

**THE STATE OF TEXAS**

**COUNTY OF CAMERON**

**BE IT REMEMBERED** on the 6th day of March, 2001, 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:**

**5:30 P.M.**

**PRESENT:**

**GILBERTO HINOJOSA**  
**COUNTY JUDGE**

**PEDRO "PETE" BENAVIDES**  
**COMMISSIONER, PRECINCT NO. 1**

**CARLOS H. CASCOS, C.P.A.**  
**COMMISSIONER, PRECINCT NO. 2**

**DAVID A. GARZA**  
**COMMISSIONER, PRECINCT NO. 3**

**NATIVIDAD "TIVIE" VALENCIA**  
**COMMISSIONER, PRECINCT NO. 4**

**Inelda T. Garcia** **Deputy**  
**COUNTY CLERK**

**ABSENT:**

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The meeting was called to order by Judge Gilberto Hinojosa at 6:14 P. 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 March 2, 2001, at 2:06 P.M.:

**(3) AUTHORIZATION TO PAY \$262,937 TO TROPICAL TEXAS CENTER FOR MENTAL HEALTH AND MENTAL RETARDATION FOR FISCAL YEAR 2001 PERFORMANCE CONTRACT**

At this time, Mr. Mark Yates, County Auditor, noted that the Item needed to be considered because the Claims (Item No. 1) included a payment to Tropical Texas MHMR.

Mr. Doug Wright, Court Civil Counsel, noted that the statutes were very Aopened@ concerning the services being provided and the Agreement with the County. He noted that several concerns had been expressed by the Court, such as psychological drugs not being provided, which increased the operating costs to the Infirmary; the number of beds available to Cameron County, and the services being provided.

Commissioner Garza questioned whether Reports and Audits had been provided by the agency and the response was negative, and questioned how the County could expand monies without knowing what services were being provided.

Mr. Yates noted that he requested copies of Audits and that a regular reporting mechanism be established and submitted to Cameron County.

Commissioner Cascos noted the lack of pharmaceuticals for mental health, and that it had been his understanding that there would be an off-set for the lack of services.

Mr. Yates noted that it was an additional cost of between six and seven thousand dollars a month for psychological drugs.

Judge Hinojosa noted that at one time he was troubled with the amount of the invoice, and that although there were several issues to be resolved, that from a Apolicy@ point of view, the County has an obligation to provide some assistance so that TTMHMR could continue to provide assistance to the Valley.

Mr. W. Layton Golemon, Chief Executive Officer, explained that the total bed allocation from the State was 110 beds for the three (3) County areas, but only fifty-five (55) beds were in the Valley.

Judge Hinojosa moved that based on Apolicy@ reasons, the payment in the amount of \$262,937, to Tropical Texas Center for Mental Health and Retardation for Fiscal Year 2001 Performance Contract be authorized.

The motion was seconded by Commissioner Benavides.

At this time, Commissioner Benavides questioned whether substance abuse treatment was provided, and the response was that services were limited to Aout-patient@ substance abuse services, due to limited funding.

Mr. Golemon noted that the County should be receiving Reports and a copy of the Audit, and any other information requested.

Commissioner Garza stated that there was no question as to the services being provided and the need of services being delivered to the community, but questioned the reason for the legal opinion included in the back-up information, as to why the County should pay the invoice provided.

Judge Hinojosa noted that the County had requested the legal opinion, but the legal opinion was not why the payment was being made, rather that from a Apolicy@ perspective, payment should be made.

Upon motion duly made by Judge Hinojosa, seconded by Commissioner Benavides and carried unanimously, the \$262,937 payment from a Apolicy@ perspective to Tropical Texas Center for Mental Health and Retardation for Fiscal Year 2001 Performance Contract was approved.

[REDACTED]

**(4) IN THE MATTER TO SET \$150.00 CELL PHONE ALLOWANCE FOR ELECTED OFFICIALS THAT CURRENTLY HAVE A 1500 MINUTE PLAN AND A \$75 ALLOWANCE FOR THOSE WHO HAVE A 500 MINUTE PLAN (TABLED)**

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

[REDACTED]

**(1) APPROVAL OF COUNTY CLAIMS**

There was a discussion concerning the payments to Mutual of Omaha, the amount of claims and reserves available, the benefits provided and the frequency of Insurance Committee Meetings and the suggestion was made that the Insurance Committee meet monthly and report to the Court, as to the status of the reserves and recommendations.

