

THE STATE OF TEXAS

COUNTY OF CAMERON

BE IT REMEMBERED on the 14th day of APRIL, 1998, there was conducted a SPECIAL 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:

10:30 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

HECTOR PEÑA
COMMISSIONER, PRECINCT NO. 4

INELDA T. GARCIA DEPUTY
COUNTY CLERK

ABSENT:

The meeting was called to order by Judge Pro-tem Carlos H. Cascos, C.P.A. He then asked Mr. Bob Clark, Brownsville resident, for the invocation and Commissioner Matz 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 9, 1998, at 2:10 P.M.:

(1) **APPROVAL OF COUNTY CLAIMS**

At this time, Mr. Mark Yates, County Auditor, presented the following late claims for approval:

Warrant No. 56015, as to Adult Probation Relocation Program Fund No. 07, in the amount of \$151,412.46;

Warrant No. 56016, as to Disaster Relief Road Repair Fund No. 23, in the amount of \$5,022.50;

Warrant No. 56017, as to EDAP Water and Sewer Fund No. 70, in the amount of \$50.00;

Warrant No. 56018, as to Los Tomates I & S Fund No. 75, in the amount of \$312,000.00; and

Warrant No. 56019, as to Other Governmental Elections Fund No. 18, in the amount of \$25,000.00.

Commissioner Matz moved that the County Claims be approved as presented by the County Auditor, inclusive of the late claims.

The motion was seconded by Commissioner Peña.

Judge Pro-tem Cascos expressed concern as to Warrant No. 55253, payable to Lindale Pharmacy, and Warrant Nos. 55293 through 55320, being issued for prescription drugs.

NOTE: AT THIS TIME, JUDGE HINOJOSA JOINED THE MEETING.

Mr. Yates explained that the position which handled the invoices was vacant; therefore, the invoices were overlooked and added that the invoices were reviewed and determined that they were legitimate expenses.

Commissioner Cascos expressed concern as to the Policy regarding purchases without purchase orders and stated that the in-house procedures were not being followed. He questioned whether the County was required to follow the bidding process for commodities and tangible items such as pharmaceuticals and Mr. Mike Forbes, Purchasing Agent, responded that there were other vendors who could provide the necessary services to the County.

There was some discussion regarding the month-to-month Contracts for services provided by outside physicians and Commissioner Cascos expressed concern as to the Contracts being placed on a long-term basis.

At this time, Ms. Dylbia Jefferies-Vega, Commissioners= Court Civil Legal Division, explained that the Contracts with the physicians had been placed on a month-to-month basis, in order for the County to perform a bidding process and noted that the Bidding Process had not been implemented.

Upon motion duly made by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the County Claims were approved as presented by the County Auditor, inclusive of the following late claims:

Warrant No. 56015, in the amount of \$151,412.46;

Warrant No. 56016, in the amount of \$5,022.50;

Warrant No. 56017, in the amount of \$50.00;

Warrant No. 56018, in the amount of \$312,000.00; and

Warrant No. 56019, in the amount of \$25,000.00.

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

At this time, Mr. Mark Yates, County Auditor, stated that there was an error on page no. 5 of the Budget Amendments, noting that the District Attorney Fund No. 475 should reflect 92-475, as opposed to 90-475 and added that the Salary Schedule for the Parks System included the allocation, in the amount of \$4,000.00, for an Administrative Stipend for a Park Ranger which would be assigned special duties.

Mr. Kenneth Conway, Parks System Director, explained that three (3) additional administrative projects which were above and beyond the normal duties, would be assigned to the Stipend and noted that the Stipend could be transferred from one individual to another based on the qualifications and job performance.

Mr. Yates stated that the funding would be allocated from the funds not utilized on other positions within the Department and noted that the funding did not affect the General Fund Lapsed Salaries.

Judge Hinojosa expressed concern as to why the Parks System had the discretion of utilizing the Lapsed Salaries within the Department and other Departments were prohibited from utilizing their Lapsed Salaries. He noted that the creation of a construction fund from Lapsed Salaries was being addressed, in order to provide funds for the necessary facilities and added that the actions were inconsistent with the Policy. Judge Hinojosa stated that the matter should be examined and justified to the Court, in order to maintain consistency throughout the County Departments.

Commissioner Cascos noted that similar actions had been taken in other Departments from the beginning of the Fiscal Year and suggested that the matter be Tabled.

