

THE STATE OF TEXAS

COUNTY OF CAMERON

BE IT REMEMBERED on the 29th 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

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 9:40 A.M. He then asked Pastor Daniel Blanco, Templo La Hermosa, 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 25, 2000, 1:42 P.M.:

(1) APPROVAL OF COUNTY CLAIMS

At this time, Ms. Mary Lou MacNelly, presented the following additional late claims for approval:

Warrant No. 28984, payable to Laguna Heights Drainage, in the amount of \$10,000;

Warrant No. 28985, payable to Unified Narcotics Intelligence Task-Force, in the amount of \$6,154; and

Warrant No. 28986, payable to the City of Los Fresnos, in the amount of \$210.

Commissioner Benavides moved that the County Claims be approved, as presented by the County Auditor, inclusive of the following additional claims:

Warrant No. 28984, in the amount of \$10,000;

Warrant No. 28985, in the amount of \$6,154; and

Warrant No. 28986, in the amount of \$210.

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

AYE: Commissioners Benavides, Cascos, Matz and Valencia

NAY: None

ABSTAINED: Judge Hinojosa, as to Warrant No. 28803, payable to Laguna Madre Water District, in the amount of \$7,243.56.

The Affidavit is as follows:

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

Commissioner Cascos moved that the 2000 Fiscal Year Budget Amendment No. 2000-18, be approved.

The motion was seconded by Commissioner Matz and carried unanimously.

The Budget Amendment are as follows:

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

Upon motion by Commissioner Benavides, seconded by Commissioner Cascos and carried unanimously, this

Item was **TABLED**.

(4) APPROVAL OF THE CONTRACT BETWEEN CAMERON COUNTY AND VALLEY PROUD ENVIRONMENTAL COUNCIL FOR THE ILLEGAL DUMPING PSA-S PROJECT

Commissioner Benavides moved that the Contract between Cameron County and Valley Proud Environmental Council for the Illegal Dumping PSA-s Project be approved.

The motion was seconded by Commissioner Valencia and carried unanimously.

The Contract is as follows:

(5) **APPROVAL OF AMENDMENT NO. 2 TO CAMERON COUNTY COMPREHENSIVE COLONIA STUDY AND PLAN (TCDP CONTRACT NO. 717185)**

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, Amendment No. 2 to Cameron County Comprehensive Colonia Study and Plan that being the Texas Community Development Program Contract No. 717185, was approved.

(6) **DISCUSSION ON THE PROPOSAL FOR UTILITIES FROM OLMITO WATER SUPPLY AND POSSIBLE ACTION REGARDING UTILITIES FOR THE NEW COUNTY DETENTION SITE**

At this time, Mr. Juan Bernal, County Engineer, stated that the Olmito Water Supply Corporation had proposed that the County would guarantee a minimum water purchase of 250,000 gallons per day, but noted that the County would only be utilizing 75,000 to 80,000 gallons a day for the opening of the facility.

Mr. Juan Mejia, Olmito Water Supply Corporation, stated that the proposal would be modified to reflect the water purchase by the County would be based on the actual usage of water at the facility, at the same proposed rate.

Commissioner Benavides moved that the proposal for utilities from Olmito Water Supply for the new County Detention site be acknowledged, noting that the purchase of water by the County would be based on the actual consumption.

The motion was seconded by Commissioner Cascos and carried unanimously.

(7) **AUTHORIZATION TO NEGOTIATE CONTRACTS WITH RABA KISTNER AND PSI, INCORPORATED, FOR ENVIRONMENTAL, SOIL AND MATERIALS TESTING**

At this time, Mr. Juan Bernal, County Engineer, recommended that the two firms be retained to perform the environmental, soil and materials testing and added that the Contracts would contain a two (2) year term, on an as needed basis.

Commissioner Cascos moved that the Contracts with Raba Kistner and PSI, Incorporated, for Environmental, Soil and Materials Testing be negotiated.

The motion was seconded by Commissioner Valencia and carried unanimously.

**(8) APPROVAL OF ABANDONMENT OF DIPPING
VAT EASEMENT, LOCATED IN THE CALABOS
COMMUNITY, 17 MILES WEST OF
BROWNSVILLE, TEXAS**

Commissioner Matz moved that the abandonment of the dipping vat easement, located in the Calabos Community, 17 miles West of Brownsville, Texas, be approved, and that the County Judge be authorized to execute the release of the easement.

The motion was seconded by Commissioner Cascos and carried unanimously.