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

[REDACTED]

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

Commissioner Benavides moved that the 2001 Fiscal Year Budget Amendment No. 2001-13, be approved.

The motion was seconded by Commissioner Cascos and carried unanimously.

Commissioner Cascos noted that Salary Review Committee was no longer reviewing the salary changes, and questioned some of the changes being presented.

Upon motion by Commissioner Valencia, seconded by Commissioner Garza and carried unanimously, the following Salary Schedules were approved:

Parks System Administration, Fund No. 830-6690,

County Treasurer, Fund No. 100-4970,

County Judge, Fund No.100-4010, and

Emergency Preparedness, Fund No. 100-4060.

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

(5) **AUTHORIZATION TO SELECT A COMPANY TO DO SURVEYING WORK AT THE HARLINGEN COUNTY ANNEX BUILDING**

Mr. Juan Bernal, County Engineer/Public Work Director, requested authorization from the Court to retain a surveyor for the Harlingen Annex Building, and recommended the Firm of Guzman and Muñoz.

Commissioner Valencia moved that the Firm of Guzman and Muñoz, Engineering and Surveying, Inc., Harlingen, Texas, be selected to do surveying work at the Harlingen County Annex Building.

The motion was seconded by Commissioner Garza.

At the time, Commissioner Valencia requested that the vendors providing services in the County should be selected on a rotation basis.

Commissioner Garza questioned why a surveyor was required and the response was that it was to provide the preliminary survey for the Architect for the remodeling and the addition of 2000 square feet at the Harlingen Building.

At this time, Mr. Mark Yates, County Auditor, noted that the additional office space and renovations would require funding allocations, as well as the unfunded Capital Projects.

Judge Hinojosa clarified that the renovations would be funded with the balance of the Atobacco funds@.

Upon motion duly made by Commissioner Valencia, seconded by Commissioner Garza and carried unanimously, the Firm of Guzman and Muñoz, Engineering and Surveying, Inc., Harlingen, Texas, was selected to do surveying work at the Harlingen County Annex Building.

(6) **IN THE MATTER FOR THE COUNTY ENGINEERING DEPARTMENT TO PROCEED WITH THE CLOSING OF OLD ALICE ROAD BY THE RAILROAD TRACKS (TABLED)**

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

(7) **AUTHORIZATION TO OPEN AND PLACE CALICHE IN A PUBLICLY DEDICATED ROAD**

Mr. Juan Bernal, County Engineer/Public Work Director, explained that the owner-s only access to his property was through Hermie Lane, a Aclosed@ road, and he requested that it be opened and caliche placed on the road at his expense.

Commissioner Valencia moved that the road be opened and caliche placed in the publicly dedicated road.

The motion was seconded by Commissioner Garza.

Commissioner Garza questioned if the road was a public road , but not the County=s, whether placing caliche would obligate the County to maintenance the road, and the County Engineer responded in the negative.

Commissioner Cascos noted that there would not be any maintenance, until three members of the Commissioners=Court approved the maintenance. He noted that there was a policy for accepting roads into the County road system, and roads were being considered on a case by case basis.

Commissioner Valencia noted the right of way had existed for many years, and that the road could be approved and accepted by the County, since it was a public County road.

Upon motion duly made by Commissioner Valencia, seconded by Commissioner Garza and carried unanimously, the placing of caliche in a publicly dedicated road was approved, subject to not accepting the Road in the County Road System, and that it not be maintained.

(13) **IN THE MATTER OF POSSIBLE ACTION  
REGARDING MODIFICATIONS, ADDITIONS  
AND/OR DELETIONS TO THE CAMERON  
COUNTY DETENTION FACILITY AND SHERIFF-S  
DEPARTMENT PROJECT AND ISSUES RELATED  
THERETO (TABLED)**

Commissioner Garza clarified that the actions being requested had not been done, but were proposing to do with the Court=s approval.

Mr. Juan Bernal, County Engineer/Public Work Director, explained that the matter concerned the fire sprinkler heads at the County Jail. He noted that Mayor Mike Leinert, Sheriff=s Office, had written to the Texas Commission Jail Standards requesting the deletion of water sprinklers in the individual cells, because of the suicides committed in the cells. He explained that the City Fire Marshall would not certify the building if the sprinklers are not installed.

Commissioner Cascos questioned whether the sprinklers could not be installed flushed to the ceiling and the response was that the sprinkler mounting created the protrusion.