There was some discussion regarding the availability of funds for emergency situations and the construction of facilities and the issues being defined as emergency situations. Judge Hinojosa suggested that the Stipend Project and the Lapsed Salaries Policy be re-examined, in order to determine whether the General Lapsed Salaries Policy included the Parks Systems=Lapsed Salaries Fund. He recommended that the Lapsed Salary Policy be created containing the Lapsed Salary definition, the Departments involved, the allocation of funds on a consistent basis and the types of emergencies qualified to receive funding from the Lapsed Salaries Fund.

Commissioner Cascos moved that the Fiscal Year 1998 Budget Amendment No. 98-10 be approved and that the Salary Schedule for the Parks System - Fund No. 83-660, be **TABLED** for two (2) weeks.

The motion was seconded by Commissioner Matz and carried unanimously.

The Budget Amendments are as follow:

(3) **IN THE MATTER OF THE PRESENTATION AND DISCUSSION ON PROPERTY TAXES BY MR. ANTONIO RAMIREZ (NO ACTION TAKEN)**

At this time, Ms. Lupita Ramirez, Property owner, requested that the taxes, penalties and interest be waived on their personal property currently utilized for a non-profit organization, as opposed to personal purposes. She noted that the title of the property was under Mr. Antonio Ramirez's name which obligated him to pay the property taxes on the building.

Mr. Tony Yzaguirre, Tax Assessor-Collector, stated that Mr. Ramirez had applied for an exemption of taxes on the property, but noted that the property in question did not comply with the Tax Code and required a Tax Exemption Certificate from the Secretary of State. He stated that property did not qualify for the exemption of taxes since the title of the property was not under the name of the Non-Profit Organization.

Judge Hinojosa suggested that the District Attorney should request an opinion from the Attorney General, in order to determine whether the County had the discretion of legally applying non-profit status to property that was used solely for the purposes of a non-profit organization with no commercial use.



(4) **IN THE MATTER OF A RESOLUTION CONCERNING THE USE OF THE PROCEEDS OF REVENUE BONDS ISSUED BY THE TARRANT COUNTY HEALTH FACILITIES DEVELOPMENT CORPORATION TO FINANCE AND REIMBURSE CERTAIN COST AND TO REFINANCE CERTAIN OUTSTANDING OBLIGATIONS RELATING TO A HEALTH FACILITY LOCATED WITHIN THE BOUNDARIES OF CAMERON COUNTY, TEXAS (TABLED)**

At this time, Mr. Morgan Hay, Valley Baptist Medical Center, stated that the Resolution would allow the hospital to take advantage of low cost financing of construction on medical and computer equipment.

Judge Hinojosa expressed concern regarding the affect the issue would have on the proposed Regional Area Health Care (RAHC) to be established in the Rio Grande Valley and the funding mechanisms and added that the operating costs for a teaching hospital connected with the creation of the Regional Area Health Care, would initiate the leadership in the Valley to create a Valleywide Hospital District to provide the funding for the operations. Judge Hinojosa suggested that the Item be Tabled, in order to discuss the matter with Regional Area Health Care Officials and determine the affects.

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

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

AYE: Commissioners Cascos, Matz and Judge Hinojosa

NAY: None

ABSTAINED: Commissioner Peña.

**(5) AUTHORIZATION TO FUND FEDERAL LABOR
STANDARD ACT AUDIT AND TRAINING BY MS.
BETTY SPRINGER**

Commissioner Matz moved that the funding be approved for the Federal Labor Standard Act Audit and Training by Ms. Betty Springer, said funding, in the amount of \$5,000.00, to be allocated from the Employee's Benefit Fund No. 30.

The motion was seconded by Commissioner Peña and carried unanimously.

(NOT ON AGENDA)

At this time, Judge Hinojosa introduced Mr. Pete Sepulveda, Eagle Pass, Texas, as the new Cameron County Bridge Systems Director and briefly discussed the status of the bridge construction.

Judge Hinojosa expressed concern as to the Rubella immunizations occurring in the jail facilities and Ms. Tina Fields, Health Administrator, confirmed that the immunizations were being given to the staff and inmates of the facilities and that the appropriate measures were being taken to encourage the community's participation.

(6) AUTHORIZATION TO OPEN A CHECKING ACCOUNT FOR CAMERON COUNTY JUSTICE OF THE PEACE DAVID GARZA, PRECINCT NO. 3, PLACE NO. 2, WITH THE INTERNATIONAL BANK OF COMMERCE

Commissioner Peña moved that a checking account be opened for Cameron County Justice of the Peace David Garza, Precinct No. 3, Place No. 2, with the International Bank of Commerce.

