

THE STATE OF TEXAS

COUNTY OF CAMERON

BE IT REMEMBERED on the 6th day of JUNE, 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

COMMISSIONER, PRECINCT NO. 3

NATIVIDAD ATIVIE@ VALENCIA
COMMISSIONER, PRECINCT NO. 4

Hilda V. Treviño Deputy
COUNTY CLERK

ABSENT:

JAMES R. MATZ

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 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 June 2, 2000, at 1:45 P.M., and the Supplemental Agenda posted and filed on June 2, 2000, at 3:11 P.M.:

(1) APPROVAL OF COUNTY CLAIMS

At this time, Mr. Mark Yates, County Auditor, presented an additional late claim as to Warrant No. 35968, payable to the Cameron County Jury Fund, in the amount of \$4,444.50.

NOTE: COMMISSIONER CASCOS JOINED THE MEETING.

Commissioner Benavides moved that the County Claims be approved, as presented by the County Auditor, inclusive of the late claim as to Warrant No. 35968, in the amount of \$4,444.50.

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

AYE: Commissioners Benavides, Cascos and Valencia

NAY: None

ABSTAINED: Judge Hinojosa, as to Warrant No. 35854, payable to Laguna Madre Water District, in the amount of \$180.72.

The Affidavit is as follows:

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

At this time, Commissioner Cascos questioned the amount of \$3,000.00, being transferred to communications from the rental line item, in the Justice of the Peace Precinct No. 6, budget and Mr. Mark Yates, County Auditor, responded that the matter would be researched and brought back the following week.

Commissioner Benavides informed the Court and public that he had requested that he be informed and billed for any overages in cell phone usage at the time the cell phone was issued to him and noted that he had not received a bill. He reported that he had gone over the limit on his cell phone usage, but noted that the matter would be addressed.

Mr. Yates stated that the Commissioner-s Precinct No. 1 detailed analysis of the cell phone bill was being researched and would be forwarded to the Commissioner with the final amount.

Commissioner Benavides clarified that the County phones were public record and that all incoming phone calls were also charged.

Mr. Yates noted that there had been some question as to why some phones included detailed billing and others did not. He stated that prior to the service being provided, the County issued cloning on most of the analog phones which were subject to that particular problem; whereas, there were cloning issues of illegal charges on the bills which were caught in the County Auditor-s Office. He stated that the Auditor-s Office continued to review the bills to avoid the illegal charges and added that there were also roaming fees charged to the cell phones utilized close to the river.

Commissioner Valencia suggested that the Commissioners, Constables and Justices of the Peace should be excluded from the limited phone rates, due to the numerous amounts of calls received.

Commissioner Valencia moved that the 2000 Fiscal Year Budget Amendment No. 2000-31, and the Salary Schedules for the Judicial Courthouse Security, Fund No. 140-4350, and the C.C. Juvenile Probation Department, Fund No. 450-5710, be approved.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Budget Amendments and Salary Schedules are as follow:

(3) AUTHORIZATION TO RETAIN MONTALVO/RAMIREZ ATTORNEYS AT LAW, TO PROVIDE SERVICES AS BOND COUNSEL FOR THE NEW COUNTY ADULT DETENTION FACILITY AND SHERIFFS DEPARTMENT

At this time, Mr. Doug Wright, Commissioners= Court Legal Counsel, requested the Court=s direction as to utilizing the County=s Standard Professional Services Agreement or the Agreement presented by the firm.

Judge Hinojosa stated that the process should be performed as done in the past when Bond Counsel was retained, as long as the terms were negotiated and the County was protected.

Mr. Remi Garza, Executive Assistant to the County Judge, highlighted the firm=s fee structure as referenced in the letter dated June 6, 2000, and noted that the previous bond counsel=s fee structure was less.

Mr. Wright stated that the Errors and Omission Insurance level should be addressed with the County Financial Advisor as to whether it would be a condition of employment.

Judge Hinojosa stated that recommendations be made with respect to the package concerning the fees and the Errors and Omissions Policy.

Commissioner Valencia moved that the professional services by the Montalvo/Ramirez Attorneys at Law, as Bond Counsel for the new County Adult Detention Facility and Sheriff=s Department be negotiated.

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

AYE: Commissioners Benavides, Valencia and Judge Hinojosa

NAY: None

ABSTAINED: Commissioner Cascos.

The Letter is as follows:

At this time, Mr. Dagoberto Barrera, Brownsville resident, expressed concern as to the reimbursements to the County by County Officials regarding cellular phones and questioned whether all County employees would be encouraged to reimburse the County if the cell phone usage went above the set budgets.