Judge Hinojosa noted that Ait was ridiculous that the City is making us do this, because everyone of those sprinklers heads will be gone in one year@.

Mr. Randy Hass, Landmark Organization, noted that the Jail Commission agreed that it was not a good idea, and that it was his understanding that the Jail Commission could override the City=s decision not to certify the Jail.

Mr. Doug Wright, County Council, noted that statutes under Commission Standards addressed the issue, noting that the Sheriff could write a letter, and that Aif the Commissioners determined that fire sprinklers should not be placed in a particular area, neither the County Fire Marshall nor the Municipal Officer, charged with enforcing ordinance related to fire safety, may require the Sheriff to install water sprinklers.@

Judge Hinojosa noted that everyone involved with the construction agreed that it was a Abad idea® to install water sprinklers in the individual cells, and requested that County Civil Division meet with the Sheriff to write the letter to the Standards Commission.

Upon motion by Commissioner Garza, seconded by Commissioner Valencia and carried unanimously, the matter was **TABLED**, and County Legal Council was requested to assist the Sheriff with a letter to the Jail Standards Commission, requesting the deletion of sprinklers in the individual cells.

[REDACTED]

**(8) AUTHORIZATION TO UTILIZE TRACT NO. 3 IN ISLA BLANCA PARK FOR A PARKING LOT FROM MARCH 9-17, 2001**

Commissioner Valencia moved that Tract No. 3 in Isla Blanca Park be utilized for a parking lot from March 9-17, 2001.

The motion was seconded by Commissioner Benavides.

At this time, Commissioner Garza questioned whether Spring Breakers were going to be charged a parking fee for parking in public land.

Mr. Javier Mendez, Parks System Director, noted that the overflow of cars from Schlitterbahn Park would be able to park in the Tract No. 3 area, and that the Park Rangers would assist with the traffic.

Upon motion duly made by Commissioner Valencia, seconded by Commissioner Benavides and carried unanimously, utilization of Tract No. 3, in Isla Blanca Park for a parking lot from March 9-17, 2001, was authorized.

[REDACTED]

**(9) POSSIBLE ACTION REGARDING THE DEVELOPMENT OF A TECHNOLOGY CENTER AT CENTRO CULTURAL, CAMERON PARK**

Commissioner Garza moved that the development of a Technology Center at Central Cultural, Cameron Park, be approved.

The motion was seconded by Commissioner Benavides.

At this time, Judge Hinojosa explained that the County received funding through Texas A & M, and had partnered with several local agencies and that Texas A & M was coordinating the development.

At this time, Ms. Deanda Balli, Texas A & M, reported that they had been able to obtained funding for the Project, that being a 2000 square foot portable building, set on a concrete foundation, which would include twenty computer terminals and Internet access. The funding was provided through a Department of Education Grant and an Organization called APower Up® that was a Work Force Education Wing.

Upon motion duly made by Commissioner Garza, seconded by Commissioner Benavides and carried unanimously, the development of a Technology Center at Centro Cultural, Cameron Park, was approved.

At this time, Mr. Mendez requested funding for the concrete foundation, which would cost \$7000.00, and the suggestion was made to have Mr. Mendez review his budget for funding.

[REDACTED]

(10) **AUTHORIZATION TO APPROVE SIGNS FOR SCHLITTERBAHN WATER PARK-SOUTH PADRE ISLAND**

Commissioner Valencia moved that the signs for Schlitterbahn Waterpark-South Padre Island be approved.

The motion was seconded by Commissioner Garza and carried unanimously.

[REDACTED]

(11) **APPROVAL OF THE PROPOSED GUIDELINES AND POSITION ANALYSIS QUESTIONNAIRE FOR THE COMPENSATION AND CLASSIFICATION SYSTEM STUDY**

Commissioner Cascos expressed the concern of several Department Head with the length of the Survey, and questioned the recourse the County would have if a Department did not want to participate, and Ms. Grace Salinas, Executive Assistant, noted that the Committee would than classify their positions.

Upon motion by Commissioner Cascos, seconded by Commissioner Garza and carried unanimously, the proposed Guidelines and Position Analysis Questionnaire for the Compensation and Classification System Study, was approved.

[REDACTED]

(12) **APPOINTMENT OF THE JOB EVALUATION COMMITTEE FOR THE CAMERON COUNTY COMPENSATION AND CLASSIFICATION SYSTEM STUDY**

There was some discussion concerning the number of persons and the function of the Evaluation Committee and whether members of the committee wanted to protect their Departments or whether the committee analyze the positions and place the positions in comparable paying jobs, regardless of the location of the positions.