The Release of Easement is as follows:

(9) AUTHORIZATION TO TRANSFER PUBLIC WORKS SAFETY RISK OFFICER TO THE PERSONNEL DEPARTMENT

At this time, Judge Hinojosa stated that a Safety Risk Officer Position had been created in the Sheriff-s Department and was placed under the Personnel Department. He stated that since then, a Public Works Safety Risk Officer Position had been created, but was placed in the Public Works Department Budget. Judge Hinojosa suggested that the positions should be consistent and should be placed in the Personnel/Safety Risk Department under the supervision of the Personnel Director.

Commissioner Cascos expressed concern as to why two (2) Safety Risk Officers were necessary and as to why one Officer could not handle the entire County.

Mr. Manuel Villarreal, Personnel/Safety Risk Director, explained that a Safety Officer, with Law Enforcement experience, was necessary to address the issues in the Sheriff-s Department, the Bailiffs and Constables, noting that sixty percent (60%) of the claims occurred in the Sheriff-s Department. He stated that the second Safety Risk Officer, currently in the Public Works Department, would specifically address the issues in the Public Works Department and added the Personnel Director would assist with the technical support to the remaining departments in the County. Mr. Villarreal suggested that the remaining Departments should designate an employee with an Administrative position to include the duty of a Safety Risk Manager for the Department.

Judge Hinojosa stated that it was necessary to have a Safety Officer in the Public Works Department and one in the Sheriff-s Department, due to the high number of employees in each department and added that the Personnel Director would ensure uniformity of supervision and training. He stated that the funding for the Public Works Safety Officer remain in the Public Works Department Budget.

Commissioner Cascos expressed concern as to the number of employees in said departments and questioned who provided safety risk services to the Administrative Departments.

Mr. Villarreal responded that there were three hundred and fifty Law Enforcement employees, one hundred Road and Bridge employees and approximately seven hundred in the Administrative Departments. He stated that safety risk was discussed at departmental staff meetings and added that videos and other materials were available through the Personnel/Safety Risk Department. He noted that the Parks System Park Rangers would also be categorized as Law Enforcement employees that would be trained by the Law Enforcement Safety Officer.

Commissioner Cascos questioned where the Safety Officer-s would be housed and expressed concern as to the Personnel Director monitoring the time and attendance for the positions.

Mr. Villarreal stated that the Law Enforcement Safety Officer would be housed in the Sheriff's Department for the time being and stated that currently the Public Works Safety Officer worked with the Personnel Staff on a daily basis. He stated that the Officer would clock in the time and attendance at the Sheriff's Department's time clock and that the time sheets would be signed by the Personnel Director.

Commissioner Valencia questioned whether the two individuals were certified for the positions and Mr. Villarreal replied that only one position was currently filled.

Mr. Villarreal stated that the job description for the Law Enforcement Safety Officer be TCLEOSE Certified with a training program and added that Mr. Joe Paredes, Public Works Safety Officer, had attended the required training programs.

Commissioner Benavides expressed concern as to the Defensive Driving Programs and as to whether the programs had been effective.

Mr. Villarreal stated that there had been approximately six training sessions which addressed the entire Public Works Department and stated that the training programs had reduced the number of traffic accidents.

Commissioner Valencia questioned whether there was a mechanism to identify the cause of the accidents and expressed concern as to how the necessary safety equipment was obtained by the employees.

Mr. Villarreal responded that the accident and investigation program identified the cause and preventive matters of an accident and added that the safety equipment would be provided by the Safety Officers at the request of the Public Works Director. He stated that Bids had been advertised for the safety equipment and the equipment was purchased through the appropriate vendors.

Commissioner Valencia expressed concern as to whether the Safety Officers would be evaluated and requested that the evaluation reports be submitted to the Court.

Judge Hinojosa suggested that since the two (2) positions would be placed under the supervision of the Personnel Director, the resources should be utilized to provide a more extensive risk management services to the Administrative Departments and added that the Administrative employees should attend the training sessions along with the Public Works and Sheriff's Department.

Commissioner Cascos suggested that since the Public Works Safety Officer would be budgeted through the Road and Bridge Budget, the Administrative Departments should be internally billed through work orders for training services provided by the Safety Officer.

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, the Public Works Safety Risk Officer was transferred to the Personnel Department.