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

AYE: Commissioners Cascos, Matz and Peña

NAY: None

ABSTAINED: Judge Hinojosa.

The Resolution is as follows:

(7) AUTHORIZATION FOR THE PURCHASE OF SIXTY-EIGHT (68) ELECTION BOXES FROM ELECTION SYSTEM AND SOFTWARE, PRE-CERTIFIED BY THE SECRETARY OF STATE

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the purchase of sixty-eight (68) election boxes from Election System and Software, pre-certified by the Secretary of State, was approved, said funding to be allocated from Lapsed Salaries or other Departmental Funding.



**(13) AUTHORIZATION OF CHANGE ORDER NO. 1
FOR HUNTER DEMOLITION AND WRECKING
CORPORATION, ADDING THE AMOUNT OF
\$10,650.00, TO THE ORIGINAL CONTRACT
AMOUNT AND FIVE (5) ADDITIONAL DAYS**

At this time, Mr. Kenneth Conway, Park Systems Director, described the additional work to be performed at the Isla Blanca Park facilities, which included the Coney Island Building, the Children's Beach Pavilion and slab and the foundation and adjacent walks at the Old Cabaña.

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, Change Order No. 1 for Hunter Demolition and Wrecking Corporation, was approved adding the amount of \$10,650.00, to the original Contract amount and five (5) additional days.

The Order is as follows:

**(8) APPROVAL OF THE TEXAS DEPARTMENT OF
HEALTH AGREEMENT TO DISPERSE FUNDS
TO ELIGIBLE EMS PROVIDERS**

Commissioner Matz moved that the Texas Department of Health Agreement be approved to disperse funds to eligible Emergency Medical Services (EMS) Providers.

The motion was seconded by Commissioner Peña and carried unanimously.

The Agreement is as follows:

**(9) APPROVAL OF RESERVE DEPUTIES FOR
CONSTABLE PRECINCT NO. 2 AND
CONSTABLE PRECINCT NO. 4**

At this time, Judge Hinojosa expressed concern as to the information requested by the Personnel/Safety Risk Director regarding the number of Reserve Deputies, Deputies and commissions from the County Constables and recommended that a Memorandum requesting complete information be sent to the Constables with a deadline of May 1, 1998.

Upon motion by Commissioner Cascos, seconded by Commissioner Peña and carried unanimously, the following Reserve Deputies for Constable Precinct No. 2 and Constable Precinct No. 4 were approved:

Mr. Victor G. Leos, Precinct No. 2; and

Mr. Agustin P. Flores, Precinct No. 4.

The Bonds are as follow:

(10) AUTHORIZATION FOR THE PROGRAM DEVELOPMENT AND MANAGEMENT AND THE ENGINEERING DEPARTMENTS TO NEGOTIATE A PROFESSIONAL SERVICES AGREEMENT WITH GUZMAN-MUÑOZ ENGINEERS FOR THE LA PALOMA CUT-OFF SANITARY SEWER PROJECT, THAT BEING THE TEXAS COMMUNITY DEVELOPMENT PROJECT CONTRACT NO. 717045

Upon motion by Commissioner Cascos, seconded by Commissioner Peña and carried unanimously, the Program Development and Management and Engineering Departments were authorized to negotiate a Professional Services Agreement with Guzman-Muñoz Engineers, Harlingen, Texas, for the La Paloma Cut-off Sanitary Sewer Project, that being the Texas Community Development Project Contract No. 717045.

(11) APPROVAL OF FUNDING FOR VEHICLE REPAIR FOR THE SOLID WASTE ENFORCEMENT PROJECT AND DESIGNATION OF THE FUNDING SOURCE

At this time, Mr. Frank Bejarano, Program Development and Management Director, stated that repair work, in the amount of \$6,000.00, was necessary on a vehicle for the Solid Waste Enforcement Project. He stated the Port of Brownsville had donated the amount of \$4,000.00, and requested that the County fund the balance amount of \$2,000.00. Mr. Bejarano stated that the funding could be allocated the General Fund, Lapsed Salaries or charged to the Project Budget, but noted that the operation might be cut short at the end of the year.

Constable Conrado Cantu, Precinct No. 2, stated that the vehicle was limited to liability insurance and added that the Litter Abatement Program cases had decreased, due to the lack of the vehicle.

Commissioner Cascos expressed concern as to the fines not being assessed which was not generating income and Constable Cantu responded that a portion of the fine was being deducted, in order for the individuals to transport their own litter to the landfill, noting that it would be more costly for the County to pick up and dispose the litter.