Commissioner Cascos noted that the original idea had been to bring in members from the community, along with some staff persons, to assist with the evaluation and classifications of jobs.

Commissioner Benavides noted his desire to serve on the committee, noting that he was concerned with the lower paid employees that were not classified according to the jobs that they were doing.

Commissioner Valencia moved that the Job Evaluation Committee for the Cameron County Compensation and Classification System Study be approved as follows:

Personnel Director - Mr. Manuel Villarreal,



Budget Officer - Mr. Javier Villarreal,  
Legal Counsel - Mr. Doug Wright or Designee,  
Health Department - Ms. Yvette Salinas,  
Sheriff's Department Designee,  
Commissioners= Court - Commissioner Benavides, and  
County Judge=s Office - Ms. Grace Salinas.

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:**

- 15) **IN THE MATTER OF ADDENDUM (YEAR 2 - JANUARY 2001) TO CURRENT PRE-POSITIONED CONTRACT WITH SHINER, MOSELEY AND ASSOCIATES, INC., FOR POST HURRICANE/DISASTER RECOVERY OPERATIONS. (TABLED)**

Commissioner Cascos questioned the \$25,000 annual fee and the money budgeted, the terms of the exhibit, whether a report was presented concerning Phase I, and the services to be provided.

Commissioner Garza noted that the service provider checked to see that everything was certified and implemented properly, but noted that the contract with the County was not properly presented, and suggested that the matter be tabled, until a Contract with the correct information was presented.

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

At this time, Commissioner Garza questioned Items No. 20 and No. 21, and Legal Counsel recommended that the items be approved, subjected to the modifications noted.

Upon motion by Commissioner Benavides, seconded by Commissioner Garza and carried unanimously, the AConsent® Agenda Items were approved as follow, subject to modification to Items No. 20 and 21:

- (14) **REVISED FLOOR PLAN FOR THE SECOND FLOOR OF THE DANCY BUILDING;  
The Floor Plan Follows:**
- (16) **APPROVAL OF BOND FOR THE COUNTY ENGINEER, JUAN A. BERNAL;  
The Bond follows:**
- (17) **CONTRACT FOR PROFESSIONAL SERVICES BETWEEN CAMERON COUNTY  
JUVENILE PROBATION DEPARTMENT AND RIO GRANDE VALLEY COUNCIL  
ON ALCOHOL AND DRUG ABUSE FOR FISCAL YEAR 2001;  
The Contract follows:**



**(14) REVISED FLOOR PLAN FOR THE SECOND FLOOR OF THE DANCY BUILDING.**

**The Floor Plan Follows:**

**(16) APPROVAL OF BOND FOR COUNTY ENGINEER, JUAN A. BERNAL.**

**The Bond follows:**

- (17) **CONTRACT FOR PROFESSIONAL SERVICES BETWEEN CAMERON COUNTY JUVENILE PROBATION DEPARTMENT AND RIO GRANDE VALLEY COUNCIL ON ALCOHOL AND DRUG ABUSE FOR FISCAL YEAR 2001.**

**The Contract follows:**

- (20) **SERVICE AGREEMENT BETWEEN CAMERON COUNTY AND THE CAMERON COUNTY EMERGENCY SERVICES DISTRICT NO. 1, FOR ADMINISTRATIVE SERVICES.**  
**The Agreement follows:**

- (21) **SERVICE AGREEMENT BETWEEN CAMERON COUNTY AND THE CAMERON COUNTY EMERGENCY SERVICES DISTRICT NO. 1, FOR EMERGENCY CONSULTING SERVICES.**  
**The Agreement follows:**

**(22) APPOINTMENT OF DEPUTY CONSTABLE ISIDRO DELGADO, IN COMPLIANCE WITH THE STATE OF TEXAS CIVIL STATUTES 86.011 AND 86.012, BY CONSTABLE PRECINCT NO. 5**

Upon motion by Commissioner Garza, seconded by Commissioner Cascos and carried unanimously, Deputy Constable Isidro Civil Statutes, Sections 86.011 and 86.012, by Constable Precinct No. 5

**(23) APPROVAL OF RESERVE DEPUTY MARCO ANTONIO LARA PRECINCT NO. 3.**

Upon motion by Commissioner Garza, seconded by Commissioner Cascos and carried unanimously, Reserve Deputy Const