Judge Hinojosa responded that there was a County Policy regarding the Cellular Phones and Services in which the County budgeted an amount per phone, based on the position of the employee that would require a certain number of minutes to be used. He explained that if the County Official or employee exceeded the amount budgeted, the individual would be required to pay the exceeded amount and noted that the policy for the Law Enforcement Departments differed.

Commissioner Cascos stated that the County Auditor's Office should monitor and inform the individual of any exceeded amounts and suggested that the reimbursements should be paid on a monthly basis, in order to avoid accumulated costs.

Mr. Mark Yates, County Auditor, reported that the Auditor's Office was preparing a draft policy to be presented at the following Meeting and added that statements were sent to the individual departments for their review. He stated that a full-time position would be required in the Auditor's Office to review and monitor the individual accounts, in order to distribute the billing statements to the County Officials or employees in a timely manner, due to the high volume of accounts.

Commissioner Cascos stated that the Policy required the reimbursement of excess amounts by the individual, regardless of whether the call was County related or personal and noted that the calls should not have to be researched to determine whether the calls were legitimate or not. He stated that the minutes had been allocated based on historical usage at the time the policy was implemented and suggested that the names of the employees issued cellular phones should be identified on the list of claims. Commissioner Cascos added that if the individual exceeded the monthly allocation, the employee should sign a payroll deduction authorization to be deducted automatically from their paychecks. He stated that there would be an exception during times, such as hurricane season; whereas, the individual would be responsible to justify the overages and added that the cellular phone bills would be reduced significantly by placing the responsibility on each individual.

At this time, there was some discussion as to the policy for the Law Enforcement Departments and Judge Hinojosa recommended that all non-Law Enforcement employees exceeding their budget should reimburse the County.

Judge Hinojosa stated that the phone calls for the Law Enforcement Personnel would be audited by the County Auditor's Office if their budgets were exceeded.

Ms. JuaNita Brodecky, Rio Hondo resident, expressed opposition as to the numerous cellular phones in the County and as to the burden placed on the taxpayers by the misuse of County property and equipment.

(10) **EXECUTIVE SESSION**

Upon motion by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, the Court met in Executive Session at 10:18 A.M. to discuss the following matters:

- a) Deliberation regarding Real Property concerning Sea Ranch Marina Concession; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- b) Deliberation regarding the Real Property concerning Brownsville - Original Townsite, Block No. 120, Lots No. 2 - 12; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- c) Deliberation regarding the Real Property concerning Cameron County owned property, known as 35 Orange Street, Brownsville, Texas; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072; and

SUPPLEMENTAL AGENDA

- a) Confer with County Counsel regarding mediation and settlement authority for Cause No. 99-07-2912-A, Cameron County vs. International Bank of Commerce, Brownsville; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(A&B).

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the Court reconvened in Regular Session at 11:35 A.M.

NOTE: COMMISSIONER VALENCIA DID NOT RETURN TO THE COURTROOM.

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

- a) **Deliberation regarding Real Property concerning Sea Ranch Marina Concession.**

Upon motion by Commissioner Benavides, seconded by Commissioner Cascos and carried unanimously, the Status Report by the Property Management Coordinator was acknowledged regarding the Sea Ranch Marina Concession.

- b) **Deliberation regarding the Real Property concerning Brownsville - Original Townsite, Block No. 120, Lots No. 2 - 12.**

Commissioner Cascos moved that the Status Report by the Property Management Coordinator be acknowledged regarding the Brownsville - Original Townsite, Block No. 120, Lots No. 2-12.

The motion was seconded by Commissioner Benavides and carried unanimously.

- c) **Deliberation regarding the Real Property concerning Cameron County owned property, known as 35 Orange Street, Brownsville, Texas.**

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the Status Report by the Property Management Coordinator was acknowledged regarding the Cameron County owned property, known as 35 Orange Street, Brownsville, Texas.

COMMISSIONER VALENCIA RETURNED TO THE COURTROOM.

SUPPLEMENTAL AGENDA

- a) **Confer with County Counsel regarding mediation and settlement authority for Cause No. 99-07-2912-A, Cameron County vs. International Bank of Commerce, Brownsville.**

Commissioner Valencia moved that Mr. Chris Boswell, Attorney at Law, be directed to appear on the County's behalf regarding the mediation and settlement on Cause No. 99-07-2912-A, Cameron County vs. International Bank of Commerce, Brownsville, noting that Judge Hinojosa and Mr. Remi Garza, Executive Assistant to the County Judge, were not present during discussion of this item.

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

AYE: Commissioners Benavides, Cascos and Valencia

NAY: None

ABSTAINED: Judge Hinojosa.