(11) APPROVAL OF THE MEMORANDUM OF AGREEMENT BETWEEN CAMERON COUNTY HEALTH DEPARTMENT WOMEN, INFANTS AND CHILDREN (WIC) PROGRAM AND TEXAS MIGRANT COUNCIL, INCORPORATED, HEAD START DAY CARE CENTERS FOR THE PURPOSE OF INSURING COORDINATED HEALTH CARE SERVICES

Upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, the Memorandum of Agreement was approved between Cameron County Health Department Women, Infants and Children (WIC) Program and Texas Migrant Council, Incorporated, Head Start Day Care Centers for the purpose of insuring coordinated Health Care Services.

The Agreement is as follows:

(12) **IN THE MATTER OF THE ALLIANCE FOR I-69
TEXAS MEMBERSHIP DUES (TABLED)**

At this time, Mr. Remi Garza, Executive Assistant to the County Judge, stated that lobbying efforts were imperative for the federal and state funding of I-69 and added that membership in the Alliance was important for the designation of the interstate highway leading to the Los Tomates Bridge, in order to be placed on all maps used by truckers utilizing the Los Tomates Bridge.

Judge Hinojosa stated that the Texas Department of Transportation (TxDOT) prioritized the project based on direction from the I-69 Alliance and added that if the County was not a member of the Alliance, the I-69 would connect solely to Highway 281, as opposed to Highway 77/83. He stated that there had been a recent significant increase of construction by TxDOT on Highway 281, which created concern as to where the interstate construction would ultimately begin once TxDOT decided to fund the conversion of Highway 281 or Highway 77 to interstate standards.

Commissioner Cascos questioned whether Hidalgo County would be participating in the Alliance and Mr. Garza responded that Hidalgo County had not yet paid their dues.

Mr. Garza stated that the amount of dues was based on the population of the County and added that the Houston Area Partnership Chamber of Commerce administered the Alliance, noting that a budget had been adopted. He stated that the \$120,000 budget had been divided between the state and federal lobbying and that \$60,000 had been allocated to contribute the state and local presence in Washington. Mr. Garza stated that a \$30,000 participation had been contributed for the entire eight states in the Alliance.

Judge Hinojosa stated that it was critical to have the construction begin in the County, in order to allow a link to the northern cities and added that since I-69 was a long term project, the funds should be budgeted on a yearly basis.

Commissioner Matz suggested that the matter be tabled until a budget and the assessment of dues was determined and information as to the committee and board members.

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

(13) **APPROVAL OF DESIGN DEVELOPMENT
DOCUMENTS FOR THE NEW CAMERON
COUNTY ADULT DETENTION FACILITY AND
AUTHORIZATION TO PROCEED TO
CONSTRUCTION DOCUMENT PHASE**

At this time, Mr. Juan Bernal, County Engineer, stated that the changes required by the Texas Commission of Jail Standards had been incorporated into the drawings and were ready to proceed with the next stage of the project.

Commissioner Cascos expressed concern as to whether the approval of the drawings by Texas Commission of Jail Standards would be affected if the Court decided to expand the facility with additional beds before the construction phase.

Mr. Kamal Hariss, Landmark Corporation, stated that expansion of the facility would be a separate project and that the entire process would be repeated, including the Request for Proposals process.

Commissioner Cascos stated that the Bond Issuance should be determined for expansion of the facility, in order to determine financing and tax rates of the County.

Commissioner Cascos moved that the Design Development documents for the new Cameron County Adult Detention Facility be approved and the Construction Document Phase be implemented.

The motion was seconded by Commissioner Benavides and carried unanimously.

(15) **IN THE MATTER OF THE ALEGAL GROUNDS=
PROPOSAL TO PLACE A SELF CONTAINED
MOBILE COFFEE CART IN THE CAMERON
COUNTY COURTHOUSE (TABLED)**

At this time, Mr. Danny Euresti, Legal Grounds, requested that a self contained mobile coffee cart be placed in the County Courthouse and briefly highlighted the coffees, beverages and pastries to be sold.

Commissioner Matz stated that the existing coffee shop's business in the Courthouse would be impacted and expressed concern as to the flat rent rate, in the amount of \$50, which included electricity.

Mr. Euresti stated that the rent rate could be negotiated and added that he would be take control of the garbage.

Judge Hinojosa stated that the mobile coffee cart would provide different foods than what was provided by the existing coffee shop. He suggested that Mr. Euresti discuss the terms with the Auditor's Office and expressed his support as to the different services which were not available at the coffee shop.

Commissioner Cascos suggested that the matter follow the Request for Proposal process, in order to allow other vendors the opportunity to propose their services

Ms. Brodecky JuaNita, Rio Hondo resident, expressed her opposition as to the matter and stated that additional expenses would have to be utilized to clean up the trash left behind by customers.