**TRAVEL ITEMS**

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

Upon motion by Commissioner Garza, seconded by Commissioner Benavides and carried unanimously, the Travel Items were approved as follow:

- a) Justice of the Peace Precinct No. 5-2 to attend the Justice of the Peace Seminar Training® in Corpus Christi, Texas, on April 23-26, 2001;
- b) Assistant District Attorney to attend the 14<sup>th</sup> Annual Juvenile Law Conference® in Austin, Texas, on February 13-16, 2001;
- c) Two (2) District Attorney-s to attend the Office Administration Seminar® in Scottsdale, Arizona, on April 21-26, 2001;
- d) Two (2) PD&M Employees to attend the Bureau of Justice Assistance Grants Management and Programmatic Training® in Corpus Christi, Texas, on April 2-3, 2001;
- e) Unit Director and County District Attorney to attend the ST HIDTA Executive Committee Meeting® in San Antonio, Texas, in March 5-7, 2001;
- f) Health Administrator and Employee to attend the Texas Department of Health Regional Indigent Health Care Program Meeting® in McAllen, Texas, on March 8-9, 2001;
- g) District Attorney Employee to attend the Texas District and Counties Association Board Member Meeting® in Austin, Texas, on March 9, 2001;



- h) Sheriff and Litter Abatement Officer and Chief Sanitarian to testify before the House County Affairs Committee regarding the House Bill 987, in Austin, Texas, on February 27-28, 2001;
- I) Assistant County Administrator to attend the Legislative Meetings® in Austin, Texas, on March 12-23, 2001; and
- j) Two (2) Juvenile Boot Camp employees to pick up eight (8) Boot Camp Cadets from the Seaborne Program in Galveston who are on Educational Furlough, in Galveston, Texas, on March 13-14, 2001 and March 18, 2001.

## **EXECUTIVE SESSION**

### **(25) EXECUTIVE SESSION**

- a) In the matter to confer with County Counsel concerning the status of case and authorization for appointment and confirmation of attorney for individual defendant Daniel Cruz; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(A). **(TABLED)**

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

Upon motion by Commissioner Cascos, seconded by Commissioner Garza and carried unanimously, the Court met in Executive Session at 8:06 P. M. to discuss the following matters:

- b) Deliberation regarding the Real Property concerning the possible Lease Concession of UETA; approximately a 3.0 acre tract of land, more or less, out of the County's Property, which is an 18.838 acre tract of land at the Los Tomates Bridge, more or less, consisting of the Southwest portion of the property that is located west of the approach roadway leading to the Los Tomates International Bridge, between the Levee and the Cameron County Bridge System Administration Building; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072; and
- c) Confer with County Attorney's Office and County Legal Counsel regarding the case styled William Lee Hedrick vs. Mary Ann Flores, et al; Cause No. 00-40478, in the United States Court of Appeals for the Fifth Circuit, to discuss the status of the case; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(A).

Upon motion by Commissioner Garza, seconded by Commissioner Cascos and carried unanimously, the Court reconvened in Regular Session at 8:20 P. M.

### **(26) ACTION RELATIVE TO EXECUTIVE SESSION**

- b) **In the matter of deliberation regarding the Real Property concerning the possible Lease Concession of UETA; approximately a 3.0 acre tract of land,**

**more or less, out of the County's Property, which is an 18.838 acre tract of land at the Los Tomates Bridge, more or less, consisting of the Southwest portion of the property that is located west of the approach roadway leading to the Los Tomates International Bridge, between the Levee and the Cameron County Bridge System Administration Building. (TABLED)**

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

- c) **Confer with County Attorney's Office and County Counsel regarding the case styled William Lee Hedrick vs. Mary Ann Flores, et al; Cause No. 00-40478, in the United States Court of Appeals for the Fifth Circuit, to discuss the status of the case.**

Commissioner Cascos moved that the Report of Counsel be acknowledged regarding the case styled William Lee Hedrick vs. Mary Ann Flores, et. al. Cause No. 00-40478, in the United States Court of Appeals for the Fifth Circuit.

The motion was seconded by Commissioner Garza and carried unanimously.

There being no further business to come before the Court, upon motion by Commissioner Cascos, seconded by Commissioner Garza and carried unanimously, the meeting was **ADJOURNED** at 8:21 P. M.

**APPROVED** this 27<sup>th</sup> day of **March, 2001**.

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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.**