(4) **AUTHORIZATION TO HOLD A PUBLIC HEARING
TO CLOSE A PORTION OF FRESNO STREET AND
HAYES STREET WITHIN PRECINCT NO. 2 AREA**

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the Public Hearing to close a portion of Fresno Street and Hayes Street within Precinct No. 2 area was opened for public comment.

At this time, Mr. Juan Bernal, County Engineer, stated that following a fatal accident which occurred in Olmito, in 1997, several meetings had been held with the residents of Olmito and County Officials regarding said matter.

Commissioner Cascos explained that in order for the railroad to place safety railroad crossing guards, a determination had to be made by the County to close two (2) streets in Olmito.

Judge Hinojosa clarified that the County would receive \$25,000.00, per each road closing and that the total amount of \$50,000.00 would go towards the construction of the railroad crossing guard at Merryman Road.

Commissioner Benavides expressed concern as to the Olmito residents' thoughts regarding the closing of the roads and reported that he had received calls from business people as to the impact the closing of the streets would have on their business.

At this time, Mr. Ricardo Leal, Olmito resident and business owner, stated that a petition had been signed by ten (10) people for the closing of the streets and added that he currently owned a small convenient store. He stated that the crossing in the area had the best safety record in Olmito and added that closing the streets would be a set back to the

prosperity of Olmito. Mr. Leal reported that he had obtained many signatures from residents of Fresno Street opposing the closing of the street and informed the Court that the area was a flood prone area. He added that the entrances and exits should be available for emergency situations and added that the accident involving teenagers, who occurred in 1997, was due to negligence on the part of the parents and the children driving the vehicle. Mr. Leal stated that stop signs were placed before the railroad crossing and recommended that the individuals not obeying the signs should be cited.

Judge Hinojosa explained that numerous deaths at intersections had occurred in Olmito in the last six to eight years and added that Olmito was the only community in the County that was unincorporated, noting that the speed limits were higher than incorporated areas. He stated that Olmito had the highest concentration of people where a railroad went through at forty-nine (49) miles per hour and added that the community of Olmito had seven (7) railroad intersections. Judge Hinojosa stated that the Texas Department of Transportation, the County Engineer and the Union Pacific Railroad all agreed that the high incidence of deaths in Olmito was due to the numerous railroad intersections without safety railroad crossing guards. He reported that several meetings had been held with the Olmito residents to inform them of the County's proposal regarding the solution of the railroad crossing issues, noting that each of the railroad crossing guards cost \$125,000.00 and added that TxDOT had prioritized two railroad crossings. Judge Hinojosa stated that TxDOT had added the crossing at FM/1732, but would not pay for anymore crossing guards. He reported that TxDOT had agreed to pay for an additional crossing guard as long as the County agreed to close two (2) streets and added that the County could either agree with TxDOT's proposal, consisting of \$50,000.00, the County's cost, in the amount of \$25,000.00, noting that TxDOT would pay the balance for the crossing guard at Merryman, and the closing of the two streets. He explained that the alternate proposal would be for the County to pay for all three of the crossing guards, in the amount of \$375,000.00, noting that said funding was not available in the County and added that crossing guards were normally paid by TxDOT through a Federal Program that determined the funding based on priorities such as use and proximity of schools. Judge Hinojosa stated that due to the speed of the train, the train could not stop for any vehicle crossing the railroad and added that the County had attempted to have Union Pacific reduce the speed of the trains. He reported that the Railroad paid for the closing of the streets to reduce their exposure to accidents resulting in lawsuits in high concentration areas and added that there were no other streets that could be closed, based on practical reasons.

Mr. Leal noted that property values would possibly be decreased by the closing of the streets and added that it would be difficult to sell the properties in the future with limited access to the streets.

Judge Hinojosa stated that following the accident in 1997, the residents were upset and blamed the County for not addressing the problem. He reiterated that the matter had been discussed with TxDOT and the community had been informed of the solution.

Commissioner Cascos stated that there had been an outcry by the residents of Olmito as to the County's failure to install stop signs and railroad crossing guards, noting that the responsibility belonged to TxDOT and Union Pacific Railroad. He noted that once the stop signs were installed by the County, the County Officials had witnessed vehicles that did not obey the signs and added that there was a general consensus at the meetings held with the community as to the placing of the signs and crossing guards.

Mr. Leal noted that the first petition consisted of residents who did not live close to the area and added that the petitions were signed at the time of the accident, when the residents were angry. He requested that the County reconsider the matter and that Fresno Street remain opened.

Judge Hinojosa reiterated that many meetings had been held with the community of Olmito and reported that there was minimal opposition regarding the matter.