Commissioner Matz expressed his support as to the Request for Proposal process and suggested that the matter be tabled, in order to allow input by the existing coffee shop vendors.

Judge Hinojosa stated that the break area of the Courthouse had been eliminated, due to remodeling and noted that there was not enough adequate space for jurors to sit and wait on jury days.

Commissioner Valencia stated that many jurors, including jurors who traveled from other areas throughout the County, were limited to time and should be allowed additional food services.

Commissioner Matz moved that this Item be **TABLED** for one (1) week.

The motion was seconded by Commissioner Cascos.

At this time, Commissioner Cascos stated that any conflicts with the existing Concessionaire should be addressed and reiterated that the matter should follow the Request for Proposal process.

Judge Hinojosa expressed concern as to whether the matter was being tabled to clear any conflicts with the existing coffee shop or to issue Request for Proposals.

Commissioner Cascos clarified that the motion to table the matter was to discuss the issue with the existing concessionaire and that the item be placed on the agenda to authorize the Request for Proposals process.

Commissioner Matz moved that this Item be **TABLED** for one (1) week, in order to discuss the matter with the existing concessionaire and to authorize the Request for Proposals process.

At this time, Commissioner Matz questioned who would be designated to contact the existing Concessionaire and Judge Hinojosa responded that Legal Counsel would review the matter.

Mr. Doug Wright, Commissioners- Court Legal Counsel, stated that the Contract did not contain a clause regarding the restriction of other vendors and added that the matter was based on the Court-s discretion.

Judge Hinojosa stated that the items to be sold would be negotiated and added that the matter should be tabled, based only on the Request for Proposal process.

Commissioner Cascos stated if Legal Counsel had already reviewed the Contract for restrictions concerning additional vendors, then the matter should be tabled solely for the Request for Proposal process.

Commissioner Matz reiterated that the existing coffee shop-s business would be impacted; therefore, the vendors should be informed out of courtesy.

Commissioner Valencia stated that it was at the discretion of the Court to decide on the matter and that the decision should be based on the benefit for the jurors, and not the existing concessionaire.

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

At this time, Judge Hinojosa clarified that his vote on the motion was solely based on the Request for Proposals process, in order allow other vendors a chance to bid on the matter.



(16) **AUTHORIZATION TO ACCEPT DONATION OF RIGHT-OF-WAY DEEDS FOR NORTH PARKER ROAD, PARCELS NOS. 43, 44, 46, 50, 51, 53 AND 56**

Upon motion by Commissioner Valencia, seconded by Commissioner Benavides and carried unanimously, the donation of Right-of-Way Deeds for North Parker Road, Parcels Nos. 43, 44, 46, 50, 51, 53 and 56, were accepted.

CONSENT AGENDA ITEM

THE FOLLOWING ITEMS WERE RECOMMENDED FOR A CONSENT AND WERE EITHER RECOMMENDED BY THE DEPARTMENT HEAD, WITHIN BUDGET OR AWARDED TO THE LOW BIDDER:

At this time, Commissioner Cascos expressed concern as to the differences in mileage reimbursements and whether the lesser flight or vehicle travel expense was considered.

Judge Hinojosa stated that the County Policy required County employees to travel according the lesser of rates of either airfare or mileage.

Commissioner Cascos noted that lodging reimbursements, above the limit of \$100 had been requested in Item 17 and questioned whether the difference be paid by the employee or a special reimbursement would be allowed.

Mr. Remi Garza, Executive Assistant to the County Judge, stated that it was his understanding that the Court had passed the travel policy reflecting that the Court would authorize the rate if the employee was lodging at the hotel where the conference was being held.

Judge Hinojosa stated that the policy reflected that if the rate was above the County rate, the matter would need to be submitted to the Court for approval of payment for the difference.

Commissioner Cascos noted that mileage was also being requested; therefore, transportation would be available to and from the conference site and the option to lodge at a different hotel with lesser rates.

At this time, Ms. Mary Lou MacNelly, Auditor's Office, noted that the County Official had decided to fly to the conference as opposed to driving and requesting mileage, but noted that a vehicle would be leased.

Commissioner Cascos noted that if a vehicle was leased, then there would still be transportation available to a less expensive hotel.

Judge Hinojosa stated that it was ideal to lodge at the hotel where the conference was held, due to the number of meetings and time constraints of the meeting times.

