVIRONMENTAL CONSULTING SERVICES REGARDING THE DANCY BUILDING**

Upon motion by Commissioner Benavides, seconded by Commissioner Valencia and carried unanimously, the Agreement between Cameron County and Ambiotec for Professional Environmental Consulting Services regarding the Dancy Building was 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:**

At this time, Ms. JuaNita Brodecky, Rio Hondo resident, expressed her concerns as to the travel items from 1999 being approved after a lengthy period of time and suggested that all Agenda Items should be approved in a timely manner.

Upon motion by Commissioner Valencia, seconded by Commissioner Benavides and carried unanimously, the AConsent® Agenda Items were approved as follow and Item No. 17 was Tabled.

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

- a) Two (2) Juvenile Probation employees to attend the AVictims Conference® in South Padre Island, Texas, on November 11, 1999;
- b) Health Department employee to attend the ACommunity Management Team Meeting® in Edinburg, Texas, on January 11, 2000, and March 21, 2000;
- c) Juvenile Boot Camp employee and six (6) Cadets attend a AFlag Presentation® in South Padre Island, Texas, on October 31, 2000;
- d) Three (3) County Courts at Law No. 1 and No. 3 employees to attend the A2000 Professional Development Program® in Huntsville, Texas, on June 12-16, 2000;

- e) County Clerk, Building Maintenance, WIC Director, Personnel/Safety Director and Law Enforcement Safety Officer to attend the ACounty Management Institute Seminar@ in May 9-12, 2000;
- f) District Clerk and four (4) Deputies to attend the >County and District Clerks= Annual Conference@ in Wichita Falls, Texas, on June 10-15, 2000;
- g) District Clerk and nine (9) Deputies to attend the ACounty and District Clerks= Association Area Seminar@ in South Padre Island, Texas, on April 25-27, 2000;
- h) County Treasurer to attend the AAnnual County Treasurers= Continuing Education Seminar@ in College Station, Texas, on May 8-12, 2000;
- I) Sheriff, Chief and Major to attend a AMeeting with the Texas Commission on Jail Standards@ in Austin, Texas, on April 16-18, 2000;
- j) Health Department employee to attend a APatient Flow Analysis Conference@ in Austin, Texas, on May 9-11, 2000;
- k) County Extension employee to attend the AMaster Clothing Volunteer Training@ in San Antonio, Texas, on March 28-31, 2000;
- l) Assistant County Administrator to meet with Estrada Hinojosa, Incorporated, regarding a plan of finance for the new County Jail in Dallas, Texas, on May 2, 2000;
- m) 107<sup>th</sup> District Judge to attend the A13<sup>th</sup> ARusty@ Duncan Advanced Criminal Law Short Course Seminar@ in San Antonio, Texas, on June 1-4, 2000; and
- n) Health Department employee to attend the AZocklein Grant Writing Workshop@ in Houston, Texas, on May 22-25, 2000.

**(15) FINAL APPROVAL**

**a) Precinct No.3**

Pederson Brothers No. 4, Subdivision - a 13.705 acre tract of land, more or less being 4.263 acres out of Block No. 115, 6.720 acres out of Block No. 114, Fresno Land and Irrigation Company Subdivision and all of Lot No. 4, Block No. 3, Lots No. 17 and No. 18, Block No. 2 out of Pederson Brothers No. 3 Subdivision.

**(16) AWARD BIDS**

**a) UNIFORMS: RENTAL AND CLEANING - ANNUAL BID NO. 1940**

UNI-FIRST - McAllen, Texas

**(17) IN THE MATTER OF BIDS AND DESIGNATION OF COMMITTEE FOR EVALUATION OF COFFEE CART SERVICES, REQUEST FOR PROPOSAL NO. 000303 (TABLED)**

**(18) EXECUTIVE SESSION**

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Court met in Executive Session at 10:43 A.M. to discuss the following matters, and Items Ac@ and Af@ were Tabled:

- a) Confer with County Counsel concerning the case styled Benito De La Cruz vs. Cameron County, Civil Cause No. B-98-113, in the United States District Court - Southern District of Texas, Brownsville Division, to discuss the status of the case and authorize settlement; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(A&B);
- b) Confer with County Counsel concerning the case styled Freda Sue Mowbray vs. Cameron County, Civil Action No. B-98-0183, in the United States District Court - Brownsville, to discuss the status of case; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(A);
- c) In the matter of the case styled Edward Alcala vs. Alex Perez, et. al., Civil Action No. B-96-203, in the United States District Court - Brownsville, to discuss the status of case and authorize settlement; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(A&B); **(TABLED)**
- d) In the matter of the possible concession of common area at the Judicial Building for a portable coffee cart; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072; **(TABLED)**
- e) Evaluation of Elections Administrator; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.074; and
- f) In the matter of the Sea Ranch Marina Concession involving matters 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 the Open Meetings Act; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (2). **(TABLED)**

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Court reconvened in Regular Session at 11:40 A.M.

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

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, Item Ag was amended to include the County Clerk and four (4) Deputies to attend the County and District Clerks Association Area Seminar in South Padre Island, Texas, on April 25-27, 2000.

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

- a) Confer with County Counsel concerning the case styled Benito De La Cruz vs. Cameron County, Civil Cause No. B-98-113, in the United States District Court - Southern District of Texas, Brownsville Division, to discuss the status of the case and authorize settlement.

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the Status Report by County Counsel was acknowledged regarding the case styled Benito De La Cruz vs. Cameron County, Civil Cause No. B-98-113, in the United States District Court - Southern District of Texas, Brownsville Division, concerning the case and settlement.

- b) **Confer with County Counsel concerning the case styled Freda Sue Mowbray vs. Cameron County, Civil Action No. B-98-0183, in the United States District Court - Brownsville, to discuss the status of case.**

Commissioner Matz moved that the Status Report by County Counsel be acknowledged regarding the case styled Freda Sue Mowbray vs. Cameron County, Civil Action No. B-98-0183, in the United States District Court - Brownsville.

The motion was seconded by Commissioner Benavides and carried unanimously.

- d) **In the matter of the possible concession of common area at the Judicial Building for a portable coffee cart. (TABLED)**

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

- e) **Evaluation of Elections Administrator.**

Commissioner Cascos moved that the favorable evaluation of the Elections Administrator be acknowledged.

The motion was seconded by Commissioner Matz.

Judge Hinojosa moved that the motion be amended to increase the Elections Administrator's annual salary to \$45,000.00.

The motion was seconded by Commissioner Valencia and the votes is as follows:

**AYE:** Commissioner Valencia and Judge Hinojosa

**NAY:** Commissioners Benavides, Cascos and Matz.

Commissioner Cascos moved that the favorable evaluation of the Elections Administrator be acknowledged.

The motion was seconded by Commissioner Matz and carried unanimously.



There being no further business to come before the Court, upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the meeting was **ADJOURNED** at **11:44 A.M.**



**APPROVED** this 23<sup>rd</sup> day of **May, 2000**.

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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.**