At this time, there was discussion as to the flooding issues in the area and the County Engineer stated that the issue would be reviewed to resolve the flooding problems.

Judge Hinojosa stated that the County's only option was to protect and ensure the safety of the Olmito residents and that the railroad crossing guards would prevent accidents from the train traveling at a high speed.

Ms. JuaNita Brodecky, Rio Hondo resident, expressed her concerns as to the matter and stated that the personal responsibility should also be considered in obeying the signs and crossing guards.

Hearing and sensing no further comments, upon motion by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, the Public Hearing was closed.



**(5) ADOPTION OF AN ORDER FOR THE CLOSING OF
A PORTION OF FRESNO STREET AND HAYES
STREET WITHIN PRECINCT NO. 2 AREA**

Commissioner Cascos moved that the Order for the closing of a portion of Fresno Street and Hayes Street within Precinct No. 2 area be adopted.

The motion was seconded by Commissioner Valencia and carried unanimously.

The Order is as follows:

NOTE: COMMISSIONER CASCOS LEFT THE COURTROOM.

(7) AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE ROOF REPAIRS AT THE COUNTY AIRPORT

Upon motion by Commissioner Benavides, seconded by Commissioner Valencia and carried unanimously, the advertisement for Bids for the roof repairs at the County Airport was approved.

(6) AUTHORIZATION TO NEGOTIATE AN INTERLOCAL AGREEMENT BETWEEN CAMERON COUNTY AND THE CITY OF BROWNSVILLE AND ITS POLICE DEPARTMENT TO JOINTLY COLLECT CITY/COUNTY RURAL STREET INFORMATION TO PROVIDE UNIFORMITY FOR THE 911 ROAD MAP/ADDRESSING PROJECT

Commissioner Benavides moved that an Interlocal Agreement be negotiated between Cameron County and the City of Brownsville and its Police Department to jointly collect City/County rural street information to provide uniformity for the 911 Road Map/Addressing Project.

The motion was seconded by Commissioner Valencia and carried unanimously.

(8) AUTHORIZATION TO RENEW THE LEASE BETWEEN CAMERON COUNTY AND KVALVOG MANAGEMENT, NOW KNOWN AS VANGUARDIA MANAGEMENT, FOR THE CAMERON COUNTY ENGINEERING DEPARTMENT

Commissioner Valencia moved that the Lease Agreement be renewed between Cameron County and Kvalvog Management, now known as Vanguardia Management, for the Cameron County Engineering Department.

The motion was seconded by Commissioner Benavides and carried unanimously.

The Agreement is as follows:

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 Valencia, seconded by Commissioner Benavides and carried unanimously, the

AConsent® Agenda Items were approved as follow:

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

- a) Deputy Constable Precinct No. 6 to attend the AMoney Laundering and Financial Investigation Seminar® in San Antonio, Texas, on June 13-16, 2000;
- b) Two (2) Health Department employees to attend the AMigrant Health Promotion Collaborators Meeting® in Relampago, Texas, on June 21, 2000;
- c) Health Department employee to assist in transfer of inmate with the Sheriff-s Department in Huntsville, Texas, on May 25-30, 2000;
- d) Parks System Director to attend a Public Hearing at the Texas Parks and Wildlife Department Office in Austin, Texas, on May 31, 2000, through June 1, 2000;
- e) Three (3) Sheriff-s Department employees to attend the ACivil Process Training® in San Antonio, Texas, on June 12-15, 2000;
- f) Sheriff to attend the AExecutive Training for Texas Sheriffs® in Huntsville, Texas, on June 25-28, 2000;
- g) County Sheriff to attend the AFBI National Academy Conference® in El Paso, Texas, on July 8-12, 2000;
- h) International Bridge Systems Director to attend the AUSA/Mexico Industrial Expo AA New Industrial Revolution® in Monterrey, Mexico, on June 6-8, 2000;
- I) Assistant District Attorney to attend the A10th Annual Conference on State and Federal Appeals® in Austin, Texas, on June 7-9, 2000;
- j) Six (6) Sheriff-s Department Officers to attend the AArson Detection for First Responders Seminar® in McAllen, Texas, on June 10-11, 2000; and
- k) Justice of the Peace Precinct No. 6 to attend the AMass Fatality Incident Course® in Austin, Texas, on July 25-28, 2000.

There being no further business to come before the Court, upon motion by Commissioner Valencia, seconded by Commissioner Benavides and carried unanimously, the meeting was **ADJOURNED** at **12:23 P.M.**

APPROVED this **20th** day of **June, 2000**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

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