Commissioner Matz stated that leasing a vehicle was not necessary if the County Official was going to lodge at the same hotel as the conference.

Upon motion by Commissioner Valencia, seconded by Commissioner Cascos and carried unanimously, the

Consent 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) Justice of the Peace Precinct No. 1 to attend the Justice of the Peace Twenty Hour Seminar in San Antonio, Texas, on March 5-8, 2000;
- b) Two (2) Health Department employees to attend a Foxfire Meeting in Austin, Texas, on March 22-23, 2000;
- c) County Extension Agent to attend the Promotora Program Development Committee in Weslaco, Texas, on February 17, 2000;
- d) UNIT Director to attend the COBIJA Operational Conference in Las Cruces, New Mexico, on March 21-24, 2000;
- e) UNIT Director to attend the HIDTA Executive Committee Meeting in San Antonio, Texas, on March 6-8, 2000;
- f) County Extension Agent to accompany the Cameron County 4-Hers in Houston, Texas, on February 24-28, 2000;
- g) Juvenile Probation Department Accountant to attend a Training Workshop on the Preparation of Grant Applications in Austin, Texas, on February 29, 2000, through March 3, 2000;
- h) Three (3) Department employees to attend the Total Nurse Workshop in Harlingen, Texas, on March 4, 2000;
- I) Public Works Foreman and forty-eight (48) employees to attend a Training Course on Road Construction and Maintenance in Brownsville, Texas, on April 25-27, 2000;
- j) County Court at Law No. 3 Judge to attend the American Law Institute - American Bar Association on Continuing Professional Education in New Orleans, on April 13-16, 2000;
- k) Emergency Management Coordinator to attend the National Hurricane Conference in New Orleans, Louisiana, on April 17-21, 2000;
- l) County Judge to attend the Final Public Hearing for Changes to the 2001 Texas Community Development in Austin, Texas, on March 6-7, 2000;
- m) Assistant County Administrator to attend the Alliance for I-69 Texas Alliance for I-69 Texas Board Meeting in Victoria, Texas, on February 23, 2000; and
- n) County Extension Agent to accompany 4-Hers to the San Antonio Livestock Show in San Antonio, Texas, in February 16-19, 2000.

(18) PRELIMINARY APPROVAL

a) Precinct No. 2

Garden View Subdivision - being 27.098 acres of Block No. 7, el Jardin Heights;

b) Precinct No. 2

Marquez Gardens Subdivision - being 12.708 acres out of all of Lots Nos. 1 and 2, Block No. 211, El Jardin Resubdivision of parts of Shares Nos. 23, 28, 29, 30, 31 and 25 Espiritu Santo Grant; and

c) Precinct No. 3

North Lantana Unit II Subdivision - being a resubdivision of 34.572 acres of Lot No. 17, Block No. 2, North Lantana Subdivision.



(19) EXECUTIVE SESSION

Upon motion by Commissioner Matz, seconded by Commissioner Benavides and carried unanimously, the Court met in Executive Session at 11:05 A.M. to discuss the following matters:

- a) Evaluation of Mr. Pedro APete@Sepulveda, Jr., Bridge Systems Director; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.074; and
- b) Deliberation regarding Real Property concerning possible Sea Turtle, Incorporated, License Agreement on Cameron County Park Land, located adjacent to South Padre Island Convention Center; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072.

Upon motion by Commissioner Valencia, seconded by Commissioner Benavides and carried unanimously, the Court reconvened in Regular Session at 12:27 P.M.



(20) ACTION RELATIVE TO EXECUTIVE SESSION

a) Evaluation of Mr. Pedro APete@Sepulveda, Jr., Bridge Systems Director.

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, Mr. Pedro APete@Sepulveda, Jr., Bridge Systems Director, was given an excellent evaluation and a ten percent (10%) increase, raising the annual salary to \$74,400.

b) Deliberation regarding the Real Property concerning possible Sea Turtle, Incorporated, License Agreement on Cameron County Park Land, located adjacent to South Padre Island Convention Center.

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Status Report by County Counsel was acknowledged concerning the possible Sea Turtle, Incorporated, License Agreement on Cameron County Park Land, located adjacent to South Padre Island Convention Center.

(14) APPROVAL OF THE LICENSE AGREEMENT BETWEEN SEA TURTLE, INCORPORATED, AND THE CITY OF SOUTH PADRE ISLAND

Upon motion by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, this Item was **TAB**

There being no further business to come before the Court, upon motion by Commissioner Valencia, seconded by Commissio

ADJOURNED at 12:30 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.**