Commissioner Matz expressed concern as to said vehicle involved in two (2) car accidents and that the driver had been cited in both cases for unsafe speed and failure to yield.

Constable Cantu clarified that there were two (2) different drivers involved in the two (2) different accidents and stated that both Deputies had been reprimanded for their actions.

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the funds, in the amount of \$2,000.00, allocated from Lapsed Salaries for vehicle repair for the Solid Waste Enforcement Project, defined as an emergency matter, was approved.

[REDACTED]

(12) **APPROVAL OF AN AIRPORT PROJECT PARTICIPATION AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR SECURITY IMPROVEMENTS AT THE PORT ISABEL-CAMERON COUNTY AIRPORT AND DESIGNATION OF THE COUNTY ENGINEER AS THE COUNTY'S AUTHORIZED PROJECT REPRESENTATIVE**

Commissioner Matz moved that the Airport Project Participation Agreement be approved with the Texas Department of Transportation for security improvements at the Port Isabel-Cameron County Airport and that the County Engineer be designated as the County's authorized Project Representative.

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

AConsent® Agenda Items were approved as follow:

(15) APPROVAL OF TRAVEL AND/OR TRAVEL EXPENSES FOR THE FOLLOWING, SUBJECT TO FUNDS IN THEIR BUDGET:

- a) Program Development and Management Director to attend the AMeeting of the Lower Rio Grande Valley Development Council Professional Advisory Review Panel® in McAllen, Texas, on April 8, 1998;
- b) Constable Precinct No. 4 and Deputy to attend a A40 Hour Firearms Instructor Training® in Los Fresnos, Texas, on March 20-24, 1998;
- c) Health Educator to attend the ANational Conference on Health Education and Health Promotion® in San Antonio, Texas, on May 19-22, 1998;
- d) Juvenile Probation Program Specialist to attend the AWeed and Seed Resource Development Conference® in Fresno, California, on April 13-15, 1998;
- e) District Clerk and three (3) Deputies to attend the ACounty and District Clerk-s Area VIII Meeting® in Eagle Pass, Texas, on April 29, 1998, through May 1, 1998;
- f) Three (3) Tax Deputies to attend the ATAAO Advanced Property Tax Assessment and Collection Educational Seminar® in Edinburg, Texas, on March 23-26, 1998; and
- g) Assistant District Attorney to attend the ADriving While Intoxicated Prosecutors Course® in Austin, Texas, on May 4-7, 1998.

(16) AUTHORIZATION TO OPEN BIDS AND/OR REQUEST FOR PROPOSALS

- a) **ANNUAL BID NO. 2020 - COMPUTER SUPPLIES**
- b) **ANNUAL BID NO. 2250 - DRINKING WATER**
- c) **ANNUAL BID NO. 1450 - HOTEL/MOTEL ROOMS**
- d) **AIR CONDITIONER UNITS**
- e) **TRACTOR - PARKS DEPARTMENT**

The Bids and/or Request for Proposals are as follow:

(17) AUTHORIZATION TO AWARD BIDS AND/OR REQUEST FOR PROPOSALS

a) DUMP TRUCKS (6-8 C.Y./QUANTITY 2) (12-14 C.Y./QUANTITY 3)

BERT OGDEN MOTORS - Edinburg, Texas

Item	Description	Cost
a)	Dump Trucks (quantity 2) 6 - 8 C.Y.	\$44,280.00
b)	Dump Trucks (quantity 3) 12 - 14 C.Y.	\$54,940.00

(18) IN THE MATTER OF EXECUTIVE SESSION
(TABLED)

Upon motion by Commissioner Peña, seconded by Commissioner Matz and carried unanimously, the following Items were **TABLED**:

- a) In the matter of the Tax Abatement Policy, on a matter in which the duty of the Attorney to the governmental body conflicts with the Open Meetings Act; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071(2); **(TABLED)** and
- b) In the matter of the Sea Ranch Marina Mortgage documents; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (2). **(TABLED)**

(19) IN THE MATTER OF THE ACTION RELATIVE
TO EXECUTIVE SESSION (NO ACTION TAKEN)

There being no further business to come before the Court, upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the meeting was **ADJOURNED**.



APPROVED this **5th** day of **May, 1998**.

GILBERTO HINOJOSA
COUNTY JUDGE

ATTEST:

JOE G RIVERA
COUNTY CLERK AND EX-OFFICIO CLERK
OF THE COMMISSIONERS' COURT OF